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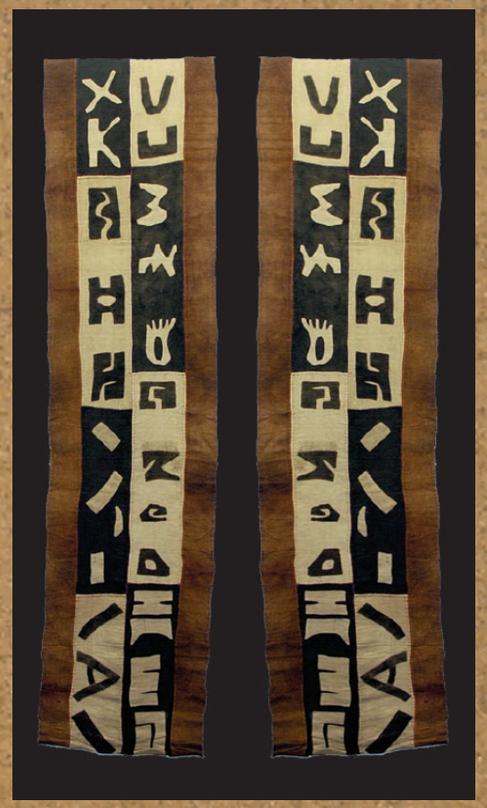

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Special Issue: Elections and Democracy in Lesotho

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EDITORIAL

Khabele Matlosa

Like many other states in Southern Africa Lesotho has undergone a political transition from authoritarian governance, both civilian (1970-1986) and military (1986-1993), to embracing multiparty democracy (1993 to date). There is no doubt that the transition from military dictatorship to multiparty democracy was epoch-making and set the stage for a new political era for the enclave mountain kingdom.

While many keen observers of Lesotho's political scene were fascinated, excited and enthused by the positive developments of the early 1990s we remained cognisant of the stark reality that undergoing a political transition is one thing, while building a firm foundation on which democratic governance can thrive and endure is quite another. Put somewhat differently, it is relatively easier to jettison an autocratic mode of governance and embrace multiparty democracy than it is to build, nurture, and consolidate democratic governance beyond mere procedural (elections) and legal (constitution and legislation) considerations.

While it is incontrovertible that Lesotho underwent a successful transition in the early 1990s, what is arguable is whether or not the transition has led to the institutionalisation and consolidation of democracy. Is multiparty democracy advancing political rights and civil liberties? Is it advancing socio-economic rights and improving the daily lives of ordinary people? Is it ensuring peace, harmony, and political stability? Do elections bolster or hinder the building, nurturing, and consolidation of representative democratic governance? These are the key questions that prompted EISA to commission the papers that constitute this special issue of the *Journal of African Elections*.

Many of these papers were presented at a regional dialogue forum organised by EISA and the Lesotho Council of Non-Governmental Organisations from 25-27 September 2007 under the title 'Lesotho's 2007 General Elections: Towards a Constructive Management of Post-Election Disputes'.

While the principal preoccupation of the contributors to this issue is the 2007 general election, their larger and broader concern is to review critically Lesotho's political transition since 1993 and explore the challenges of institutionalising a representative multiparty democracy that ensures the political and socio-economic rights and civil liberties of the Basotho people; a democracy that improves the daily lives of ordinary Basotho in the villages and not a democracy of urban-based elites; a democracy that ensures peace, harmony, and political stability after decades of conflict-ridden autocratic governance; and a governance system in which elections advance democratic culture and practice beyond mere procedural and legal forms. The issue explores various themes,

chief among which are elections, democracy, conflict management, political stability, and sustainable human development. Lesotho faces enormous challenges in these areas.

ELECTIONS

Elections are a key ingredient of democracy (Elklit 2001, 2007; Elklit & Reynolds 2005; Lindberg 2006). According to Steffan Lindberg (2006, p 1) 'every modern definition of representative democracy includes participatory and contested elections perceived as the legitimate procedure for translation of rule by the people into workable executive and legislative power'. Thus, while an election has its own intrinsic value (citizen's choice of leadership) it also has an instrumental value, namely to build, nurture, and consolidate democratic governance, peace, and political stability. This means that an election for election's sake is an exercise in futility. An election should not be an end in itself; it must be a means to an end – the movement of society towards a more open and pluralistic politics that allows citizens to participate in the choice of their leaders and the governance of national affairs.

If elections do not contribute effectively to democratic transformation they become mere ceremonial rituals used to camouflage illiberal democracies and authoritarian governance. In a recent seminal work Sørensen (2008) reminds us that not all elections have led to democratic governance as some African countries have tended to vacillate between democratic 'transition' and 'stand-still' while others have witnessed democratic 'reversals'. A majority of African countries have been characterised by democratic stand-still and, according to Sørensen (2008, p 65), 'most of these countries are not on the way to more democracy and will probably remain in the gray zone'.

It is the regimes in the 'gray zone' that Fareed Zakaria (cited in Engberg & Ersson 2001) refers to as illiberal democracies, that is, regimes that exhibit democratic tendencies but hide under the guise of democracy a deep-seated authoritarian mode of governance. Some of the characteristic features of illiberalism include vote-buying, legal fine-tuning, ethnic affirmative action, emergency laws, and restrictions on the right to organise, debate, and voice opinions (Engberg & Ersson 2001, p 36).

Lesotho has held elections regularly every five years since the 1993 transition – in 1998, 2002 and 2007. This is a commendable record and a trend towards democratisation. However, it must be questioned whether this regularity is adequate for democracy to advance or whether, in fact, the focus should be on transcending quantity and emphasising quality. The fact is that it is not the frequency of the elections that matters, it is the quality – they must advance

substantive democracy rather than reduce democracy to mere electoralism, with people mobilised to participate and later demobilised, leaving the task of governance to power elites with weak or no links to the people. The participation of the people in governance must be sustained both during and between elections if democracy is to be truly representative and participative. If all the stakeholders, especially the government, do not give adequate attention to improving the quality of elections in terms of their value to governance Lesotho's electoral democracy is likely to slide into an illiberal democracy.

DEMOCRACY

Although a great deal of debate has revolved around its theory and practice there is no clear-cut agreement on exactly what constitutes democracy. For our purposes the term is defined as a form of governance in which people rule through their elected representatives. It is premised upon the key principles of competition, political participation, promotion of civil liberties, and the political, social, and economic rights of the people organised according to the principles of popular sovereignty, political equality, popular consultation and majority rule (Ranney 2001, p 95).

The principle of popular sovereignty requires that decision-making powers be vested in all the people rather than in a small coterie of the power elite whose self-serving interests do not always coincide with those of the masses. The principle of political equality requires that all adult citizens have the same opportunity to participate in the decision-making process. It is the embodiment of 'one-person-one-vote'. Popular consultation has two main elements, namely the existence of institutional machinery through which public officials learn what policies the people wish to be adopted and enforced by the leaders and, having ascertained what these preferences are, puts them into effect.

The principle of majority rule implies that when people disagree on an issue the government should act according to the wishes of the majority rather than the minority. People must be consulted on various issues from time to time through direct democratic mechanisms such as referenda, public consultative meetings (*lipitso*) and recall measures. Although democracy clearly has its own intrinsic value it should also have an instrumental value. Simply put, democracy for democracy's sake, while desirable, may be an exercise in futility. Democracy should not be an end in and of itself, it must be a means to en end, that end being the promotion of sustainable human development.

With the above definition in mind three forms of democracy can be identified world-wide, namely, electoral democracy, liberal democracy, and social democracy. Electoral democracy is that form of governance that emphasises the holding

of elections on a regular basis, thus providing for popular participation. It is the most minimalist, the narrowest, and the shallowest form of democracy. Liberal democracy embraces electoral democracy by allowing competition and participation and extends to the promotion and protection of political rights and civil liberties. It is a relatively advanced form of democratic governance compared to electoral democracy, although, in many instances, it still falls short of protecting and promoting socio-economic rights.

Social democracy transcends both the electoral and liberal democratic models and aims to transform society fundamentally in the direction of social welfare, people-centred development and socio-economic justice. It is the deepest and widest form of democracy, combining intrinsic with instrumental value. It compels states to uphold democratic principles such as elections and accountable government but also to deliver sustainable development, including the provision of social welfare programmes such as health, education, housing, employment, environmental security, and so on. While a majority of African democracies qualify as electoral democracies, few are fully-fledged liberal democracies and none as yet qualifies as a social democracy.

Lesotho's experience since the 1993 transitional elections shows that the country has the potential to leapfrog to liberal democracy but also faces challenges that could reverse the democratic gains, turning into an illiberal democracy (a hybrid regime that exhibits democratic tendencies but is, in practice, essentially an authoritarian state). It is incumbent upon all the stakeholders, especially the political elite, to safeguard the country's nascent democracy and deepen its roots and foundations while at the same time guarding against a possible reversion either to illiberal democracy or to outright autocracy.

CONFLICT

Democracy is a fundamental prerequisite for development and stability while authoritarianism breeds underdevelopment and instability. There is no doubt that one of the major explanations for the state of development, and peace in Africa today, barring external factors, relates to the extent to which the continent has embraced and institutionalised democracy since political independence in the 1960s (Ake 1996, 2000).

A majority of African states embraced authoritarian rule after the departure of the colonial oligarchies, which, themselves, had entrenched autocratic and conflict-prone governance regimes during the heyday of colonialism. In post-colonial Africa, particularly between the 1960s and 1980s, the period regarded by the United Nations as two lost decades, mono-party, one-person, theocratic, monarchic or military rule played their role in the under-development and

instability on the continent. The experiences of these two decades demonstrate vividly that without democracy and peace people-centred development can neither be realised nor sustained.

Development and peace themselves cannot be achieved in conditions of conflict (especially violent conflict) which, in turn, generates political instability. It also goes without saying that political instability does not serve democracy. Put somewhat differently, sustainable people-centred development requires a democratic setting and both democracy and development require political stability within an environment in which effective mechanisms exist for the constructive management of conflict.

In an encouraging and indeed bold move the Organisation of African Unity (OAU) adopted the 'Declaration on the Framework for an OAU Response to Unconstitutional Changes in Governments' during the Assembly of Heads of State and Government in Lomé, Togo, in July 2000. The declaration commits member states to preventing military coups and unconstitutional regime changes and safeguarding democratic governance. Within the framework of the declaration an unconstitutional change of government is perceived as:

- a military coup against a democratically elected government;
- intervention by mercenaries to replace a democratically elected government;
- the replacement of a democratically elected government with armed dissidents and rebels; and/or
- the refusal of an incumbent government to relinquish power to the winning party after free, fair, and regular elections.

The above commitments have been further reinforced by the African Charter on Democracy, Elections and Governance adopted by the African Union (AU) during its Summit of Heads of State and Government in Addis Ababa, Ethiopia, in January 2007.

As the countries of Africa gear up to ratify and apply this charter it is worth pointing out that signing declarations on democratic governance is one thing, transforming societies along the principles espoused in these declarations is quite another. Lesotho has not yet signed the African Charter on Democracy, Elections and Governance despite the fact the Lesotho government hosted the Southern African regional workshop in December 2007 organised by the AU's department of political affairs and aimed at popularising the charter and imploring states to ratify and apply it.

At the risk of repetition it is worth emphasising that since the start of the democratisation process the Kingdom of Lesotho has held regular multiparty

elections – four general elections (1993, 1998, 2002 and 2007) and one local government election (2005). The first two general elections were held on the basis of the constituency-based first-past-the-post (FPTP) electoral system. The second two were held on the basis of the mixed member proportional (MMP) system, which combines the FPTP and the party-list proportional representation systems.

The MMP was adopted in 2001 as a conflict-management mechanism following violent conflict in the immediate aftermath of the 1998 general election. Almost all general elections in Lesotho since independence in 1966 had been marked by post-election conflict, which tended to destabilise the country's political system, undermining democracy and stifling socio-economic development.

The transition to a multiparty dispensation in 1993 did not resolve the problem of election-related conflict. The problem was not that the elections themselves were conflict-ridden, it was that post-election conflicts turned violent, with devastating consequences for democratisation, political stability, and long-term socio-economic development.

A related problem is that election-related conflicts are often not resolved speedily, as local efforts to manage them often fail, leading to dependence on external conflict-resolution efforts. They may also not be effectively managed if there is no culture of political tolerance. One way in which tolerance is ensured during elections is through the development of and adherence to an electoral code of conduct binding political stakeholders to agreed norms and principles throughout all the stages of the electoral process.

The failure of local efforts to resolve post-election disputes related to the 2007 general elections, particularly those concerning alliance formations and the allocation of parliamentary seats, led to the intervention of the Southern African Development Community (SADC). A mediation process facilitated by the SADC Eminent Person, Sir Ketumile Masire (former president of the Republic of Botswana), has been underway since June 2007. The Terms of Reference of the Eminent Person Mission are to:

- hold consultative meetings with all relevant stakeholders;
- develop a structured plan for the dialogue;
- initiate dialogue between the ruling party, opposition parties and other relevant stakeholders;
- facilitate the dialogue process; and
- compile a report of the dialogue process for submission to the chairperson of the Organ for Politics, Defence and Security Cooperation and for presentation to the Government of Lesotho and other stakeholders.

This dialogue process was a building block in the process of amicably resolving the post-election political impasse and forging a way forward in terms of pre-empting and averting similar conflicts in the future.

DEVELOPMENT

The concept of development, like the notion of democracy, is nebulous and has been defined by various authorities in different ways, some perceiving it merely as simple economic growth. Not surprisingly, therefore, the Rostovian notion of 'stages of economic growth' became both influential and popular in the development discourse of the 1950s and 1960s.

However, in the 1970s and early 1980s there was a dramatic shift in development thinking towards dependency theory, which posited that underdevelopment in Africa was basically the result of exploitation and domination by industrialised countries and the solution was to sever links between these countries and the continent, a solution referred to by renowned African development theorist Samir Amin as de-linkage.

Interestingly, the 1970s and 1980s also coincided with the popularisation of social welfarist development strategies, particularly within the UN system, hence the focus of development discourse on the poor and on the eradication of poverty. However, a major reversal in development thinking and practice came with the onset of the World Bank and IMF economic adjustment policies of the last two decades of the 20th century. This new development strategy was a glaring reversal of the statist developmental paradigm of the 1960s-1970s (or *dirigisme*) in favour of market fundamentalism (or *free enterprise*).

In the IMF/World Bank's scheme of things states would retreat (roll back) and market forces would take centre stage to drive the development agenda and bring benefits to the ordinary people (the trickle-down effect). However, this was not to be, for states and markets cannot be perceived as polar opposites in the development process. Not only did the economic adjustment policies fail dismally to improve the economic condition of the African continent, the same policies encouraged and bolstered authoritarian regimes and triggered considerable political instability.

With hindsight, it is incontrovertible now that the riots that took place in a number of African countries in the 1970s and 1980s were the result of the IMF's policies and that these riots were followed by intensified authoritarian rule aimed at enforcing painful economic adjustment through painful political measures – a fine recipe for political instability related to deteriorating socio-economic conditions.

Since the 1990s the United Nations Development Programme (UNDP) has

promoted a far more realistic notion of sustainable human development (SHD), which is a departure from the market-based economic adjustment programmes aimed at making development more people-centred. In order to deepen SHD the UNDP is currently pioneering the achievement of millennium development goals (MDGs).

This brief survey of the shifts and twists in development theory and practice in Africa suggests that development is always in a state of flux, as is democratic governance. The challenge for both policy-makers and the academic community is thus to find correlations and causal links between democracy and development, with a view to providing prudent policy advice to policy-makers for the good of the continent.

Currently African leaders are pursuing the New Partnership for Africa's Development (Nepad) and the key challenge is how exactly this new initiative will assist the continent to consolidate democratic governance and achieve sustainable development. While Nepad may be perceived as a visionary development programme for the continent, its benefits are bound to be directly or indirectly tempered by the advances the continent makes in the governance realm through the implementation, for instance, of the African Peer Review Mechanism (APRM), which is due to be implemented in some five countries on various parts of the continent.

Lesotho's development trajectory is currently informed by the disjointed commitment of the political elite to, on the one hand, poverty reduction (which is essentially an IMF/World Bank programme) and, on the other, the pursuance of sustainable human development combined with commitment towards achieving millennium development goals (both UNDP programmes). It is not clear how the two programmes are coordinated and synergised let alone what impact they are making on the lives of ordinary people. It seems that many of these programmes are adopted by the political elite largely to access international resources such as aid, trade, and foreign direct investment. They therefore become part and parcel of foreign-policy outreach for the mobilisation of international resources. This situation is compounded by incessant conflicts, most of them the result of elections, which tend to reverse any advances towards sustainable human development.

BY WAY OF CONCLUSION

This editorial sets the scene for the substantive discussion of various issues that have had either a direct or an indirect impact on progress and the challenges confronting democratic governance in Lesotho since the democratic transition of 1993. While the contributions of the various authors provide details about each subject addressed in this special issue, the editorial has deliberately cast the net

wider, giving a broader view of the landscape within which democracy and elections are currently evolving in Lesotho.

The discussion revolves around four distinct, albeit intertwined, governance challenges, namely elections, democracy, conflict, and development. The principal argument and analytic thrust of this introductory section is that elections alone do not make democracy, especially if they are violently disputed. Participation, a critical element of democracy, cannot be reduced merely to voting in elections. A system which does not allow sufficient citizen participation in the governance process between elections suffers from the 'fallacy of electoralism', that is, the erroneous equation of elections with democracy. Elections can either resolve or induce conflict and political elites and other key stakeholders must strive towards elections that promote democracy, peace, and political stability.

In the final analysis democracy must promote development. Without meaningful development and positive change in the social wellbeing of the ordinary Basotho, democracy becomes meaningless. Without peace, Lesotho may not achieve sustainable development and without democracy and development, political stability may remain a tantalising mirage.

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THE 2007 GENERAL ELECTION IN LESOTHO: ABUSE OF THE MMP SYSTEM?

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ABSTRACT

Lesotho took an innovative step forward in 2001, when the introduction of the MMP electoral system became a central part of the political and consensual solutions to the upheaval following the 1998 elections. MMP combines proportional representation on a national scale with single-member constituencies and the solution was seen by many as a promising step forward. The system was incorporated in Lesotho's Constitution in 2001 and was used for the first time in the 2002 elections, where it clearly delivered on its promises. In 2007, however, the picture was very different, primarily because the IEC had accepted the participation in the election of political parties which had formed informal alliances aimed at circumventing the 2001 constitutional amendment. The main problem was that the memorandum of understanding of one of alliances was accepted by the IEC, despite the fact that the intention was clearly to circumvent the Constitution. To the consternation of the other parties, the arrangement gave the alliance an additional 20 seats. The fact that the alliance did not directly violate the electoral law and was accepted by the IEC has resulted in an extremely complicated political and legal impasse. The paper sketches the background of the current situation, explains why it has developed, and suggests a way forward.

INTRODUCTION

Recent decades have seen a welcome revitalisation of political as well as academic interest in electoral systems. There is a renewed interest in the nexus between electoral systems and their effects on election results, political inclusivity, and political legitimacy (Diamond 1999; Anderson, Blais, Bowler, Donovan & Listhaug 2005; Lijphart 2004, pp 75-88; Reynolds 1999; Lijphart & Grofman 1984; and many more).

One consequence of this is – at least in some countries and under some circumstances – a willingness to test new electoral systems, which might lead to expected or unexpected results different from those previously seen, because of contextual and institutional differences between the situations in which the systems are being implemented.

However, a change from one electoral system to another is not the only way to increase a party's chances of electoral success. Electoral engineers and their political masters might also, at least in certain situations, be tempted to manipulate the electoral system already in place to their own benefit, no matter what the consequences might prove to be for political inclusivity or legitimacy, not to speak of the assessment of such manipulation by external observers, development partners, or history.

The temptation to exploit a given electoral system to one's immediate benefit is certainly not new, the best known example probably being the manipulation of constituency delimitation (so-called gerrymandering) – particularly when the electoral system is the single-member plurality (first-past-the-post – FPTP system), which has been practised since the early 19th century. Proportional representation (PR) systems have also been misused, one clear example being a major Danish party's successful exploitation in 1947 of a loophole in the country's two-tier electoral system, as it was at the time (Elklit 2002a; see also Elklit 1999, pp 75-102).

This paper investigates the interesting situation which arose during the 2007 general election in Lesotho, where – at least in the eyes of some observers – the recently introduced mixed member proportional (MMP) electoral system was manipulated to such a degree by the Lesotho Congress for Democracy (LCD), the incumbent party, that the only possible answer was a strong reaction both inside and outside the National Assembly.

At the time of writing the situation is still fluid, partly because the Lesotho High Court has not yet settled the issues before it and partly because the Southern African Development Community (SADC) moderator, Sir Ketumile Masire, former president of Botswana, has had to postpone further moderation attempts until after the High Court has found the time to consider and finalise the case.

THE BACKGROUND

As a former British protectorate Lesotho inherited the FPTP system at independence in 1966. The turbulent political history of the mountain kingdom, marked, in the main, by abruptly changing political allegiances and military governments, is key to understanding the development of the Basotho political mentality, but need not be explored here, as our purpose is different (Engel 1999; Southall 2003; Rule 2000).

The 1998 elections for the 80 seats in the National Assembly triggered a long sequence of dramatic events because the incumbent party, the LCD, was able to win 79 of the 80 seats although it received only slightly more than 60 per cent of the total vote. Many in the 11 opposition parties (some of them quite small) cried foul, but the election was actually relatively clean.[1] Therefore, it must be accepted that this election was one of those rare occasions where one party won at least relative majorities in almost all constituencies.

Post-election violence nevertheless soon escalated, public buildings in Maseru – and some private ones as well – were burned down, and the government began to question the loyalty of the army and the police force. South Africa and Botswana intervened on behalf of SADC, a military and diplomatic intervention which ensured the restoration of peace.

As part of the resultant political agreement (which had the full backing of the international community) a new political institution in Lesotho, the Interim Political Authority (IPA), was established, mandated to propose institutional changes (constitutional, legislative, or other), which might eventually end the political impasse.

The IPA consisted of two members from each of the 12 political parties that participated in the 1998 elections. The inspiration for this format undoubtedly came from the South African negotiation fora of the early 1990s and was apparently suggested by a member of the South African delegation to the settlement talks.

However, identical solutions only make sense when the problems are identical, or nearly so, which was not the case here. As a consequence, a complicated situation soon arose when the 22 opposition representatives (some of them from minuscule parties) opted for a solution, first suggested by a German political scientist, which was to introduce an electoral system similar to the German MMP system, combining single-member constituencies with an overarching PR element. The two members of the ruling LCD objected strongly and a political stalemate developed when the majority of the members of the IPA – mandated to propose constitutional and other amendments – insisted on the MMP solution, while the LCD government (with its 79:1 majority in the National Assembly) benefited from the fact that all IPA proposals would eventually have to be formalised according to existing legislative and constitutional requirements (Elklit 2002b; Southall 2003, pp 369-296). It soon became clear that it would not be possible to hold fresh elections in May 2000, as scheduled in the international agreement brokered primarily by SADC with the support of the United Nations Development Programme and the Commonwealth Secretariat.

1 As established later from the report issued by a commission set up to investigate the conduct of the elections and headed by the current Chief Justice of South Africa, Justice Pius Langa.

The IPA had quite a blurred idea of the practical and logistical consequences of its own decision when the author of this paper was drawn into the picture in late 1999. The overwhelming majority was nevertheless adamant that it had made a worthwhile decision, while the LCD government was equally adamant that it could always block all IPA proposals, as they would have to be enacted by Parliament. The LCD's preferred option was not the MMP system, but the parallel (or mixed member majority – MMM) system, where only a fraction of the seats are allocated by PR, which means that it is not a genuine PR system. The MMP system is, however, a genuine PR system, as all seats are included in the conscious attempt to reach a proportional result through the use of a strong compensatory mechanism (Shugart & Wattenberg 2001, pp 9-24; Reynolds, Reilly & Ellis 2005).

It was only during the second half of 2001 that a compromise was eventually reached, maintaining the IPA's preferred MMP option, but with a seat combination reflecting directly the LCD's proposal for a parallel system (80 single-member constituency seats and 40 PR seats). The political compromise was then implemented through a constitutional amendment, in which MMP is mentioned specifically, and by relevant changes to the electoral law, primarily in the form of a new schedule (known as Schedule 5).

With these changes in place the Independent Electoral Commission (IEC) could finalise its preparations for the next National Assembly election, which took place in May 2002. All in all, the election went well (Elklit 2002b, pp 1-10; Southall 2003, pp 269-296; Fox & Southall 2003, pp 86-96; Matlosa 2003, pp 77-98) and, most noteworthy, with a result that reflected the electorate's overall partisan distribution much more effectively than had been the case in any previous election in Lesotho's troubled political history. This outcome clearly demonstrates how a constructive exchange of ideas and suggestions of solutions between local power structures, donors, and foreign advisors may contribute to the joint development of useful solutions.

AND THEN WHAT…?

As a couple of candidates had died prior to the 2002 election two fresh constituency elections were conducted later in 2002, leaving the LCD with a clear 79:41 parliamentary majority. It soon became clear, however, that the governing party had not really bought into the idea of a more consensual political style and a consensus-oriented parliamentary system, which is the natural complement to a PR electoral system, especially as this type of electoral system usually does not go well with the traditional Westminster-style parliamentary system. The LCD government/party leadership continually tried to hamper and annoy opposition parties and MPs elected to compensatory seats. Furthermore, various electoral

system adjustments, which would probably have decreased the prospects of the opposition in the following election, were also suggested. In a word, the old political power game was still being played, even though the specific proposals were eventually dropped.

Lesotho has a five-year electoral cycle, so the next National Assembly election was expected in mid-2007, either before or after the period when winter-weather conditions in the mountain districts cause logistical problems. However, it was no big surprise that Prime Minister Pakalitha Mosisili, as head of government, called an early election, to be conducted in February, as that was likely to inconvenience his former colleague in government and long-time LCD stalwart, Tom Thabane, who was trying to prepare for the up-coming election at the head of a new party, the All Basotho Congress (ABC), a splinter-group from the LCD.

Anxious to be returned with more than the slim majority Mosisili commanded on the eve of the election after the defection by Thabane and his followers, the LCD had developed a strategy which, to all intents and purposes, would annihilate the seat allocation effects of the MMP electoral system, which the party had accepted and voted for in the National Assembly as part of the 2001 constitutional and electoral law amendment compromise.

The basic idea was to take in as a partner a minor political party and, for this purpose, the National Independent Party (NIP), was chosen. The NIP had done reasonably well in the 2002 general election (to some observers' surprise), when the party won five compensatory seats. On 15 January 2007 the two parties signed a memorandum of understanding 'on strategic partnership and co-operation for the 2007 general elections', as the front page reads.

The core of the agreement (Art 3) spelled out that the LCD would only compete for the single-member constituencies while the NIP would contest only the compensatory seats. However, and most remarkably, the NIP party list should be compiled by the executive committees of the two parties according to a clear-cut formula, which gave the NIP the five first positions on the list, the LCD the following six candidates (who would also run in single-member constituencies), the LCD the following four for some 'ordinary' party-list candidates, then five NIP candidates followed by ten LCD candidates, and thereafter, alternately, one from the NIP, one from the LCD, and so on. The article also states that the followers of the two parties as well as the general electorate should be sensitised to vote for the LCD on the constituency ballot and for the NIP on the party ballot.

The IEC had, in early December 2006, declined to take a clear position on the legality of an informal agreement between two registered political parties, merely reminding the LCD in writing that only registered parties may lawfully

endorse candidates for election.[2] So the LCD/NIP Memorandum of Understanding (MoU), developed and endorsed by the two parties, became the basis for subsequently submitting to the IEC 80 LCD constituency nominations as well as a NIP party list with 50 names on it. This was possible for two reasons – the electoral law does not request a party to compete for both constituency and compensatory seats (as it also does not in other MMP systems) and there is nothing in the current electoral law which specifically forbids a candidate from one party also to stand for another party (which goes against the practice in electoral systems in most other countries).[3] The importance of the agreement became even more evident when Mosisili was selected as the first of the LCD candidates on the NIP party list (number 6 on the list), with other top positions on the list also going to high-ranking LCD members.[4]

The National Assembly election on 17 February 2007 yielded more or less predictable results: the LCD took 61 constituencies and the ABC 17. One of the two remaining constituencies went to a well-established political personality, Kelebone Maope, a former deputy prime minister in the LCD government, now the leader of the Lesotho People's Congress (LPC), a small political party which had merged with two others to form the Alliance of Congress Parties (ACP), while the election in the last constituency was postponed because of the death of one of the candidates. The constituency was later won by the LCD.

As the LCD and the ABC did not run party lists they could and should not be included in the allocation of the 40 compensatory (PR) seats (which are, of course, based on the eligible parties' overall performance in relation to the 119 seats available for allocation). This created considerable confusion among many participants in Basotho politics, who had difficulty understanding – and accepting – that the IEC *had* to allocate the compensatory seats according to the rules in the Electoral Act (Schedule 5), and that computations had to be based only on the votes cast for those parties which had submitted party lists.

The first round of seat allocation yielded, as one would have expected, an odd result, as all ten parties with party lists became entitled to one or more of the 119 seats, which, in strict compliance with Schedule 5, had to be the basis for seat allocation during this first round of computations. However, as only 41 seats were actually available for this purpose (41 being the sum of 40 compensatory seats and one constituency seat gained by a party with a party list, namely the ACP) a second round of computations had to be performed (again in full

2 Letter dated 8 December 2006 from the Director of Elections to the Secretary General of the LCD.

3 This was probably a drafting oversight, when the 2001 electoral law amendments were prepared, but apparently no-one – within the IEC or out of it – even considered this situation as a possibility.

4 A few discrepancies between the party list included in the MoU and the final party list approved by the IEC need not bother us here.

compliance with Schedule 5).[5] This increased the electoral quota by a factor of almost 3,[6] and now the 40 compensatory seats were easily allocated to the nine parties entitled to them.

The NIP, the LCD's alliance partner, had won 52 per cent of all party votes cast and the Lesotho Workers' Party (LWP), the ABC's alliance partner, had won 24 per cent. Consequently these two parties were allocated 21 and 10 compensatory seats, respectively. The remaining nine compensatory seats were scattered among seven parties, six of them getting one seat each, and one – the previously powerful Basotho National Party (BNP) – three.[7]

As a hypothetical exercise, a private computation was subsequently conducted based on the realistic assumption that the NIP party vote could be used as a reliable estimate of the party vote a combined LCD/NIP would have been able to achieve. Similarly, the LWP party vote was used as an equally realistic estimate of what the ABC/LWP alliance would have gained had the two parties stood under one banner. The election results in constituencies (constituency votes as well as party votes, available on the IEC website) make these assumptions realistic.

This *hypothetical* calculation demonstrated that the LCD/NIP arrangement had secured an *additional* 20 seats for the two parties – had they run together they would probably only have garnered 62 seats (61 constituency seats + 1 compensatory seat) instead of their current allocation of 82 seats (LCD 61 constituency seats + 21 NIP compensatory seats – of which 10 went to NIP candidates and 11 to LCD candidates). The computations also showed that the ABC/LWP had actually *lost* two seats because of this circumvention of the 2001 agreement, as the hypothetical calculation gave them 29 seats (17 from constituencies and 12 compensatory) compared to their current 27 seats (17 constituency + 10 compensatory seats).

The private calculations also demonstrated that all other parties (as well as the ABC/LWP alliance) would have obtained more compensatory seats than they actually did. The seat allocation was subsequently challenged by one of the parties with only one seat, the Marematlou Freedom Party (MFP), and the High Court of Lesotho is, at the time of writing, looking into the matter, which is quite complicated, legally as well as politically. Thereafter, the mediation by Sir Ketumile Masire is expected to continue and, hopefully, to reach a conclusion acceptable to all.

5 This procedure – the joint computation based on available constituency seats and compensatory seats – demonstrates that the electoral system is basically a MMP system. For the system to function (in practice) as a parallel system, compensatory seats should have been completely separated from the constituency seats available.

6 As 119/41 = 2.9.

7 Results reported on the basis of the official IEC computation sheets.

THE LEGAL AND CONSTITUTIONAL ISSUE

The legal and constitutional problem is obviously that Lesotho in 2001 formally amended its Constitution to include specific provisions for an MMP electoral system which is, by definition, a system with a well defined compensatory element (Reynolds, Reilly & Ellis 2005, p 90; Shugart & Wattenberg 2001, p 13).

It is clear that the LCD/NIP MoU – with the specifications of the party list positions to which each party was entitled – was a deliberate circumvention of the Constitution, as amended in 2001. The reason for stating this in no uncertain terms is that the MoU would – if permitted by the IEC – secure for the LCD a number of compensatory seats *over and above* its (full) complement of seats won in the constituencies.

The fourth amendment to the Constitution states explicitly that the principle of proportional representation must be applied in respect of the National Assembly *as a whole*. However, the IEC's acceptance of the mixed LCD/NIP (and ABC/LWP) lists as NIP and LWP party lists, respectively, has effectively disallowed seat allocation according to the principles and intentions of the current Lesotho Constitution.

The consequences of this combination of the deplorable acceptance of party lists with candidates standing for other parties in the constituencies and the subsequent allocation of compensatory seats adhering, to the letter, to Schedule 5 (which for good reasons was never challenged within the IEC) is that the electoral system in Lesotho has to a considerable extent – and in a manner probably unintended by the IEC – been changed entirely, from the MMP system of 2001 to a parallel system (or mixed member majority), that is, exactly the system which was rejected in 2001 as part of the over-all settlement and the subsequent constitutional and electoral law amendments referred to above. So the claim that the Constitution of Lesotho (as amended) has been violated and circumvented, more by design than by default, is well founded.

WHERE TO NOW?

Given that the IEC's acceptance of the LCD/NIP memorandum of understanding was a major blunder, overlooking, as it did, that the consequence (and, indeed the intention) of this informal party alliance would be a serious violation of the Constitution, what is the outlook for the future? The IEC focused on the regrettable oversight in the drafting of the amendment to the electoral law which omitted any explicit prohibition on candidates standing for two different parties in the same election and came to the conclusion that as it was not forbidden, it was acceptable.

The result of this political debacle is that it is very difficult to argue that the actual allocation of seats in February 2007 was improper. On the contrary, the seats were allocated meticulously, according to the letter of the law and the IEC's acceptance of the LCD/NIP MoU.[8] Therefore, it is easy to understand that the LCD and the NIP – and their members of the National Assembly – feel strongly that they are fully entitled to the seats they hold.

It is equally difficult, however, to argue that the LCD/NIP MoU was not a conscious attempt to violate the Constitution (as amended in 2001), which the IEC ought to have realised. The IEC should never have allowed the two parties to proceed with their informal alliance, which so obviously violates the Fourth Constitutional Amendment (Art 3). For this reason, it is easy to understand those aggrieved political parties – such as the MFP – who feel equally strongly that they have been cheated of seats in the National Assembly.

There is no easy way out of this impasse as both parties have a strong point. The only way forward appears – at least at the time of writing – to be, first, to close the loophole that appears to allow candidates to stand for more than one party in the same election.

Second, there must be a decision about whether parties should be allowed to field only constituency candidates or only submit a party list. It is a difficult decision and there are no such requirements in other MMP systems such as those in Germany or New Zealand, because that is against the general principles behind the MMP system.[9] It should be mentioned, however, that a recent MMP election in Albania (2005) failed to deliver a fair and proportional result for similar reasons. The two alliance partners in Albania, however, did not submit a written MoU to the electoral authorities for early approval, relying only on the parties' information campaign to supporters and voters as the channel for communicating their circumvention of the system – a strategy which, potentially, could be used in other countries as well.

Third, fresh elections should be called as soon as the legislation is in place, as there is no way in which a solid and acceptable political solution can be found. Fresh elections would also allow the voters a chance to deliver their verdict on this complicated constitutional and legal case, which could then, hopefully, be put to rest.

8 It should be pointed out that the author of this article was commissioned by the IEC to oversee the full seat allocation process *after* the election, as he had done in 2002.

9 These principles include primarily (1) that small parties with no chance of winning constituency seats shall nevertheless be allowed to run for compensatory seat in the national constituency, (2) that parties with local strongholds should be allowed to compete only for constituency seats in those parts of the country where they have a reasonable chance of winning.

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THE 2007 GENERAL ELECTION IN LESOTHO
Managing the Post-Election Conflict

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ABSTRACT

The optimism triggered by Lesotho's transition from military dictatorship to multiparty democracy and the reform of the electoral system from the first-past-the-post (FPTP) system to the mixed member proportional (MMP) system may be fizzling out. In 1993 the country underwent an historic transition from military dictatorship to embrace multiparty democracy through an epoch-making election. Since then it has held four multiparty elections. The first two (1993 and 1998) were held on the basis of the FPTP electoral system, while the latest two (2002 and 2007) were held on the basis of the new MMP system. However, the extent to which these multiparty elections have added value to democratisation in the country still remains moot. Almost all the elections held under the FPTP system were contentious and their outcomes evoked both violent and non-violent responses from defeated parties. Following the introduction of the MMP system there were high expectations that levels of violent conflict would subside. This was indeed the case after the 2002 general election, but this trend changed after the 2007 election, which was marred by violence which triggered direct intervention from the Southern African Development Community.

INTRODUCTION

The political transition of the early 1990s notwithstanding, Lesotho's political development is still marked by three main threats, namely 'violent conflict', 'factionalism' and 'instability'. 'Conflict' is the hallmark of politics (especially electoral politics) because it illustrates the incompatibility of values, interests, and goals of political actors, but once conflict turns violent and belligerents seek violent means of resolving it it becomes counterproductive to a democratic process.

'Factionalism' in politics is a testimony to deep-seated divisions which mark society as a whole and may also adversely affect such democratic institutions as

political parties through faction-fighting and splits. 'Instability' denotes lack of orderly conduct of politics within the framework of the rules of the game as enshrined in a country's constitution, electoral laws and regulations, and code of conduct, all of which are meant to ensure that democratic principles are respected and a culture of political tolerance is embedded in political discourse.

The key question, then, is how do conflict, factionalism and instability manifest themselves in Lesotho today and what impact do they have on the quality of elections and sustainability of the country's multiparty democracy. The Lesotho political system is characterised by conflict (often violent conflict around elections), which tends to tarnish the electoral process and its outcomes and, in the final analysis, undermines the democratisation process that began in 1993.

These election-related disputes are often not managed constructively. Belligerents frequently seek violent means of resolving them, which leads to escalation rather than de-escalation of the conflict. If they do not pursue violent means of resolving the disputes they exhaust their energies in legal battles. Local mediation efforts have been tried (largely by civil society and faith-based organisations), but these are rarely successful and leave the country totally dependent on external assistance to manage its conflicts.

Often, national dialogue is lacking and efforts to resolve post-election crises are left to the political elite. Factionalism in Lesotho is a clear testimony to the high level of political polarisation in the country, a polarisation that runs so deep that some keen observers have argued that since independence Lesotho has never embraced a single or common national purpose (Khaketla 1972; Bardill & Cobbe 1985; Weisfelder 1999). Only recently has the country embraced a National Vision 2020 and the extent to which all key political actors buy into this vision and are committed to its full realisation remains to be seen.

One would have imagined that in a relatively homogenous society like Lesotho it would be relatively easy to construct a commonly shared national purpose, national identity, and national vision. Ironically, this does not seem to be the case. The stark reality is that political polarisation in the country runs quite deep, even in the context of socio-cultural homogeneity, a factor that remains an enigma to political observers accustomed to the fact that polarisation in many African societies is linked to socio-cultural heterogeneity.

Conflict in states like Rwanda, Burundi, and Somalia, which are comparable in geographic and economic size to Lesotho, has often been linked to their diverse ethnic cleavages but in Lesotho such ethnic cleavage cannot be an explanation at all. Instead, polarisation is explained by the centralisation of power within a small elite in both the ruling and the opposition parties which shapes the country's politics. This polarisation is reinforced by personality cults – a trend that reduces political institutions to individuals and turns individual politicians into institutions.

Both centralisation of power and the personality cult testify to a lack of intra-party democracy in Lesotho (see Matlosa & Sello; 2005 Kadima, Matlosa & Shale 2006). The combined effect of conflict and factionalism in Lesotho is political instability, which manifests in various ways, including contestation over the legitimacy of institutions and over election outcomes. In the normal democratic process there is nothing wrong with such contestation but something is wrong if it triggers political violence and the resolution is sought by violent means.

Election-related disputes are becoming a major challenge for new democracies in Africa, as the recent Nigerian (2007), Sierra Leonean (2007), Kenyan (2007), and Zimbabwean (2008) elections demonstrate vividly. While all over the African continent elections are marked by conflict of various types, the intensity of these conflicts in Lesotho is becoming an increasingly worrying trend, with devastating implications for democracy and development. The post-election conflict in 1998 led to protracted violence which nearly plunged the country into a devastating civil war. The conflict was contained by a combination of internal and external efforts, the latter including military and diplomatic interventions by South Africa and Botswana. Internal efforts aimed at managing the 1998 conflict included attempts by civil society organisations to bring the belligerent parties to the negotiating table to reach an amicable settlement.

These efforts led to the establishment of the Interim Political Authority (IPA), which facilitated, among other things, the reform of the electoral model away from the FPTP system and the adoption of the MMP system, which is a combination of FPTP and the party-list proportional representation (PR) system whereby 80 of the 120 seats in Lesotho's National Assembly are filled by FPTP and the remaining 40 by PR. The 40 PR seats were intended to compensate smaller political parties who lacked the political muscle to garner sufficient votes to capture constituencies, yet had enough support throughout the country to warrant participation in the National Assembly.

It was generally assumed that the MMP system would facilitate the transformation of Lesotho's political culture away from adversarial and towards consensual politics. This seemed to be the case with the 2002 general election and the 2005 local government elections, which came and went smoothly. If, indeed, the reform of the electoral model did bring about relative political stability in Lesotho it was an ephemeral respite, judging by the developments that surrounded the 2007 general election. The political cloud that hovered over the process and outcome of this election suggests that Lesotho is not yet out of the woods. This paper explains why Lesotho is unstable, highlights how the 2007 general election became a hotly contested issue among the key political role players, and assesses the post-election conflict and measures underway to resolve the conflict.

The paper is divided into six sections. The second provides a contextual background to electoral politics in Lesotho; the third teases out the key factors that propel political instability in the country; the fourth focuses specifically on the 2007 general election and investigates how and why the election aftermath was marred by conflicts. Section five addresses the magnitude of the post-election conflict and strategies used to resolve the disputes. The conclusion sums up the main argument.

CONTEXTUAL FRAMEWORK: CONTEMPORARY ELECTORAL POLITICS IN LESOTHO

In this discussion context is crucial, if only to illustrate continuity and discontinuity in the patterns of election-related conflict in Lesotho's contemporary politics.

Almost all general elections in Lesotho have triggered post-election conflict, either covert or overt; either non-violent or violent. It is, therefore, important to set the stage for any discussion with a brief outline of political developments since 1993. The choice of 1993 as a starting point for this contextual background is predicated upon the fact that that year marked the transition from authoritarian rule to the current multiparty democracy in the country.

Clearly elections cannot be equated with democracy – Lesotho has held four general elections since the 1993 transition and, ordinarily, the country would now be set on a path of stable democracy. Political competition, tolerance, and constructive management of political conflict should have become habitual since the 1993 transition. Instead the country continues to experience intermittent conflicts which threaten the long-term sustainability and consolidation of democracy.

It will become clear, therefore, that, despite the country's historic democratic transition of 1993, conflict, factionalism and instability have continued to lurk in the background as serious threats to the sustainability and consolidation of its democracy. In order to provide a contextual background to the discussion post-1993 political developments in Lesotho have been classified as two epochs: (a) fragile democracy spanning the period 1993-2002 and (b) a relatively stable democracy from 2002 to date.

The Epoch of Fragile Democracy

Following the democratic transition Lesotho entered an era of fragile democracy between 1993 and 2002 in which multiparty democracy was reintroduced. Both external and internal factors drove this historic political transition. The key external factors included the end of the Cold War, donor pressure applied by imposing

political conditions on aid, and the demise of apartheid in South Africa (see Matlosa 1997). The key internal factors included civil society agitation for democracy and respect for human rights.

These new political developments were ushered in by the first democratic election since the abortive one of 1970. The 1993 election delivered a landslide victory for the Basutoland Congress Party (BCP) and many observers interpreted this outcome as the 'righting of the 1970 wrong', when the BCP was denied its rightful claim to state power (Southall & Petlane 1995). The BCP won 74,7 per cent of the total votes and secured all 65 parliamentary seats (see Table 1). Despite the fact that it won 22,6 per cent of the votes, the Basotho National Party (BNP) did not get even a single seat in the legislature. This skewed distribution of seats demonstrated, in part, the serious deficiencies of Lesotho's FPTP electoral model, inherited from Britain as part of the Westminster constitutional arrangement.

Table 1
General Election for the National Assembly, 1993

Contestants	No of votes	% of votes	No of seats
BCP	398 355	74,7	65
BNP	120 686	22,6	0
MFP	7 650	1,4	0
Other	6 287	1,2	0
Total	**532 978**	**100***	**65**

Source: Southall & Petlane 1995
* Figure rounded up

Despite the excitement and enthusiasm that greeted the onset of multiparty democracy following decades of authoritarian rule, both civilian and military, Lesotho's democracy remained fragile and, in many respects, enfeebled, qualities which manifested themselves mainly in political instability and violent conflict among the key governance institutions, the monarchy, the executive, the legislature, the judiciary, the public service, political parties, the army, and the police.

In the end, the state was not only severely weakened, it was almost paralysed and rendered dysfunctional. Lesotho's young democracy immediately became a turbulent and conflict-ridden political experiment, mainly due to three factors: a power struggle between and among the political elite (contestation over state power), struggle over meagre resources, access to which is facilitated by control

of the state machinery (resource/state conflict), and personalisation, rather than institutionalisation, of the political process (personality cult syndrome).

Fragile though it was, with overt deficits, it was still a multiparty democratic dispensation and surely a step in the right direction. The most encouraging signs of Lesotho's multiparty democracy between 1993 and 2002 have clearly been the regular holding of general elections, despite a variety of election-related conflicts. Lesotho's second general election was held in 1998. As in the 1993 election participation was relatively high, with a voter turnout of more than 60 per cent.

Serious problems of factionalism and faction fighting within political parties led to splits, particularly around election time. Thus, in 1997 (as the 1998 election loomed), the ruling BCP suffered a major split, which, in turn, divided the then one-party Parliament. A new party, the Lesotho Congress for Democracy (LCD), was established, led by the BCP's political icon, Ntsu Mokhehle, the then prime minister. Members of the LCD constituted a majority in Parliament and crossed the floor en masse. Given Lesotho's British-style parliamentary democracy, this development was permissible constitutionally, although it left a very sour taste.

The BCP, which had won a general election overwhelmingly about four years previously and had thus formed the first democratic government after the military interregnum, was relegated to an opposition party by means of the Machiavellian politics Mokhehle had mastered since he founded the party in 1952. Thus, when the 1998 election took place, a new kid entered the political fray. The LCD took part in the race, with its political muscle strengthened by two main advantages: the popularity of its leader, and the control and strategic utilisation of state resources for political mileage. It was, thus, to be expected that the LCD would win the election, but what was alarming was the extent of its victory, as reflected in Table 2.

Table 2
General Election for the National Assembly, 1998

Contestants	No of votes	% of votes	No of seats
LCD	355 049	60,7	79
BNP	143 073	24,5	1
BCP	61 793	10,5	0
MFP	7 460	1,3	0
Other	16 244	2,9	0
Total	**583 619**	**100***	**80**

Source: Independent Electoral Commission (IEC), Provisional Results, 27 May 1998
*Figure rounded up

Despite the fact that the 1998 election was proclaimed by many international observers as free and fair it was almost immediately followed by the worst violent conflict ever in Lesotho's history, involving the government and some opposition parties, including the BNP and BCP – an astonishing alliance of two historical political arch-rivals accidentally brought together by the emergence of the LCD.

Opposition parties contested the election outcome, but it was evident that the split in the BCP had triggered a deep sense of bitterness within the party. This bitterness presented the BNP with a golden opportunity to join forces with the BCP and challenge the election outcome. The conflict escalated into large-scale violence and the government sought intervention from South Africa, which, jointly with Botswana, intervened militarily and diplomatically to quell the political instability (Santho 1998b; Matlosa 1999 and 2001; Vale 2003). The military front of the external intervention involved deployment of the Botswana and South African defence forces in Lesotho with a view to disarming soldiers sympathetic to the opposition. The diplomatic front involved, among others, negotiations involving belligerent parties and aimed at initiating constitutional and electoral reforms.

A vivid illustration of the fragility of Lesotho's new-found democracy between 1993 and 2002 relates to the state of political rights and civil liberties during this period. Table 3 depicts the rating by the US-based global democracy assessment think tank, Freedom House, of Lesotho's democracy between 1994 and 2001 in relation to political rights and civil liberties.

Table 3
Freedom House Rating for Lesotho, 1994-2001

Year	Political Rights (PL)	Civil Liberties (CL)	Status
1994	3	4	Partly Free
1995	4	4	Partly Free
1996	4	4	Partly Free
1997	4	4	Partly Free
1998	4	4	Partly Free
1999	4	4	Partly Free
2000	4	4	Partly Free
2001	4	4	Partly Free

Source: Freedom House, *Freedom in the World Report 2004*

Freedom House, which assesses the state of democracy in countries throughout the world, basis its assessments on a rating ranging between 1 (most free) and 7 (least free) (Freedom House 2007, p 27). Countries are scored in three main categories: free, partly free, and not free. In those countries classified as free there is 'broad scope for open political competition, a climate of respect for civil liberties, significant independent civil life, and independent media (Freedom House 2007, p 2). In countries classified as partly free (such as Lesotho between 1994 and 2001) 'there is limited respect for political rights and civil liberties. Partly free states frequently suffer from an environment of corruption, weak rule of law, ethnic and religious strife, and often a setting in which a single political party enjoys dominance despite the façade of limited pluralism' (Freedom House 2007, p 2). In those countries classified as not free 'basic political rights are absent and basic civil liberties are widely and systematically denied' (Freedom House 2007, p 2). While Lesotho was considered a partly free country during its era of fragile democracy, with some modicum of political stability brought about, inter alia, by the electoral reforms of 2002, its rating improved somewhat, as will become clear in the next sub-section.

The Era of Relatively Stable Democracy: 2002 to Date

The current phase of Lesotho's political development is marked by a relatively stable multiparty democracy. Key institutions of democracy are becoming increasingly vibrant, although they still lack capacity.

These institutions include the three main arms of government (the executive, the legislature and the judiciary), political parties, civil society organisations, statutory watchdog institutions such as the Independent Electoral Commission (IEC), the Auditor-General and the Ombudsman. The media (print and electronic) have also become more vibrant and continuously keep government in check. Local government structures have been revamped and restructured to provide an organic link between central and local governance and development efforts.

Although they were characterised by low voter turnout (less than 40%) the local government elections held in May 2005 represent a significant political development in Lesotho's local governance. Equally important for the country's democracy in this current era has been a demonstrable improvement in the state of political rights and civil liberties, especially between 2002 and 2007, as illustrated in Table 4.

Table 3 shows that the rating of Lesotho's political rights and civil liberties placed the country in the category partly free between 1994 and 2001. Table 4 depicts an improvement in this rating, indicating that the country is now considered to be free.

Table 4
Freedom House Rating for Lesotho, 2002-2006

Year	Political Rights (PL)	Civil Liberties (CL)	Status
2002	2	3	Free
2003	2	3	Free
2004	2	3	Free
2005	2	3	Free
2006	2	3	Free

Source: Freedom House, *Freedom in the World Report 2004*; Freedom House, *Freedom in World Report, 2006*; Freedom House, *Freedom in the World 2007: Selected Data from Freedom House's Annual Global Survey of Political Rights and Civil Liberties*

This era of Lesotho's political development has been marked by prudent electoral and constitutional engineering triggered by the political instability of 1993-1998 and culminating in the electoral reforms of 2002 (Elklit 2002, 2005) and the on-going parliamentary reforms that began in earnest in 2003 (Elklit 2003; Makoa 2005).

The constitutional and electoral reforms introduced by the government and the Interim Political Authority (IPA) brought important changes to Lesotho's electoral politics: the FPTP electoral system was replaced by the MMP system, the number of seats in Parliament was increased from 80 to 120; of the total 120 seats 80 are contested at constituency level and the remaining 40 are determined on the basis of a closed party-list PR; two separate ballot papers are used – one for the election of constituency-based MPs, the other for elections of parties; for the purpose of election of party-based MPs, political parties are required to present their lists of candidates to the IEC and this list is used to allocate the 40 compensatory seats; and if an MP has to be replaced this is done through a by-election in the case of the 80 constituency-based seats and through the pre-existing party list in the case of PR-based seats.

One of the most important outcomes of Lesotho's electoral reform was the extent to which it broadened the representation of political parties in Parliament and, by extension, gave more representation to public opinion. Table 5 indicates that electoral reform has had a positive effect in broadening party political representation in the National Assembly, which has been transformed from a monoparty to a multiparty institution.

Table 5
General Election for the National Assembly, 2002

Main Parties	No of votes	% of votes	No of seats
Lesotho Congress for Democracy	304 316	54,8	77
Basotho National Party	124 234	22,4	21
Basutoland African Congress	16 095	2,9	3
Basutoland Congress Party	14 584	2,7	3
Lesotho Peoples' Congress	32 046	5,8	5
National Independence Party	30 346	5,5	5
Lesotho Workers Party	7 788	1,4	1
Marema-Tlou Freedom Party	6 890	1,2	1
Popular Front for Democracy	6 330	1,1	1
National Progressive Party	3 985	0,7	1
Total	**546 614**	**100***	**118**

Source: Independent Electoral Commission (IEC), Results of the 2002 General Election
*Figure rounded up

In view of Lesotho's relatively stable multiparty democracy since 2002 and its classification by Freedom House as a free country, to what extent do the conflicts that followed the 2007 election represent a political reversal? How do we explain the recurring incidents of political instability that mark the country's electoral politics, including those that followed the most recent general election, which was held at a time of relative stability? It is to these and other related questions that the next section turns.

A THEORETICAL EXPLORATION OF THE ROOTS OF INSTABILITY IN LESOTHO

It is not easy to pinpoint the main causes of political instability in Lesotho. This is partly because political developments in the country are so unpredictable that, in many instances, they defy textbook definitions of the way politics is conducted. Because of the extreme fluidity and unpredictability of Lesotho politics, therefore, many of the problems that confront the country are extremely daunting, straining the democratic process, unable to be resolved internally, and often requiring diplomatic and/or even military intervention from outside the country's borders.

A tremendous amount of optimism greeted the transition from military rule to a democratic multiparty dispensation in 1993, and it was assumed that the country would steer its political system towards sustainable democracy. However, as indicated above, since then, this political optimism has been punctuated by scepticism prompted by the fact that the country's democratisation has not yet been set on a smooth, seamless, and sustainable path.

Much of the optimism about the country's democratic 'renaissance' was predicated upon a plethora of reforms that had been instituted since the mid-1990s, including security sector reforms, public service reforms, parliamentary reforms, local government reforms, and, equally importantly, electoral system reforms. All these changes, which constituted a positive development aimed at strengthening the institutional framework of democratic governance, explain why relative political stability has existed in Lesotho.

It was largely thanks to these reforms, especially those pertaining to elections, that the general election of 2002 was not marred by violent conflict, as were the previous post-transition elections (notably those of 1993 and 1998). It is also instructive that the local government election of 2005 was not marked by violent post-election conflict. These developments provided a sense of hope that perhaps the small, landlocked and impoverished mountain kingdom had finally found the right formula for sustainable democracy, long-lasting political stability and durable peace. However, the fluidity and unpredictability of Lesotho politics rendered this hope ephemeral.

In order to understand and explain the recurrent spasms of instability in Lesotho two distinct, albeit complementary, modes of analysis will be used, namely institutional-functionalism and structuralism. The former 'explains instability by focusing on the interface between institutionalisation and political participation, while the latter gives pride of place to social stratification and the configuration of power relations among social forces within and without the ambit of the state' (Matlosa 1997, p 98).

In respect of institutional-functionalism, I take a leaf from the seminal work of the renowned American political scientist, Samuel Huntington, in his book entitled *Political Order in Changing Societies*, published in 1968. In that book, which has now become a classic in political science, Huntington propounds an interesting theory of the causes and consequences of political disorder, or what he also refers to as political decay. His main thesis is that in societies in which political participation is high while the process of political institutionalisation is slow or weak, there is bound to be political disorder or political decay. He posits that 'throughout Asia, Africa and Latin America there was a decline in political order, an undermining of the authority, effectiveness and legitimacy of government' (Huntington 1968, p 4).

Political mobilisation intensifies with democratisation. Democratisation, in turn, raises people's expectations and popular demands. Thus, the state in changing societies (such as Lesotho) is always faced with enormous popular demands and these demands obviously multiply with the twin processes of economic and political liberalisation and democratisation (as has happened in Lesotho since 1993).

It is, therefore, the duty of a responsive, authoritative, effective state to meet popular demands, or at least to demonstrate publicly that it is making an effort to meet such demands. If the state is able to do so, its legitimacy is likely to be enhanced and order and political stability are likely to be assured. However, in many African countries (including Lesotho), in part as a result of economic and political liberalisation, 'the rates of social mobilization and expansion of political participation are high; the rate of political organization and institutionalization are low. The result is political instability and disorder. The primary problem of politics is the lag in the development of political institutions behind social and economic change' (Huntington 1968, p 5).

Under these circumstances the state often fails to respond to popular demands, or, worse still, rides roughshod over such demands (as did the Lesotho military junta of 1986-1992), the legitimacy of the state is eroded, and what results is political disorder (or political decay), which leads to increased political instability. Often the state is unable to address the demands, severely compromising its legitimacy and moral title to rule. The result is often political disorder, which propels political instability. Political instability (which, in Lesotho, tends to intensify around elections) is neither healthy for democratisation nor a recipe for socio-economic development.

With regard to structuralist approaches to Lesotho's political crisis an understanding of the country's political economy and the role and position of the state is useful. Lesotho's political economy is shaped by the country's geopolitical location. Totally landlocked within South Africa and lacking sufficient resources to drive its own development agenda without remittances from South Africa and foreign aid flows, Lesotho remains, to all intents and purposes, a *labour reserve economy par excellence*.

The exploitation of the country's water resources, through the Lesotho Highlands Water Project, the accelerated expansion of the manufacturing sector through the proliferation of textile industries and recent discoveries of diamonds in the country's highland areas have not changed the labour-reserve nature of the country, which intensifies its profound dependence on South Africa and on other external resource flows.

Given this external economic dependence combined with a weak domestic private sector, the public sector, especially the state itself, plays a critical role as a

key site of enrichment of and patronage by elites. The state, therefore, becomes a very attractive asset for accumulation of wealth, patronage, and the political survival of the elite. Thus, elections turn into a war (both literally and figuratively) for control of the state as the elite sets its eyes on avenues for accumulation and political survival.

Given the weak economic base of the middle class and, therefore, their bleak prospects of capital accumulation outside the ambit of the state, the battle for the capture of the state becomes fierce and uncompromising. Access to the state, in the eyes of the political elite, is tantamount to a political licence for rapid accumulation by fair and foul means. Thus, according to Chabal (1994), politics in Africa centres on the state and state power and how this interfaces with economic accumulation more for the benefit of the self-serving interests of the political elite and less for the accomplishment of a national purpose.

Chabal (1994, p 68) concludes, poignantly, that 'to talk about politics in Africa is virtually to talk about the state', an observation which neatly applies to Lesotho. Those who control the state in Lesotho will do everything in their power to retain it and those outside the state will attempt, by all sorts of means, to gain a share of the state. Confronted by the twin processes of economic and political liberalisation propelled by local democratising dynamics and accelerated globalisation, the Lesotho state has tended to serve primarily the interests of the ruling elites, mainly for their self-serving class interests and, in the process, has been unable to address multivariate popular demands either during or between elections. Elections themselves are perceived by the elites as instruments both for democratisation and for accumulation by means of state machinery. There is, therefore, a strong correlation or causal link between elections, power, and the state. The political economy mode of analysis helps us unravel some of the non-election-related causes of post-election disputes in Lesotho. It is to the 2007 general election and the subsequent political crisis that we now turn.

THE 2007 GENERAL ELECTION: A POLITICAL ASSET OR A LIABILITY?

Lesotho's most recent general election was held on 17 February 2007 and was the fourth multiparty election in the country since the epochal poll of 1993. While some scholars (eg, Diamond 1994) argue that if a country is able to hold more than two successive and successful elections its democracy is considered consolidated, others (Huntington 1991; Haynes 2001) argue that elections on their own, without a change in the governing power, do not lead to democratic consolidation.

If we go by the narrow definition of democratic consolidation propounded by Larry Diamond Lesotho qualifies as a consolidated democracy. But if we adopt

a broader definition of democratic consolidation, which transcends mere electioneering, and probes the institutional robustness of a democracy (including its socio-economic spin-offs), Lesotho's nascent democracy will be found severely wanting.

The utility of many previous elections to Lesotho's democracy has been limited as they have tended to generate enormous pre-election political tension and post-election conflicts triggering political violence. An important lesson to be learned from this tension and conflict is that undergoing a democratic transition is far easier than building and sustaining democratic governance through societal transformation away from adversarial politics mediated through bullets and force towards consensus politics mediated through ballots and dialogue.

The 2007 election was preceded by a split within the ruling LCD, which led, in late 2006, to the emergence of a new opposition party, the All Basotho Convention (ABC)-Kobo Tata. The split in the LCD was triggered less by ideological and/or policy differences than by leadership tussles and personality clashes. Leadership battles and succession politics took centre stage. As its 2006 congress approached the struggle for leadership positions within the ruling party intensified. Although the Lesotho Constitution does not stipulate a two-term limit for the prime minister, speculation was rife that party leader and prime minister, Pakalitha Mosisili, would step down before the election and make way for a new party leader who would, in turn, succeed him as head of government. Apart from the fact that the Lesotho Constitution does not limit the tenure of the prime minister, globally the constitutional term limit has tended to be applied largely in presidential rather than parliamentary systems. Thus, the prime minister was not bound either by the Constitution or the political system to step down after two terms in office.

Be that as it may, at the time of the 2006 LCD congress it was clear that the party was divided and two clear factions emerged, each struggling for the soul of the party. One of these was led by Tom Thabane (then Minister of Information and Communication, who has served in all governments in Lesotho since independence in 1966) and Monyane Moleleki (then Minister of Foreign Affairs, who has served in all governments since the 1993 political transition). Against this backdrop of factionalism within the party Thabane broke ranks, resigning as minister and establishing the ABC. This development led to 16 MPs from the LCD crossing the floor to the ABC. They were joined by another MP who had been expelled from the LCD and had virtually become an independent.

The factionalism within the ruling party had already triggered political bitterness and this was exacerbated by the floor crossing, a development which set an imperfect stage for the 2007 election. Part of the pre-election tension and post-election political violence, therefore, relates to factionalism and faction

fighting within parties, especially the ruling LCD, in 2006. It is important, therefore, to emphasise that, as was the case with the 1998 election, the pre-election environment for the 2007 general election was already poisoned (see also Matashane-Marite, Mapetla & Monyake 2007a and 2007b).

It should be emphasised that this was not the first time there had been such a development in Lesotho – factionalism within parties (both ruling and opposition) has always characterised politics in the country. This factionalism, which, by and large, is the result of weak and ineffective intra-party democratic structures, frequently leads to party splits followed by floor crossing, which breeds extremely acrimonious politics and tends to escalate political instability.

There is a clear pattern suggesting that factionalism, faction fighting and splits within parties intensify around elections and that this trend accentuates election-related conflict. Having won the 1993 general election overwhelmingly, capturing all 65 parliamentary seats, the BCP experienced an internal split some four years into its tenure. When the then prime minister, Ntsu Mokhehle, realised he was leading a faction with numerical strength in Parliament he established the LCD. This led to floor crossings which instantly reduced the BCP to an opposition party and the LCD became the new ruling party without recourse to a fresh election to seek a popular mandate.

In 2001 the LCD experienced a split which saw the emergence of the Lesotho People's Congress (LPC), led by the then deputy prime minister Kelebone Maope. Since then the LPC has remained in opposition and its leader has won one constituency, Seqonoka, in all elections since 2002. The third major split within a ruling party in Lesotho took place in 2006 when Tom Thabane established the ABC (Matlosa & Shale 2007). With this development the political complexion of the National Assembly changed dramatically with the LCD's 78 seats reduced to 61 in a Parliament of 120.

The anxiety this development generated and the amount of political bitterness it triggered within the ruling party led to the government calling a snap election on 17 February 2007, to the chagrin of the opposition parties. A snap election did not allow opposition parties to campaign effectively, especially given that there is little party campaign funding and what there is was given to parties late. The ruling party, on the other hand, enjoyed all the advantages of incumbency, including the use of state resources such as the public media.

Twelve parties contested the election. They were: the LCD, the ABC, the Alliance of Congress Parties (ACP), the Marematlou Freedom Party (MFP), the Popular Front for Democracy (PFD), the BNP, the Basotho Democratic National Party (BDNP), the Basotho Batho Democratic Party (BBDP), the Lesotho Workers' Party (LWP), the New Lesotho Freedom Party (NLFP), the BCP and the National Independence Party (NIP).

At stake was the 120-member National Assembly, with 80 seats filled through the constituency-based FPTP system and the remaining 40 through the compensatory party-list PR. It was intended that the new MMP model would be used in this fashion only for the 2002 general election, after which it was supposed to have been changed to equal proportions of the FPTP and PR components. However, this has not happened, probably because it was not in the interests of the ruling elite.

By and large, the political setting for the snap election was marked by pre-election tension and incidents of political violence and killings. How this violence was linked to the electoral contest is unclear as there have been no official reports on it. But prior to the election a prominent leader of the BNP, Bereng Sekhonyana, was brutally murdered at his own residence by unknown gunmen who have not yet been apprehended. The motive behind another shooting incident, at the home of the then Minister of Foreign Affairs, Monyane Moleleki (currently Minister of Natural Resources), has also not yet been established and the perpetrators of the attack have not been apprehended. A third shooting incident, at the home of the then Minister of Trade and Industry, Mpho Malie, led to the death of a Dutch aid worker who was attached to the Bill Clinton Foundation as a volunteer. Investigations have not yet shed light on the perpetrators of this callous murder of someone who was not even remotely linked to electoral contest. At this stage there is one critical question: Why is it that it is so difficult to apprehend the perpetrators of violence against high-profile political figures in Lesotho? What does this say about the efficacy of the law enforcement agencies? What are the implications of this for the rule of law and constitutional democracy?

From the above it is evident that the pre-election environment was politically poisoned, largely by the bitterness caused by the split in the ruling party. Other factors that contributed to the tension included technical problems related to voter registration. The registration process was problematic largely because of the swiftness with which the election was called and the technological hiccups experienced by the IEC before the poll.

While the IEC and the political parties jointly addressed major concerns about registration many voters resident in neighbouring South Africa were left off the voters' roll. Apart from Basotho serving on diplomatic missions abroad, the electoral law does not allow for registration and voting outside the borders of the country, an issue which should be reviewed as it disenfranchises many Basotho residing, studying, and working outside their country.

The other major problem was the formation of election pacts and party alliances ahead of the election. Not only were these alliances formed hastily and far too close to the snap election to be effective in the campaign, some of them effectively distorted the MMP electoral system. The only party alliance that was

established in conformity with the electoral law was the Alliance for Congress Parties (ACP), comprising the Lesotho People's Congress (LPC), the Basutoland African Congress (BAC) and Mahatammoho a Poelano – a splinter group of the BCP.

The ACP contested the election using a single identity for both the FPTP and the PR components of the MMP system. However, other alliances did not do so and this had the effect of distorting the model, leading to charges that such alliances were intended to manipulate the MMP, denuding it of its original three principles, namely broad representation, reconciliation and harmony, and compensation for small players. The two alliances that distorted the MMP model by the use of decoy party lists were those of the ABC/LWP and the LCD/NIP. In both cases the bigger players, namely the ABC and the LCD, fielded their own candidates in all 80 constituencies (ABC allocated one constituency to the leader of the LWP).

The ABC and the LCD also used their smaller partners to field their candidates on the PR party list, not under their own identities but under the disguised identity of the smaller parties. This was problematic for various reasons, mainly that:

- these coalitions were not well known by the rank and file members of the concerned parties as they seemed to revolve around the top party apparatchiks;
- the memoranda of understanding establishing the parties were only made public after the election;
- it is not clear in what way the alliances were legal and accorded with the provisions of the electoral law;
- the LCD/NIP alliance, in particular, led to acrimony and a split within the NIP, followed by a protracted legal battle;
- the distortion of the MMP brought about by the decoy party lists had the unintended effect of transforming the model into a parallel system and in this way defeated the original purpose of the MMP system. This, in turn, had the effect of distorting the computation of election results and the resultant party political representation in Parliament, which became a hotly contested issue after the election.

The election was won by the LCD and its alliance partner, the NIP (see Matashane-Marite, Mapetla & Monyake 2007b and 2007c). While it might have been expected that the LCD/NIP alliance would form a formal governing coalition, more or less along the lines of that in Mauritius (a country with an established track record of coalition governments), this was not the case – the partners parted ways, with

the LCD becoming the ruling party and the NIP taking the opposition benches. The LCD won 61 of the 80 constituency seats and the NIP 21 of the 40 party-list seats, with ten of the latter going to LCD candidates, some of whom had lost their constituency seats.

A more or less similar pattern marked the electoral performance of the ABC/LWP alliance. The ABC won 17 constituency seats and its partner 10 party-list seats, the majority of which (eight) went to ABC candidates, some of whom had lost the constituency electoral contests. The decoy party lists for both these alliances distorted the election results because while the LCD and ABC were able to unduly compensate themselves by placing their candidates on the party lists of the NIP and the LWP the political minnows (NIP and LWP) reaped what they had not sown, given that the election results did not reflect their true strength. Over night the minnows had become political heavyweights, with artificially inflated electoral support, because supporters of the ABC and the LCD had been instructed to vote for their own parties in the constituency ballot and for the LWP and NIP in the PR ballot. Together the LCD/NIP alliance grabbed 82 seats of the 120 and the ABC/LWP alliance garnered a total of 27 (see Table 6).

If the LCD/NIP and ABC/LWP alliances had been considered as such for the purposes of translating votes into parliamentary seats, the election outcome would have been different from that depicted in Table 6. For instance, the LCD/NIP alliance would have received 61 constituency seats and only 1 compensatory PR seat – 62 seats as against the current 82. The ABC/LWP alliance would have won 17 constituency seats and 12 compensatory PR seats – 29 as against its current 27. As Table 7 indicates, other smaller parties would have increased their parliamentary seats through the PR component and one small party, the New Lesotho Freedom Party (NLFP), which is not represented in Parliament, would have won at least one seat.

The discrepancy between the actual results depicted in Table 6 and the hypothetical results shown in Table 7 indicates the electoral distortion brought about by the informal political alliances. This distortion transformed Lesotho's de jure MMP electoral system into a de facto parallel system. The two systems belong to the same family. In the former, two models are fused and, when election results are computed, the two are taken together for purposes of translating votes into seats, injecting a compensatory mechanism into the calculations. In the latter, two models are used to determine the election results, but each is considered relatively independently of the other for purposes of translating votes into seats.

In calculating election results and translating votes into seats after the 2007 election, despite the fact that they had fought the election as an alliance the LCD and NIP were not considered a single entity. Nor were the ABC and LWP. The only alliance which was considered to be one entity for the purpose of computing

the results was the ACP. The result is that informal party alliances and the allocation of seats have become hotly contested issues at the heart of the post-election conflict in Lesotho. The next section addresses this conflict.

Table 6
Actual Results of the National Assembly Elections, 17 February 2007

Party	Total valid votes	Constituencies won by party	Party's allocation of compensatory seats	Total no of seats	% party votes	% Seats won (constituency + compensatory seats)
Alliance of Congress Parties	20 263	1	1	2	4,6	1,7
Basotho Batho Democratic Party	8 474	0	1		1,9	0,8
Basotho Congress Party	9 823	0	1	1	2,2	0,8
Basotho Democratic National Party	8 783	0	1	1	2,0	0,8
Basotho National Party	29 965	0	3	3	6,8	2,5
Lesotho Workers' Party	107 463	0	10	10	24,3	8,4
Marematlou Freedom Party	9 129	0	1	1	2,1	0,8
National Independence Party	229 602	0	21	21	51,8	17,6
New Lesotho Freedom Party	3 984	0	0	0	0,9	0,0
Popular Front for Democracy	15 477	0	1	1	3,5	0,8
All Basotho Convention	– **	17	0	17	0,0	14,3
Lesotho Congress for Democracy	– **	61	0	61	0,0	51,3
Total	**442 963**	**79 *****	**40**	**119 *****	**100**	**100**

Source: Independent Electoral Commission, Lesotho 2007

** ABC and LCD did not qualify for compensatory seats, but benefited from PR seats won by LWP and NIP respectively

*** The total numbers of constituency seats and of the whole National Assembly do not add up to 80 and 120 respectively because the elections in Makhaleng Constituency No 45 were postponed due to the death of one of the candidates and a fresh election was held on Saturday 30 June 2007. The election was won by the ruling LCD

Table 7
Hypothetical Results of the National Assembly Elections, 17 February 2007

Party	Total valid votes	Constituencies won by party	Party's allocation of compensatory seats	Total no of seats	% party votes	% Seats won (constituency + compensatory seats)
Alliance of Congress Parties	20 263	1	4	5	4,6	4,2
Basotho Batho Democratic Party	8 474	0	2	2	1,9	1,7
Basotho Congress Party	9 823	0	3	3	2,2	2,5
Basotho Democratic National Party	8 783	0	2	2	2,0	1,7
Basotho National Party	29 965	0	8	8	6,8	6,7
ABC/LWP	107 463	17	12	29	24,3	24,4
Marematlou Freedom Party	9 129	0	3	3	2,1	2,5
LCD/NIP	229 602	61	1	62	51,8	51,1
New Lesotho Freedom Party	3 984	0	1	1	0,9	0,8
Popular Front for Democracy	15 477	0	4	4	3,5	3,4
Total	**442 963**	**79** ***	**40**	**119** ***	**100**	**100**

Source: Independent Electoral Commission, Lesotho 2007

THE MAGNITUDE AND MANAGEMENT OF THE POST-ELECTION CONFLICT

In the light of the pre-election tension and the political bitterness that marked the campaign and electioneering it was obvious that the immediate aftermath of the 2007 election would be covert and overt conflict, despite the fact the process had been observed by both domestic and international observers.

Domestic observers were coordinated by the Lesotho Council of Non-Governmental Organisations in partnership with the National Democratic Institute (NDI). International observer missions included the Commonwealth Secretariat, the Southern African Development Community (SADC), the SADC Parliamentary Forum (SADCPF), EISA, the Electoral Commissions Forum (ECF) of SADC countries and the African Union (AU). All the observers declared the

electoral process to be credible and its outcome legitimate. The major areas of contention that triggered post-election conflict revolved around the following:

- The legality of the election pacts and decoy party lists.
- Whether it was fair to calculate the election results treating alliance partners as distinct political entities or whether they should have been treated as a single political entity.
- Computation of election results and allocation of parliamentary seats.
- Which party, or coalition, qualified for the status of official opposition party in Parliament.
- Which party (or coalition) leader qualified for the status of official leader of opposition.
- Whether the spirit and original intent of the MMP electoral model had been upheld and respected by the political role players.

In fact, many election observer missions had expressed their uneasiness with the nature of the election pacts and party alliances as well as the decoy party lists and their likely effect on the MMP electoral model.

The SADC observer mission recommended that there should be legal protection for the MMP model because 'left unprotected, the model will soon be assassinated and sacrificed at the altar of personal ambitions' (SADC 2007c, p 13). The SADCPF observer mission argued that 'in view of the concerns raised by stakeholders that political inclusiveness, which is one of the main benefits of the MMP system, was threatened by pre-election alliances, the mission recommends the enactment of legislation and/or adoption of guidelines to govern alliances. This should enhance the benefits of the MMP electoral system and promote inter-party collaboration and fair contest' (SADCPF 2007, p 8).

The EISA observer mission noted that some of the party alliances had the 'potential to abuse the spirit of the MMP system by negating its compensatory mechanism' (EISA 2007, p 3). While the mission commended 'the move towards consensus-based politics through alliance building' it urged 'political parties to respect and uphold the spirit of the MMP' (EISA 2007, p 3).

The Commonwealth Election Expert Team observed that while the reform of the Lesotho electoral system from FPTP to MMP was a positive development, the emergence of the alliance system, with no specific law governing and regulating it, had a deleterious effect on the country's democratisation process. Some of the alliances 'gave a proportion of the vote to minor parties which would not have got so many votes had the major party partners not had their candidates' names appearing on the party list and in this way did not correctly reflect the true level of minor party support … At the same time, it had the effect of having

the major party contesting the constituency seats effectively "cannibalising" the seats won by the minor alliance party from the list ballot by an alliance arrangement with the minor party' (Commonwealth 2007, p 19).

The post-election conflict began immediately the new Parliament was sworn in in February 2007.

> … the new Members of Parliament were sworn in on the 23rd February 2007. The members of ABC and LWP election pact did not attend the ceremony on grounds that they were not formally informed about the swearing-in ceremony, as should have been the case. They were however later affirmed as legislators on the 15 March 2007, the same day that His Majesty the King, Letsie III, officially opened this Seventh Session of Parliament
>
> Matashane-Marite, Mapetla & Monyake 2007c, p 6

Five opposition parties, namely, the ABC, BNP, MFP, ACP and LWP, protested the allocation of seats and called for the leader of the NIP to be sworn in as an MP despite the fact that he did not contest the election.

> … the Speaker of National Assembly, Madam Ntlhoi Motsamai, dismissed the protestation on the grounds that, in terms of the law, the only people who deserve a parliamentary seat are those who have won constituencies or those whose names appear on the PR list submitted by their own parties to the IEC. As such, the NIP president could not be sworn-in as an MP because neither did he appear on the list of people who had won elections in any of the 80 constituencies nor was his name on any of the lists of parties that had won the remaining 40 PR seats.
>
> Matashane-Marite, Mapetla & Monyake 2007c, pp 6-7

They subsequently staged a sit-in within the chambers of the National Assembly until late in the evening of the same day, when they were forcibly removed, not by the police, but by the Lesotho Defence Force (LDF). In response, the ABC and its allies called for a three-day national stay away. The stay away was called off after two days, following the intervention of the Executive Secretary of SADC, Tomaz Augusto Salomao, who assured the parties that SADC was in the process of exploring possibilities for a negotiated settlement of the political crisis.

The move was the result of two consultative meetings between the SADC Executive Secretary and representatives of five parties (ABC, ACP, BNP, MFP and LWP), which had taken place in Maseru on 18 and 21 March. At the heart of

the deliberations was the contentious issue of the allocation of the PR seats, which, the parties argued, was the main bone of contention and the factor underlying the political crisis. A record of the understanding reached between the executive secretary and the five political parties in Lesotho on 21 March contained the following points:

- The executive secretary undertook to use his good offices to convene the meetings with all the stakeholders.
- Opposition parties agreed to suspend the mass action to open room for peaceful negotiations.
- The executive secretary further undertook to facilitate the negotiation process that would lead to an amicable resolution of the post-election conflict.
- The SADC Organ on Politics, Defence and Security Cooperation would be involved.
- Stakeholders would be allowed to present their concerns and grievances, which would be fully addressed.

On the 28-29 March an Extra-Ordinary SADC Summit of Heads of State and Government was convened in Dar es Salaam, Tanzania, to deliberate on the political crises in three member states – the Democratic Republic of Congo (DRC), Lesotho and Zimbabwe. With regard to the Lesotho political crisis, the summit resolved 'to send a SADC delegation at Ministerial level to go and assess the situation as requested by the political parties' (SADC 2007a, p 2). Subsequently, a ministerial troika of the Organ on Politics, Defence and Security Cooperation, chaired by Captain John Chiliati (Minister of Labour, Employment and Youth Development, Tanzania) and including Mr Marco Hausiku (Minister of Foreign Affairs, Namibia) and Dr Angelo Veiga (Deputy Minister of Home Affiars, Angola), was dispatched to Lesotho on a fact-finding mission from 11-14 April. Upon completion of its mission the troika prepared a detailed report of its findings and recommendations. In sum, the problems it identified included:

- manipulation or distortion of the MMP electoral model;
- unfair allocation of parliamentary seats;
- legality of the party alliances;
- unruly behaviour of youth supporters of parties;
- lack of respect for the electoral code of conduct;
- appointment of new ministers from the NIP party list;
- lack of communication among political leaders.

SADC 2007b, pp 2-4

The SADC mission made the following recommendations:

- The government of Lesotho must initiate a formal dialogue with a view to resolving the political problems between the opposition parties and the ruling party.
- SADC would facilitate the internal political dialogue.
- SADC would consider nominating one of its eminent persons from among the region's former presidents to facilitate and supervise the process of the political dialogue.
- SADC would urge all political stakeholders to respect the outcome of the democratic elections and address their political differences peacefully through dialogue.
- SADC and the Government of Lesotho would formally ask the UNDP and the governments of Germany and the USA for financial and technical assistance.
- The process of internal dialogue in Lesotho should start immediately, to pre-empt the possibility of repeated waves of tension.

SADC 2007b, pp 5-6

The troika's report was tabled at the ministerial meeting of the Organ on Politics, Defence and Security Cooperation convened in Dar es Salaam in May and the findings and recommendations of the mission were adopted. At this meeting it was agreed that Sir Ketumile Masire, former president of Botswana, should be deployed as the SADC envoy to bring the parties to the negotiating table.

President Masire, a reputed mediator and negotiator, played a prominent role in the investigation of the Rwanda genocide of 1994 and was central to the negotiated settlement of the violent conflict in the DRC as the facilitator of inter-Congolese dialogue. He therefore brought an enormous amount of expertise, experience and political clout to the SADC intervention. The national dialogue process began on 16-17 June with an agreement on the broad agenda, which included the following points:

- Creation of an enabling environment for a successful dialogue:
  - political tolerance;
  - assurance of safety and security;
  - normalisation and conduct of the media;
  - commitment to upholding the rule of law as well as ensuring peace and stability.

- Consideration of democratic parliamentary processes which include the appointment of the leader of opposition in Parliament:

  - resolution and recognition of the official status of leader of the opposition;
  - membership of the Council of State.

- Status of election-related court cases versus the need to facilitate the dialogue; review and safeguarding of the MMP model and agreement on the process:
  - agreement on terms of reference (TORs) of the experts in relation to the allocation of the PR seats following the 2007 elections;
  - agreement on the local dialogue-facilitating structure and its role.

- Review of dialogue process and outcomes:
  - agreement on the time frames and the way forward.

- Institutionalisation of a sustainable culture of dialogue, code of conduct and political tolerance.

The externally mediated dialogue process took place during the week 25-30 June, facilitated Sir Ketumile, with technical and legal back-up from the SADC Secretariat and from the governments of Botswana and Tanzania. While the dialogue process was able to bring the belligerent parties together in a formal negotiation process worrying developments emerged which had the potential to derail the process. A spate of ostensibly politically motivated violence began in early June 2007.

Bodyguards of three ministers – Popane Lebesa (Minister of Trade and Industry), Motloheloa Phooko (Minister in the Prime Minister's Office) and Mothejoa Metsing (Minister of Information and Communication) – were attacked at gunpoint and their guns stolen and the residence of the leader of the ABC, Tom Thabane, was also attacked at gunpoint. This spiralling political violence led to the imposition of a six-to-six curfew in Maseru, which was later relaxed to eight-to-five and ultimately repealed in late June. On 17 June a senior police officer was shot and injured and the media reported on the abductions of several retired members of the LDF. It later transpired that part of this spate of political violence and theft of guns was linked to what the security forces and government deemed an attempt to dislodge government from power by violent means. This political plot was linked to members of the disbanded Lesotho Liberation Army (LLA), once the armed wing of the BCP. At the time of writing investigations were ongoing and the police were making efforts to apprehend individuals suspected of being linked to these criminal activities.

The danger posed by the violence was that what was a purely political problem requiring a political solution was increasingly militarised, either by

default or by design. There were two risks associated with this. First, military solutions to political problems often lead to escalation rather than de-escalation of conflict. Second, such solutions also tend to lead to the old problem of politicisation of the security establishment, a problem that had been partially addressed through security sector reforms since the early 1990s.

In view of these two deleterious effects it is imperative that Lesotho's politicians invest more in dialogue as an appropriate means of solving amicably the current political crisis. Given a chance, the dialogue process may defuse the current political tension and deliver the durable peace and security necessary for sustainable democracy and development.

During the dialogue process, while all the political parties agreed on how to proceed with the six-point agenda outlined above, the main bone of contention was items three and four, namely, the status of election-related court cases versus the need to facilitate dialogue and the review and safeguarding of the MMP and agreement on the process.

During the dialogue process three political blocs had formed, each with its own position on the causes of the conflict and how it should be resolved. The three were: the government, in collaboration with the NIP; the ABC-led coalition of parties (including BNP, MFP, ACP, LWP); and the Quartet group, which included the PFD, BBDP, BDNP and BCP.

The opposition parties wanted the two contentious items to be discussed as part of the national dialogue process, while the ruling party argued that since the issues were the subject of a court case in which the Marematlou Freedom Party (MFP) had sought a legal remedy to the opposition challenge to the way the MMP system had been used in the allocation of parliamentary seats, that legal process should be allowed to run its course. The ruling party favoured litigation for the resolution of the critical issue of how the MMP was used to determine winners and losers in the election and how parliamentary seats were allocated. The opposition parties favoured negotiated dialogue combined with expert advice. The national dialogue forum was able to prepare the terms of reference for the external experts who would be engaged to assess the method of allocation of the PR seats and the extent to which it conformed with the letter and spirit of the MMP model.

According to the press release issued by Sir Ketumile one element on which the forum agreed was 'that the MMP-related issues be addressed immediately after the election-related cases that were before the Courts are dealt with' (SADC 2007c, p 2). At the time of writing the court cases had not yet been concluded.

There are two main risks in prioritising litigation over dialogue. One is that a court decision on the issue of the MMP model and the allocation of seats in Parliament may water down the essence of the dialogue process and the technical

advice of the external experts. The other is that legality does not necessarily translate into legitimacy in the eyes of the electorate.

In order to solicit technical advice to determine whether the MMP model was used appropriately terms of reference were developed and three external experts were appointed – Michael Krenerich from Germany, Jörgen Elklit from Denmark and Michael Polley from New Zealand.

The initial plan was that they would be consulted once the courts had concluded the cases. However, the parties to the conflict later decided that they should be engaged as witnesses rather than as independent analysts, advising the contesting parties and, in the process, providing technical assistance.

CONCLUSION

This paper seeks to understand the nature and magnitude of post-election conflict in Lesotho, with special reference to the 2007 general election. At the heart of the political crisis in the country over the years has been the problem of violent conflict, factionalism and instability.

Research has shown that where mobilisation and participation rates are high and political institutionalisation low there is a high possibility of political instability (what Huntington refers to as political disorder, or political decay). This is the case in Lesotho, where, due in part to the twin processes of economic and political liberalisation, expectations are high, yet levels of institutionalisation remain low and the government is often unable to meet popular demands.

From the structuralist perspective the paper argues that the state has not been transformed since the days of colonial rule. It still serves primarily the interests of the elite (especially the ruling elite), who use it as the fulcrum of politics. The state is equated with power and power is used for accumulation purposes. For this reason, politics becomes fiercely contested, especially at election times. This, in part, explains why elections tend to trigger violent conflict.

We have found that conflicts in Lesotho (as elsewhere) are inherent to electoral politics and therefore cannot be wished away. They are a fact of life, given that elections are a high-stakes battle for state power. The political competition for the control and retention of state power tends to become fierce among political elites and this is further accentuated in weak states, and countries such as Lesotho, which have few resources. Conflicts per se are not counterproductive either to democracy or to development. What is a major problem, though, is the failure to manage them constructively through dialogue and negotiations which strive towards compromise solutions. If a conflict is not managed constructively it escalates and generates political instability, with deleterious repercussions for democracy and development.

Conflict and instability are exacerbated if belligerent parties seek to resolve problems by military means. A political problem requires a political, not a military solution. Governments must be responsive to popular demands at all times, during and between elections. Failure to do so leads to a decline in the legitimacy of rulers and their moral title to govern. This holds true for Lesotho as it grapples with the resolution of the most recent post-election conflict. The multistakeholder dialogue process facilitated by Sir Ketumile Masire should be given a chance and the requisite technical and political support recruited to enable it to reach its logical conclusion on the basis of its agenda.

When the process is complete all stakeholders should commit themselves to implementing the resolutions/recommendations and this may require legislation to turn the agreements into enforceable rules and regulations. Once the dialogue process is concluded and peace and reconciliation restored, Lesotho must institutionalise internal mechanisms of constructive management of conflicts within and between political parties.

Furthermore, constructive management of election-related conflicts must have a local institutional framework so that national efforts for conflict resolution are well coordinated. Such an approach would also be beneficial in cases where external mediation is required, enabling such mediation to evolve in close liaison with an established local mechanism. This approach could be complemented with regular (at least every five years) discussions of the state of democratic governance, organised by civil society organisations.

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PARTY ALLIANCES AND POLITICAL COALITIONS DURING THE 2007 GENERAL ELECTION IN LESOTHO

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ABSTRACT

In 2007, for the first time in Lesotho's political history, some political parties formed formal electoral pacts, variously dubbed alliances or coalitions[*]*, to fight the general election of 17 February. The ruling Lesotho Congress for Democracy and the newly formed All Basotho Convention entered into alliances with their smaller counterparts, the National Independent Party and the Lesotho Workers' Party respectively, as polling day neared. While the benefits of these alliances for the partners may not be in doubt, what is doubtful is the ability of the arrangement to expand democracy and comply with the goal and thrust of the mixed member proportional electoral and parliamentary model adopted as a panacea for incessant election-centred conflict. Also raising serious questions is the apparent fraud that went along with the process of forming the alliances. Yet this conundrum inheres in the country's two-ballot electoral system, which apparently allows political parties registering for elections to choose between fielding candidates in constituencies and targeting party votes only.*

INTRODUCTION

The split in August 2006 in the ruling Lesotho Congress for Democracy (LCD) and the formation by those who left it of the All Basotho Convention (ABC) brought about a change in Lesotho's erstwhile bipolar political map, which, until

* For the purposes of simplicity the word alliance will be used throughout this paper except where the distinction between alliances and coalitions is necessary

that time, had featured fierce contests between two big rival political parties, each with a history dating as far back as the 1950s, when growing nationalism crystallised into the independence movement.

These two parties were the Basotho National Party (BNP), which led Lesotho to independence in 1966, and the LCD, a faction of the Basutoland Congress Party (BCP), which had governed the country since June 1997. A major concomitant of the LCD split and the subsequent emergence of the ABC was a shift in the alignment of political forces.

The ABC has replaced the BNP as the LCD's bitter and formidable foe, consolidating its position as the country's second-largest political party and a serious challenger to the LCD through an electoral alliance with one of the smallest but most strategically placed parties. Thus, the ABC heads an alliance which has a total of 27 seats in Parliament. Meanwhile, with its slender constituency-derived parliamentary majority of just two, giving it a precarious hold on governmental power, the governing LDC has been forced to maintain, albeit without openly acknowledging it, its alliance with another of Lesotho's miniscule political parties as a quid pro quo for the latter's support.

Both parties took advantage of the dual constituency and party-vote electoral system to increase their chances of victory in the 2007 election. The ABC was joined by the Lesotho Workers' Party (LWP), the LCD by the National Independent Party (NIP), amid protests which culminated in an unsuccessful legal action by the NIP's leader.

Lesotho's electoral system entails a dual vote involving two ballot papers, one for a constituency candidate, the other for a party. Party votes are particularly important to and of immense value for small parties whose chances of winning a constituency and thus a parliamentary seat are slim, if not non-existent.

With party votes only, each party contesting an election has a fair chance of capturing a proportional representation (PR) seat in the National Assembly. Thus small parties join in alliances with larger ones in order to increase their chances of winning seats. But the lesson offered by the February 2007 election is that, in practice, this has meant exchanging their right to contest constituency seats for party PR votes determined according to the terms of the alliance agreements.

While the legality or otherwise of such an exchange remains unclear and perhaps a matter for debate, the LWP and the NIP contracted not to field candidates in constituencies, an agreement that was permitted by the Independent Electoral Commission (IEC). Instead, they and their senior partners provided a joint list of PR candidates to the IEC, expecting party votes mainly from LCD and ABC members according to the alliance agreement. During this period another alliance emerged which differed from the other two because it registered as a party. It was formed by splinter groups of the BCP, namely the Basutoland African

Congress (BAC), the Lesotho Peoples' Congress (LPC) and Mahatammoho-a-Poelano, and, calling itself the Alliance of All Congress Parties (ACP), contested the February election as a single party.

These alliances have plunged into a crisis, if not entirely discredited the MMP model, which had, since 2002, been touted as a panacea for Lesotho's hitherto recurrent political conflict, which was assumed to have been linked to 'the inequities of [the] simple majority vote or first-past-the-post (FPTP)'-based electoral system used in the country (Makoa 2000, p 233). But the formation of alliances has exposed the fallacy underlying the assumption of advocates of the MMP that a change of system 'would automatically lead to changes in the existing political attitudes and values in Lesotho' (Makoa 2005, p 180) reproduced through and sustained by fierce power struggles involving a politics of exclusion and denial by large parties of political space for their smaller and less competitive counterparts. Their size in terms of votes polled enabled the LCD / NIP and ABC / LWP alliances to squeeze the other parties out of the competition for state power, reducing them to insignificance. The positive side of the February 2007 election alliances, though, is that they unmasked the MMP's inherent conundrum, which had been hidden until a dispute arose over the allocation of PR seats.

The question is whether Lesotho's MMP system permits individual political parties to register for and contest elections without fielding candidates in constituencies and, if so, what implications this has for individuals seeking election. In fact, the conundrum is broader, extending to the issue of how a government formed by a winning alliance or coalition should be classified.

Acknowledging the fact that the alliances which emerged as Lesotho prepared for the February election are, in principle, critical props of democracy and legitimate ways of participating in the process of appointing rulers and fighting political battles, this paper comments briefly on these phenomena, noting their link with the country's dual ballot system and its inbuilt problems, and suggesting ways of resolving these problems.

ALLIANCES AND COALITIONS

The conceptual delineation between alliances and coalitions, if any, is thin, and sometimes blurred, so the difference between them is circumstantial and contextual. Indeed, as concrete phenomena the two represent and signify solidarity groups, of which national states are some, working together and cooperating in an endeavour to achieve a specific goal. Thus, as descriptive terms the two have rightly been used interchangeably and synonymously.

These observations notwithstanding, an alliance and / or coalition is a formal cooperation based on an agreement between or among two or more organised

groups about specified activities. The concepts connote and describe a collective and co-operative approach by two or more distinct formal organisations (including states), with similar objectives and outlooks, however temporary and time-bound, the challenge or predicament facing them.

Two levels of abstraction and/or conceptualisation apply to the study and analysis of alliances and/or coalitions. These are the global/inter-state or international politics and the domestic/intra-state setting. The former applies specifically to analyses of inter-state interactions and relations involving formal cooperation and/or collaboration and uses as schema in viewing and conceptualising such interactions and relations theories of foreign policy and international relations, most of which are rooted in realist political thought.

Holsti & Berridge's definitions are instructive. For Holsti (1983, pp 106-7) alliances or coalitions are strategies and commitments used to maintain solidarity. States come together, while retaining their sovereignty, in a special partnership with agreed conditions to be observed by each of the partners for the purpose 'of obtaining more favorable ... relations', and require varying types and degrees of commitment on the part of the alliance or coalition partners. Similarly, Berridge (1992, p 176) views an alliance as a 'contractual commitment entered into by two or more states engaged in cooperative … action in specified circumstances'. Berridge (1992, p 178) notes that states often enter into loose, or what he terms 'entente'-type alliances or coalitions whereby 'commitments are implicit rather than explicit …'.

At the domestic or intra-state level of abstraction an alliance or coalition is and must be conceptualised as collaboration and cooperation in pursuit of common goals between and among national organisations. The most common occur between political parties, liberation movements, and trades unions and invariably assume the character of a contract defining the rights of the cooperating parties.

As is the case with states, political party alliances or coalitions are formed to address specific issues. Familiar and recurrent issues are elections, referenda, crucial legislation, members' motions, and the formation of governments where there is either no outright winner or where the best-performing party has a slender majority. Indeed, this is the core of alliance or coalition theory and is cited and employed as a measure by virtually all analysts of coalitions.

One writer has cast this theory as a scheme subdivided into two distinguishable clusters with different philosophical strands and orientations, namely, office-driven and policy-oriented theories. Also dubbed office seeking or office oriented, the first cluster assumes that 'the main goal of political parties is to access power' (Kadima 2006, p 5).

Recent work on political party alliances or coalitions in Africa includes that of Volden & Carruba (2004) Oyugi (2006) and Kadima (2006). Volden & Carruba

(2004, p 521) comment on Ryker's much-debated notion of minimum winning coalitions, which they sum up as: 'if governments are office-seeking – meaning parties join governments in order to divide up the benefits of controlling the executive – governments should include just enough parties to assure majority support in the electing house … Oversized coalitions would simply divide the perks of office among more actors than necessary.' They maintain that 'while … descriptively accurate, it does not appear to explain why' the phenomenon of oversized coalitions is perpetuated. In sum, Ryker's contention has not, in all cases, tallied with what has been observed, nonetheless, it remains a useful tool for looking at political party alliances.

Oyugi (2006, p 53) observes that a '[c]oalition or alliance, involving formation both before and after elections is more often than not designed to serve the individual and collective interests of the cooperating parties'. But he seems to suggest that there are no fixed rules or precepts governing decision-making relating to coalition or alliance formation. Thus he asserts further that 'sometimes these alliances are opportunistic in character. At other times they are guided by principles based on the established values and ideologies which the partner parties avow.' However, these are not and cannot always be sufficient to be guides to decision-making in this regard. Arguably, normative frameworks for elections, such as national constitutions and electoral laws, would inform decisions about whether to form an alliance or coalition and even become an overriding factor in such decisions, determining the form, nature, and scope of the role of party coalitions, and the claims they may or not make on the political system.

Other writers see a political party alliance or coalition as more than simply two or more political parties agreeing to cooperate and actually cooperating to increase their chances of winning elections. Karume (cited in Oyugi 2006, p 54), for example, contends that '[c]oalition building is a process of organizing parties collectively in pursuit of a common goal'. He premises his view on the fact that there is a range of activities involved in forming coalitions. Units forming the coalition have to agree on matters such as the distribution and sharing of expected benefits, responsibilities and roles – in other words, coalitions are a means to an end and have no intrinsic value.

The fact that party coalition theory does not, as Oyugi points out, show 'how coalitions are formed before and after elections' suggests that its predictive power is low, or even doubtful. In fact, processes of coalition formation may not always be free from cheating, chicanery, corruption, fraud, and manipulation. After all, political party leaders do not always reveal all the implications of their party coalitions and, in some cases, larger, richer parties may easily secure a coalition arrangement with their smaller poor counterparts through a bribe or other devious means. But if achieved thus the coalitions are likely to suffer

legitimacy or credibility problem. The observations above notwithstanding, the theory, as sketched in this section, provides a useful lens through which to examine the present party coalitions in Lesotho.

WHENCE POLITICAL PARTY ALLIANCES?

The phenomenon of party alliances is integral to and a dynamic of the process of political development. However, in many polities today they have been, perhaps correctly, associated with and believed to be encouraged and nourished by multipartyism. Multipartyism is a system which includes more than one political party, with additional parties capable of cooperating and able freely to choose to cooperate in different ways, which include alliance or coalition formation. But multipartyism reflects and denotes a particular form and degree of political development or transformation.

This said, though, the argument for multipartyism is that multiparty systems not only provide for the formation of political parties but allow them to compete for state power through freely contested elections. Such competitive elections, however, often do not produce clear-cut winners with sufficient majority support to form an effective government. The defining features of an effective government are an unimpeded ability to enact and enforce laws or change them and to adopt the policies of its choice without fear that the opposition may oppose or overturn them whenever it chooses.

Multiparty democracies offer both freedom and scope for different parties to cooperate either permanently or temporarily in order to fight elections, or to form a government in the event that elections fail to produce an outright winner able to govern alone. This has been a feature of the majority of Western liberal democratic states. As Levine (1993, p 177) observes, 'every Western European state has been governed by a coalition for at least some time in the twentieth century.'

However, multipartyism in itself is not a predictable variable and does not explain the reasons underlying the formation of political party alliances or coalitions. Nor does it, on its own, spur political parties to cooperate and contest elections jointly. Rather, as a system of myriad political parties, it eases the formation of and offers expanded scope for and freedom to form party alliances or coalitions.

As the theory highlighted above shows political parties take the decision to join in alliances or coalitions after assessing the benefits of such alliances. Admittedly, social organisations, including political parties, are subject to influence by their environment and this determines and shapes their nature and structure by providing the normative/legal setting that defines their degree of freedom.

The formation of national election alliances or coalitions is the monopoly of political parties because of their distinctive character and objectives and the purpose that marks them off from other organisations. As Haque, Harrop & Breslin (1993, p 234) argue, a political party is distinguishable from other societal organisations by the fact that it seeks to occupy a position of authority within the state, which, in a multiparty system, it does by contesting elections. Its chief defining feature is '[a] conscious aim (realistic or not) to capture decision-making power, alone or in coalition'. 'A political party seeks political power either singly or in co-operation with other political parties … to prevail over the others in order to get power or to stay in it' (Ball 1993, p 79). This is the main motivation for parties forming alliances. 'Losing parties that aren't far apart ideologically quickly recognize their advantage is to combine forces for the next elections. Then this new party wins, forcing other small parties to combine' (Roskin, Cord, Medeiros & Jones 2000, p 239). To this extent, political party coalitions anticipate and respond to known vicissitudes of the democratic process, namely, competition and the ever-looming possibility of loss of power by the governing party or coalition of parties. There is little or no doubt that the coalescing Lesotho political parties anticipated and responded to the looming possibility of a loss or an inadequate parliamentary majority after the elections.

Alliances or coalitions have been formed both before and after elections and have even survived them and continued after elections have been won or lost. Those formed before elections are initially intended to maximise the chances of an electoral victory for the alliance partners. Those forged after elections have served as devices for forming a government where a majority party or coalition is unable to do so. At times the inability of a government to implement policies, pass laws, or push its programmes through Parliament prompt it to seek a coalition with one or more opposition parties. But post-elections alliances or coalitions formed by opposition parties would also aim to beef up their strength in order to become a countervailing force to the ruling party or governing coalition of parties, thus ensuring accountability by the latter. Sometimes alliances or coalitions are formed in order to secure a desired status, such as recognition as the official opposition.

In parliamentary democracies leaders of the official opposition have special entitlements and privileges. Lesotho's current system of government provides for an official opposition which is the second-largest party or coalition of parties in Parliament. The leader of the opposition in the case of Lesotho is, according to s 3 of the Members of Parliament Salaries Act 1998, 'a member of the National Assembly who is the leader of the political party or coalition of political parties who commands the majority in the opposition and his party or coalition has at least 25% of the total membership of the National Assembly' (cited by Hon

N Motsamai 2007, p 20). However, to the chagrin of the ABC-led alliance which had written a letter to the Speaker claiming the status of official opposition, the Speaker cited this section as the reason for dismissing the claim as baseless.

EXAMPLES IN EASTERN AND SOUTHERN AFRICA

As stated above, multiparty democracies have made the formation of both political parties and political party alliances or coalitions both possible and easy. Admittedly, though, dictatorships, in whatever form, have also stimulated, albeit not as a deliberate project, the growth of resistance groups and liberation movements which have coalesced into alliances, cooperating in various ways to challenge these regimes.

Examples include those that emerged in the erstwhile white-minority ruled states in Southern Africa, namely Angola, Mozambique, Namibia, South Africa (where an alliance of congresses was formed to formulate a response to institutionalised racism), and Zimbabwe. In all these countries the oppressed native people formed, in the guise of resistance and liberation movements, broadly-based coalition forces which collaborated and cooperated, as their situations impelled them, in fighting their oppressors.

The drive to democratisation in Africa which began towards the end of the 1980s saw a proliferation of political parties, some of them too small and weak to compete effectively in national elections. Examples include that of Kenya, which had 15 parties in 2002 when the Moi regime agreed, in the fact of internal and international pressure, to embrace democracy fully. Since these parties could not, as independent and isolated units, dislodge the Moi government from power, they formed the National Rainbow Coalition (NARC), which, after its victory in the December 2002 election, replaced the Kenya African National Union (KANU) as Kenya's ruling party (Kadima & Owuor 2006, pp 179-80).

There were similar developments in Malawi where the country's shift to multipartyism at the beginning of the 1990s resulted in the mushrooming of no fewer than 30 parties by 2004. These later collapsed themselves into alliances or coalitions in order to enhance their ability to compete in elections, beginning with those held in 1995 (Kadima & Lembani 2006 p 123).

Mauritius has had party coalitions since the colonial era and all general elections bar one 'have been fought between two coalitions' (Kadima & Kasenally 2006, p 73). As indicated above, South Africa has had a system of party alliances or coalitions since before the achievement of majority rule.

Alliances among white Afrikaner-dominated cultural groups and political parties were already being formed in South Africa in the 1920s, mainly as the Afrikaners began to challenge British influence over the country's administration

and economy. Among blacks alliances were formed by resistance and solidarity groups reacting to racial oppression. Such solidarity groups are also the forerunners of modern black political parties.

The South African Native National Congress (SANNC) – later to become the African National Congress (ANC) – was founded in 1912 in Bloemfontein, South Africa, to increase the rights of black South Africans. In the 1950s the ANC formed an alliance (which would become known as the Congress Alliance) with the South African Indian Congress, the Coloured People's Congress, and the Congress of Democrats to broaden the basis of its opposition to the apartheid government.

In April 1994, in a tripartite alliance with the South African Communist Party and the Congress of South African Trade Unions, which exists to this day, the ANC won a landslide victory in the 1994 general election, But there was also a formal, if temporary alliance between the ANC and the mainly Zulu-based Inkatha Freedom Party (IFP), forged immediately after the 1994 elections mainly as a strategy to put an end to the 'black-on-black' violence that had been stoked by apartheid forces.

After its break with the IFP the ANC entered into an alliance with a faction of the (now defunct) New National Party (NNP) in an attempt to mollify hard-line conservative Afrikaners who were not yet ready to embrace post-apartheid majority rule. The alliance succeeded in isolating extremist Afrikaners, who still harboured the dream of an independent state. In addition there have been shifting and unstable alliances among opposition parties in South Africa with no real significance in as far as the attainment of state power is concerned.

Since 1994 South Africa has witnessed an atrophying and weakening opposition and the growth of ruling party hegemony. The ANC is still the dominant party, offering little political space for the opposition, even though, at local government level, some councils are controlled by its rivals. The politics of party alliances plays itself out at this level, particularly in Cape Town and the rural areas of KwaZulu-Natal.

South Africa's main opposition party, the Democratic Alliance (DA), initially brought together under a single banner and leadership small white liberal political parties in order to ensure a role for them in governance. The DA has cooperated and/or collaborated during elections with a variety of parties, including the IFP in KwaZulu-Natal. Despite this, it has failed to grow into a major force.

PARTY ALLIANCES FORMED TO CONTEST THE 2007 GENERAL ELECTION

Like the countries noted above Lesotho has experienced both pre- and post-election social movements and party alliances which were integral to and catalysts and

consequences of the political transformation in the country. As the struggle for independence gathered pace towards the end of the colonial period the country's three influential modern political parties, the BCP, the Marematlou Freedom Party (MFP) and the BNP, were firmly established as contenders for power and poised to compete for control of the post-colonial state.

Until 1965 Lesotho had seen a slightly different type of political party alliance, gentlemen's-agreement-based, with no formal contracts but united by what they perceived as the common enemy, namely the oppressive alien rule. The first of these alliances, forged in the 1950s, was the BCP/trade union solidarity and cooperation during the struggle against colonialism. In its formative stage the BCP was no more than a collection of diverse socio-political forces which included trades unions and small traders held together by nationalism and anti-colonialism.

The first trade union federation to be registered in the country, the Basutoland Federation of Labour (BFL), became an ally of the BCP. This opened the way for some of its leaders and members to be elected to the party's executive committee. The national cooperative movement was another important ally of the BCP and its captive constituency and recruiting ground (Strom 1978, p 69). Ntsu Mokhehle, then leader of the then Basutoland African Congress (BAC), later the Basutoland Congress Party, became president of the Basutoland National Teachers Association (BANTA), some of whose members had joined him in forming the BAC (Nyeko 2002, p 156). BANTA thus became not just another important ally of the BCP but its leadership supply source and training ground.

As was to be expected, however, this broad alliance gradually degenerated into a form of non-state corporatism so that, by the 1960s, both the BFL and the cooperative movements had become mere support organisations for and lackeys of the BCP. No further alliances were formed until 1965. However, the immediate aftermath of the independence-paving general election of that year witnessed a resurgence of these phenomena. They took the form of entente-type alliances spearheaded by the BCP and the MFP and uniting the defeated political parties, which sought only to unseat the BNP, which had gained a narrow electoral victory.

The alliance gave the two political parties the cloak of representivity in later appeals to the United Nations and to the then Organisation of African Unity (OAU) in New York and Addis Ababa, respectively, for the dissolution of the BNP administration. A temporary arrangement, however, the coalition dissipated a few months after Lesotho attained independence, with the BNP government using the police to squash the two parties' challenge to its rule.

However, the BCP, unable to field a candidate in the Thaba-Putsoa constituency during the abortive 1970 election, asked its supporters to vote for the MFP candidate there, who won. This brief history suggests that the vicissitudes of nationalist politics and the attendant struggles against colonial rule not only

necessitated the formation of political movements or parties to confront colonialism but also reminded such movements or parties of the adage that 'unity is strength'.

The 1970 state of emergency and formal ban on party political activity obliterated the constitutional rule and multiparty democracy that had nourished or facilitated the formation of party coalitions. The phenomenon only resurfaced well after the country's return to constitutional rule based on multipartyism. More importantly, it was only after the 1993 election, with its familiar single-party-Parliament result, that coalitions became an option in the struggle for political power.

Dissatisfied with this development losing parties and some elements of civil society worked together to agitate for change in the electoral system, ultimately pressurising the king to dissolve the BCP government in August 1994. The pressure group was led by the BNP, but it did not form a formal coalition. A more formidable alliance, albeit not contract-based, was formed after the 1998 election, when the BCP, MFP and BNP joined up to oppose the results. Here again the purpose was to unseat the LCD government and replace it with what the parties termed a government of national unity, in which they would participate. But the most significant development in this regard came in 2006, occasioned by and largely a result of the split in the ruling LCD and its loss of 27 members of Parliament, who crossed to the newly-formed ABC.

As noted in the introduction to this paper both the LCD and the ABC rushed to forge electoral alliances with minuscule political parties as the country prepared for the February 2007 election. The LCD's loss of a further 18 constituencies in the most recent election has apparently served as a warning to the ruling party that it must remain in and perpetuate the pre-election alliance it forged with the NIP, one of the smallest parties in the country, with no political significance outside the coalition, and even to form a coalition government, although it shies away from admitting this openly. For the LCD the coalition with the NIP has not just been a strategy for winning the election but a critical prop of the LCD government in that, in Parliament, NIP members vote with the ruling party, thus assuring it of a majority. Moreover, some ministers in the current LCD government won their parliamentary seats through their includison in the NIP's list of proportional representation nominees submitted to the IEC prior to the elections.

The conjurers of this coalition approach to the election were the two big parties, for only they had a realistic chance of winning a substantial number of constituencies and governmental power through party votes transferred to their junior partners. The contractual arrangements – approved, countenanced and/or tolerated by the IEC – were that the smaller partners should not field constituency candidates but merely provide PR lists as per the requirements of the dual-ballot system.

However, these lists had to include, and, indeed, did include, as a majority, members of the bigger partner parties. Although each partner decided on its own candidates for the PR seats, subject to agreed proportions, the final joint PR list (consisting of the statutory 40 candidates) submitted to the IEC was presented as exclusively that of the smaller partner. In the case of the ABC/LWP alliance ABC members constituted roughly 80 per cent of the total number (Macaefa 2007). The overall number of PR seats formally won by the LWP is ten, but, sharing these in accordance with the above ratios, the party would be entitled to two, while its bigger partner, the ABC, would get the remaining eight.

The LCD/NIP coalition agreement, by contrast, provided officially for equal numbers of PR candidates, that is, 50 per cent for each of the partners. After the elections the NIP was nominally allocated a total number of 21 PR seats, which it shared according to the coalition contract, receiving 10 seats to the LCD's 11 (Motikoe 2007), thus increasing the latter's parliamentary majority from 62 to 73. While the advantage to the NIP, which might have won only one seat if it had not entered into the partnership, is admittedly phenomenal, the real beneficiary is the LCD, whose government would probably have collapsed or remained under the threat of collapse without this coalition.

The coalition has survived the election and the two parties have maintained their cooperation and solidarity, working closely together as a united force in Parliament. Having officially declared before the election that they would not compete for PR seats, both the LCD and the ABC automatically forfeited or renounced their otherwise legal right to claim such seats. Thus, in fact, without the NIP support the LCD would have won only 62 constituency seats, a number that dropped to 61 at the end of August 2007 after one LCD MP died. The LCD/NIP and ABC/LWP coalitions have had far-reaching consequences for the MMP model, adopted in 2002 to ensure representation in Parliament for smaller parties. Not only has it been used as a means of allocating PR seats to the LCD and the ABC, which had not submitted lists in this respect to the IEC, it has also given Lesotho an undeclared or non-formalised coalition government tinged with fraud and controlled and dominated by the LCD, with little room for meaningful participation by its miniscule partner.

Thus, by virtue of its 50 per cent share in what are dubbed NIP PR parliamentary seats, which have allowed it to appoint no fewer than four Cabinet ministers, the present Lesotho government is in reality a LCD/NIP coalition government. The issue is not whether or not the LCD would have been able to form a government alone, what is important is that the four Cabinet ministers and the remaining seven so called NIP members are, in fact, LCD members. Arguably, the LCD would have had difficulty pushing through critical legislation or introducing and implementing some of its policies with only 63 MPs. In

summary, the survival of the coalition has assured the LCD of the 'working' parliamentary majority it needs in order to govern the country.

The ABC/LWP alliance has been enlarged since the February 2007 election by the cooption of four more opposition parties – the BNP, the Alliance of Congress Parties (ACP), and the MFP – protesting at the way the PR seats were allocated. Another reason for expanding the alliance was to ensure that the ABC gained at least one-quarter of the total number of parliamentarians in order to be recognised as the official opposition. This solidarity among independent units commits them to conducting their business as a unified parliamentary opposition under a single leader.

The parties that united to form the ACP, by contrast, gave up their individual names and/or identities, registering as the ACP and forming a single unified management structure or executive committee. According to a member of its management hierarchy the ACP was formed not merely to enhance the competitiveness of the constituent parties but as part of a process to unite into a single party once more all the BCP's breakaway factions, including the ruling LCD (Raditapole 2007).

The ABC, ACP, BNP, LWP, and MFP seem bent on advancing their existing cooperation beyond, for example, solidarity involving voting together and recognising one leader. They declared their readiness and willingness to contest as a united force, fielding one alliance candidate in a by-election in the Mekading constituency in October 2007 (Nyaka 2007, p 9) although this plan did not materialise, for reasons that were never explained by the parties. The remainder of the small opposition parties – the BCP, the Popular Front for Democracy (PFD), the Basotho Democratic National Party (BDNP) and the Basotho-Batho Democratic Party (BBDP), each of which has one seat – have recently announced their desire to work together in some form of post-election coalition. This plan has, thus far, not been translated into reality.

The attitudes of party leaders and alliances and the realignment of forces as the country geared itself for the February 2007 general election are rooted in and underscore the conundrum inherent in the electoral system, that is, its dichotomous nature. Ironically, without this bifurcation there would be no MMP, for this is achieved only when voters vote both for a constituency candidate and a party of their choice. However, the consequences of this duality are profound. First, it simply reallocates to the big partner, via its small one, the votes cast for it. Second, it distorts the picture of voting patterns, thereby concealing information about the choices made by the voters. Third, it permits fraudulent electoral manoeuvres aimed at winning elections at all costs, even by undermining the spirit of the MPP model, as the ABC and the LCD have done. They have collected party votes through proxies, otherwise dubbed allies or

coalition partners, who would probably not otherwise have won even a single PR seat.

There are lessons to be learned from the February 2007 election, the disputes that have greeted its outcome, the allocation of PR seats and the phenomenon of alliances or coalitions. The first of these lessons is that the current dispute over the allocation of PR seats, in particular, signals the need to assess the dichotomy built into the country's electoral system. The second is that, in their present form, the alliances impede the realisation of the broad aim of the MMP, namely, to ensure that Parliament includes minorities. And, finally, Lesotho must evolve a new and clear normative framework to accommodate this political phenomenon if only to avoid the anxiety and tension attendant on it.

CONCLUSION

Coalitions have historically been formed in Lesotho to fight political and other battles, or to promote and defend the shared interests of the groups forming them. After all, state formation in Lesotho in the 19th century rested primary on alliances forged both to achieve security for adjoining chiefdoms and to subdue a common enemy.

The type of party alliances created during the process leading to the February 2007 election, however, are novel both in character and scale and in the way in which they were formed. Yet they do not violate the electoral law as it is, though they detract from the MMP. Nor do they seem to threaten the democratisation process in Lesotho. But, to the extent that they are, in effect, voting blocs, they clearly defeat the MMP's purpose of accommodating small political parties, which now have to compete against them. They also enabled the two main political parties to reallocate to themselves the PR votes supposedly cast in favour of their small partners.

Therefore, tinged as they are with fraud, and manipulative in their thrust and consequences, these alliances signal the need to reconsider the existing electoral system, particularly to reassess the MMP's normative and legal frameworks to determine the nature of the changes necessary to ensure that party alliances are used to enhance and underpin democracy rather than to undermine and wreck it, or to avoid manipulation and misuse of the electoral system by unscrupulous elements of the elite. It is imperative that the entire nation be involved through its authentic representatives in any exercise leading to these reforms.

Any changes in the existing legal/normative framework for elections must, however, aim not only to accommodate this apparently novel political dynamic but also to strip it of its palpably fraudulent and manipulative aspects, which

conceal rather than reveal the actual performance of the individual parties and their popularity and strength.

In sum, we contend that political party alliances or coalitions, if these are to become established in Lesotho's politics, must enable the free and full exercise of choice by voters rather than simply re-allocating their votes to smaller partners and back as PR parliamentary seats to the big partners.

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PROSPECTS FOR THE PROMOTION OF A CULTURE OF POLITICAL TOLERANCE IN LESOTHO

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ABSTRACT

The main aim of this paper is to examine the problems and opportunities facing Lesotho in institutionalising a culture of political tolerance – an indispensable requirement in an emerging democracy. These problems and opportunities are discussed in the context of an assessment of the challenges of consolidating democratic governance in the country. Sustainable democratic governance must be based on a strong foundation of tolerance of the diverse views and perspectives of all major stakeholders, particularly political parties. This is even more relevant in the current context, where the country must manage the challenges of the post-2007 election environment.

INTRODUCTION

Lesotho's political stability has been tested frequently since the country gained independence in 1966 after 98 years as a British protectorate. In the first five years of its independence, from 1966 to 1970, the country had a democratic system of government based on a Constitution modelled on the Westminster system, with the king as head of state and the prime minister head of government.

After the first post-independence general elections, held in 1970, the then prime minister and leader of the ruling Basotho National Party (BNP), Chief Leabua Jonathan, declared a state of emergency and suspended the Constitution once it became clear that the BNP had lost the election.

This undemocratic and authoritarian order lasted until the BNP government was overthrown by a military coup in January 1986 in the context of a crippling economic blockade imposed by apartheid South Africa. The military regime lasted from 1986 to 1993, when general elections were held, marking the transition to

the second phase of a constitutional democratic system. It was during this second phase (from 1993 to 2007/08) that the need to promote a culture of political tolerance became most urgent.

The paper raises the following questions:

- What lessons have the key role players learned from Lesotho's experience of promoting a culture of political tolerance and developing appropriate democratic governance systems?

- How should those lessons inform current practices of key role players as they address the challenges of managing Lesotho's post-2007 election dynamics?

- Are all the key role players capable of harnessing those lessons in order to establish appropriate norms, standards and institutions for sustainable democratic governance?

To answer these questions we must develop a comprehensive framework for assessing the interaction between democratic governance and development in Lesotho.

THE INTERACTION BETWEEN GOVERNANCE AND DEVELOPMENT

Among the major pillars for sustaining democracy in emerging democracies such as Lesotho *is the crucial need to promote a culture of political tolerance and to inculcate democratic norms and standards that will determine the constructive conduct of key role players in a maturing democratic governance system*. That process should then provide a foundation for developing effective governance systems and *ensuring the attainment of inclusive, shared and pro-poor development which will benefit all citizens in the medium to long term.*

There is a well-established consensus that effective governance is the fundamental basis for a successful growth and development strategy. Such a strategy should seek to ensure a dynamic interaction between the state, civil society and the markets, so that development outcomes are more pro-poor, and equity, inclusion, safety and security are assured. In the case of Africa, and, by extension, Lesotho, we can refer to two major reports that have assessed the challenges of effective governance. These are the 2005 Governance Report of the UN Economic Commission for Africa (UNECA) and the 2005 Commission for Africa Report.

According to the UNECA document the most successful African countries are 'fairly capable democratic states with good governance that have promoted economic and human development better than African countries without these features Good governance requires a capable democratic state as well as a vigorous civil society and an innovative private sector' (UNECA 2005, p 26).

Of much more relevance to us is that the UNECA document then outlines ten priorities for building '*capable and accountable states*'. Among these are: strengthening the capacity of parliaments to perform their core functions effectively, deepening legal and judicial reforms, combating corruption, fostering credible and responsible reporting by the media, improving public sector management by streamlining systems, and reducing bureaucratic inefficiency, improving the performance of civil servants through skills training and providing appropriate incentives, harnessing the skills and resources of the country's diaspora in order to counter the negative impacts of brain drain, and promoting effective decentralisation strategies to improve service delivery at local/community level.

According to the Commission for Africa 'weak governance has undermined the development of many African countries'. Weak governance encompasses: an economic and political climate which discourages both foreigners and locals from investing, excessive bureaucracy, corruption, lack of accountability, and the ineffectiveness of crucial institutions such as parliaments, the justice system, and media. The report emphasises that at the core of the governance problem is the 'lack of effective national and local governance systems'. The commission then recommends that 'African Governments should develop effective and accountable governance systems and institutions that are able to deliver to African citizens'.

The Commission for Africa also strongly endorses the New Partnership for Africa's Development (Nepad) African Peer Review Mechanism (APRM) as an African initiated governance assessment programme *acceded to* voluntarily by African countries. This programme seeks to identify and address 'major governance deficits' through peer driven self-assessments.

A participating country is expected to examine its governance systems comprehensively in four key areas, namely, democratic and political governance, economic governance and management, corporate governance, and socio-economic development. Lesotho acceded to the APRM in August 2004 and is *currently undergoing* a peer review, the APRM schedule having been interrupted by preparations for the snap elections in February 2007.

It should, therefore, be noted that the influential reports referred to above, as well as the Nepad-APRM pan-African programme, form part of a well established regional and sub-regional consensus on the dynamic interaction between effective governance and development strategies. It is in this context

that the promotion of a culture of political tolerance is critical among and within political parties and between other key political role players, especially during national elections. This will ensure the stability of political systems, particularly in the context of the consolidation of democratic governance.

LESSONS FROM LESOTHO'S EXPERIENCE WITH THE DEMOCRATISATION PROCESS

Lesotho has gone through various transition phases during the second wave of its democratisation, which was attributable to the combined impact of endogenous and exogenous determining factors which affected this small Southern African state with a very open economy. These phases are: the 1990-1993 period of transition from authoritarian military rule to a constitutional democracy; the 1993-1998 period, during which the emerging constitutional democracy had to manage major political stability challenges; the 1998-2002 period during which constitutional and electoral reforms were implemented in the aftermath of the 1998 elections crisis; and the 2002-2007 period of relative stability following the adoption of the mixed member proportional system (MMP). This brings us to the February 2007 election, which gave the MMP model its first major test. These four phases are discussed further below.

The 1990-1993 transition from authoritarian military rule to a constitutional democracy was initiated by a military regime in the context of internal and external pressures for democratisation. This weakened client state was also undermined by the historic changes unfolding in its patron state, South Africa, during this period. A National Constituent Assembly was established from 1990 to 1993 and ultimately produced the Lesotho Constitution (Order No 5 of 1993). The 1993 national elections were therefore held within the framework of this constitutional order.

From 1993 to 1998 this emerging constitutional democracy was faced with a variety of political stability challenges such as post-election disputes, the tense relationship between the monarchy and the emerging democratic dispensation, civil-military reform, security sector and police reform, inter-party and intra-party conflicts, and chronic political instability. This period ultimately saw a split in the ruling BCP and the emergence of the Lesotho Congress for Democracy (LCD) in 1997. The need for a culture of political tolerance has been glaring, particularly because almost all election outcomes in Lesotho's contemporary history have been bitterly disputed.

In the aftermath of the 1998 election crisis, which lasted until 2002, constitutional and electoral reforms were undertaken after the first Independent Electoral Commission (IEC)'s management of the 1998 election was bitterly disputed by the opposition parties. The electoral reform process commenced with

an important consultative national conference in February 1999 organised by the Interim Political Authority (IPA) in collaboration with the United Nations Development Programme (UNDP). This forum involved all Lesotho's political parties and led to a consensus agreement on the need for a new electoral model in Lesotho.

The 2002-2007 period has tested the MMP electoral model, following the successful national elections of 2002 conducted by an IEC that was re-constituted in April 2000 according to a path-breaking agreement reached between the IPA and the Government of Lesotho, signed on 3 December 1999. In preparing for the 2002 elections the IEC implemented an inclusive consultative strategy that fully involved the political parties. The IEC also implemented a pro-active conflict management strategy in collaboration with civil society partners such as the Lesotho Network for Conflict Management (LNCM).[1]

These facilitated interventions entailed imparting constructive conflict-management skills and the promotion of trust-building methods to enable political parties to manage inter-party tensions and conflicts. These and other processes led to the creation of an enabling environment for holding credible and legitimate democratic elections.

Multi-faceted dialogue organised between political leaders in order to promote inter-party cooperation facilitated the successful transition from the 'first-past-the-post' electoral system, which had contributed to the 1998 elections-related crisis, to the MMP system.

The May 2002 election was therefore universally considered to be credible, transparent, peaceful, free and fair. It resulted in the LCD becoming the ruling party as it controlled the majority in the National Assembly (the lower house of Parliament) after winning 79 of the 80 directly elected constituency seats. The 40 proportional representation (PR) seats were apportioned among the nine opposition parties which had won sufficient votes. The result was the most inclusive and representative Parliament in the history of post-colonial Lesotho.

REFORMS AND INITIATIVES

The success of the 2002 electoral process was attributed to several major reforms and innovative initiatives.

Firstly, the IPA between 1999 and 2002 served as a key platform for inter-party dialogue about the electoral reform process, which ultimately led to the adoption of the inclusive MMP system.

1 Between 1999 and 2002 the LNCM was led by Sehoai Santho, who also served as lead facilitator together with a core group of facilitators of this IEC-LNCM elections conflict management programme.

Secondly, mechanisms were introduced to ensure that all contesting parties had fair access to the state-owned media during the campaign period.

Thirdly, political parties and candidates were given the opportunity to attend regular meetings with the IEC through its various stakeholder consultative committees and to discuss and agree on how to proceed on crucial election matters.

Fourthly, organised civil society formations such as the Lesotho Council of NGOs (LCN) and the Lesotho Network for Conflict Management (LNCM) collaborated extensively with both the IPA and the IEC to implement voter and civic education and a proactive election-related conflict management programme. Finally, the LNCM implemented a UNDP-sponsored pre-election training programme on conflict transformation for the police and other security services. In this role the LNCM collaborated with other external partners such as the Centre for Conflict Resolution (CCR).

It is therefore widely agreed that these steps towards increased transparency, openness and inclusiveness resulted in the legitimacy, the credibility and the acceptability of the 2002 election outcome.

THE POLITICAL CONTEXT OF THE 2007 ELECTIONS

Intra-party and inter-party dynamics which resulted in a reconfiguration of political parties within the National Assembly precipitated the organisation of a snap election on 17 February 2007.

On 13 October 2006 a split within the ruling party, the LCD, led to the emergence of the All Basotho Convention (ABC). Following this split the 120-member National Assembly was dissolved on 17 November and a national election called. This fluid and uncertain political environment affected the IEC's planning and implementation capacity and the snap election tested the resilience of Lesotho's MMP system.

The IEC once again established an effective partnership with a team of experienced facilitators who worked from 2006-2007 under the auspices of a UNDP Elections Support Project. The members of the Lesotho Elections Facilitation Team (FT) were: Sehoai Santho, team leader; Caleb Sello; and Fako Likoti. The overall goal was to facilitate the creation of an enabling environment for credible and legitimate democratic elections in accordance with Southern African Development Community (SADC) principles and universally recognised norms and standards.

The specific objectives of this project, which was titled 'Deepening Democracy in Lesotho', were inter alia, to:

- strengthen the IEC;
- support conflict transformation;

- enhance civic responsibility;
- coordinate international support.

The FT also engaged the services of 11 election mediators trained by the LNCM in preparation for the 2002 elections. They were therefore experienced in facilitating election conflict management and mediation. Members of this core group, together with a dedicated coordinator, were given further training by the FT and the CCR in February 2007. They were then deployed successfully during the election period (13-21 February 2007) as a crucial element of the implementation of the IEC's conflict-management strategy. The facilitation process also assessed the role, composition and capacity of the IEC's Conflict Management Committee (IEC -CMC).

FACILITATING POLITICAL TOLERANCE

The election period started officially on 1 December 2006 and the facilitation process began with the FT organising a successful multistakeholder national symposium on 'Political Tolerance and Conflict Transformation' (4-5 December). The outcomes of this symposium were reached on the basis of a consensus-building exercise with representatives of all the political parties.

The objectives of the symposium were to:

- manage the pre-election political environment during the 90 days that remained before polling day on 17 February and the publication of election results on 26 February;
- link short-term election challenges with both medium and long-term post-election challenges;
- identify the key concerns, risks, and challenges of the pre-election period;
- develop consensus on an effective code of conduct and a political tolerance accord;
- ensure that political parties committed themselves to accepting the outcome of the election;
- ensure effective monitoring of adherence to the code of conduct and the political tolerance accord.

The intention of the FT was that political parties and other civil society participants should appreciate the crucial links between the challenges of the short-term election period and the medium- and long-term post-election challenges of consolidating democracy in Lesotho. The symposium also served to validate the scope

of the FT's work plan, which applied to the pre-election, election, and post-election phases.

IMPACT OF THE POLITICAL TOLERANCE AND CONFLICT TRANSFORMATION COMPONENT OF THE IEC-UNDP ELECTIONS PROJECT

The original intended outcome of this component, as facilitated by the FT, was 'improved conflict management mechanisms to reduce political confrontation and antagonism while fostering political dialogue'. The target groups of this component were the national network of conflict transformation facilitators, the IEC-CMC, political parties, and civil society groups.

The overall impact of the series of facilitated political dialogue processes was the creation of an enabling environment for credible and legitimate democratic elections in accordance with SADC guidelines and universally recognised norms and standards.

Mechanisms were put in place for effective monitoring of adherence to the current code of conduct as provided for in the electoral laws. Over and above this, the facilitation team, in collaboration with the CCR, implemented a pre-election conflict management training programme. This programme also enhanced the IEC's conflict management capacity by assessing and redefining the role of the IEC-CMC through the training of a core group of election-conflict mediators, who were successfully deployed under the supervision of the facilitation team in all ten districts of Lesotho during the pre-election and immediate post-election period.

CONCLUSION

The allocation of parliamentary seats after the February 2007 election was undertaken within the general framework of the MMP system, although it was questioned whether the allocation formula used by the IEC was created according to a MMP or a parallel system. This was the subject of post-election court cases at the instance of some of the opposition parties who questioned the legality and fairness of this allocation formula. The formation of pre-election party coalitions and electoral pacts are at the centre of the post-election legal disputes, which focus on the implications for the MMP model of such alliances.

This vexed issue was also one of the major areas of focus of the SADC Ministerial Troika Assessment Mission to Lesotho and the SADC-led political dialogue facilitation process (April-July 2007).

RECOMMENDATIONS

There is a crucial need to assess the challenges and opportunities that the post-election environment presents, given the need to link Lesotho's short-term post-election challenges with democracy consolidation and development concerns in the medium to long term.

This assessment will provide a basis for outlining and facilitating the management of these governance challenges in post-election Lesotho in the context of consolidating democracy. Among the major areas of concern, the following loom large:

- Ensuring a stable post-election political environment in Lesotho and identifying the key political concerns, risks, and challenges in both the short and medium term between 2007 and 2012, with particular focus on intra-party and inter-party dynamics.
- Linking short-term post-election challenges with democracy consolidation and development concerns in the medium to long term.
- Safeguarding the principles and values of the MMP model and enhancing the effectiveness of Parliament.
- Facilitating and promoting the culture of inter-party and multi-stakeholder dialogue in addressing matters of national political importance.
- Assessing inter-party and intra-party dynamics, given the fact that political parties are crucial role players in the consolidation of democracy.

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HOW PARTIES FARED IN THE 2007 ELECTION

A Theoretical Exploration of the Outcome

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ABSTRACT

Lesotho, like other less developed countries, has embarked on the route to democratisation. As part of this process one of the tests a country must go through is the holding of free and fair elections. Elections have been recognised as one of the most important institutional mechanisms for shaping both political participation and competition. The role of elections in a democracy is but one of its fundamentals, albeit a vital one. Since the 1998 election in Lesotho one party appears to be not only dominating the political landscape but also winning every election. The Lesotho Congress for Democracy (LCD) won the 1998, 2002 and 2007 elections despite the fact that it fragmented twice, giving rise to two parties – the Lesotho Peoples' Congress in September 2001 and the All Basotho Convention in October 2006. In 2007 the LCD formed an election pact with the National Independent Party. In analysing the LCD's repeated success this paper considers four voting models: sociological, party identification, patron-client, and rational choice. While there are various voting models the paper argues that the rational choice model appears to come closest to explaining the LCD's success in 2007. It does not, however, claim that the model provides a definitive answer but attempts to reflect patterns that may reveal some similarities with the model.

INTRODUCTION

Elections are intrinsic to democracy building but do not determine whether or not the country is democratic. The delivery of regular, competitive, free and fair elections in which all political parties compete unhindered in their quest to win

and form a democratically elected government is one of the standards by which a country's commitment to democracy is judged. In fact, democracy is not possible without political parties; 'political parties constitute an important element of modern government' (Nnoli 1986, p 139). Only political parties are able to form modern governments to translate voters' interests into national policies. It is for this reason that parties compete for power. Similarly, for political parties to 'win elections they must attract support from many different groups in the electorate' (Crewe 1993, p 83). According to Heywood (1997) they normally adopt a broad issue of focus in addressing each of the major government policies. In fact, parties are brought together by a shared political vision and preference.

In contemporary societies parties shape people's thinking and perceptions. They have the capacity to appeal to an ever-widening electorate, with the aim of representing it in Parliament and shaping public policy. It is the goal of each party to broaden its membership and construct a wide electoral base in order to win elections. As representatives of the people, modern political parties such as those in Lesotho

> adopt a catch-all strategy and therefore place pragmatism before principle and market research before popular participation. The prevalence of such parties in modern politics gave considerable force to arguments based on rational choice models of political behaviour like those of Joseph Schumpeter and Anthony Downs, which portray politicians as power-seeking creatures who are willing to adopt whatever policies are likely to bring them electoral success.
>
> Heywood 1997, p 232

This description of political process appears to be similar to that adopted by parties in Lesotho during the 2007 election. The parties appear to have followed the approach of Schumpeter and Downs in responding to and articulating the views of their members and voters in general in order to win political power. According to Downs's (1957) thesis, political parties themselves lack power because power resides with the consumers, the voters. He describes the political market as analogous to the economic market. Therefore, in such a political market, 'politicians act essentially as entrepreneurs seeking votes, meaning that parties behave very much like businesses' (Heywood 1997, p 234).

THE CONTEXT

The 2007 election was won by the LCD, notwithstanding the fact that it had been labelled as a party with a poor service delivery record (*Public Eye* 10 November

2006), a factor which forced the All Basotho Convention (ABC) leader to form his own party, thus disassociating himself from the LCD (*Public Eye* 10 November 2006).

The 2007 election, like the three that preceded it, was conducted in an atmosphere of peace and tranquillity. In fact most observers declared it free and fair. What was worthy of note was the role of the Independent Electoral Commission (IEC) in ensuring that both voters and parties had access to unrestricted information about the election. For the first time since 1993 the IEC appointed a three-man media monitoring panel to facilitate free access for all political parties to the national media. The panel ensured that all parties contesting the election had equal access to the public media as provided for in the national election laws, particularly s 47 K(1) of the National Assembly Act 1992, which states that '… every political party shall have the right to have the substance of its campaign propaganda reported on news broadcasts of Government-owned national media and in any newspaper in circulation in Lesotho'.

A series of live policy debates on state-controlled radio and television (3 and 10 February 2007) among the leaders of the seven major parties, which had nominated more than 40 candidates, was facilitated to provide further coverage to enable eligible voters to understand the manifestos of the different parties, thus enabling them to make informed choices (Santho, Likoti & Sello 2007). This was particularly important because the 2007 election was a snap election.

The 2007 election was undoubtedly one of the most extraordinary in the recent history of Lesotho. There were four reasons for this.

First, for the first time in the country's political history Lesotho was faced with a snap election as a direct consequence of the fragmentation of the ruling party. The breakaway party, the ABC, left the government of Pakalitha Mosisili with the slimmest of majorities in the 120-member chamber. The ABC was formed with 18 members, all former LCD parliamentarians who had gained access to Parliament through the first-past-the-post (FPTP) electoral system. This floor crossing by the ABC motivated the governing party, which was left with only 62 members of Parliament, to call the election.

Second, the ABC was led by former Communications Minister Thomas Thabane, who was popularly known in some quarters as 'Mr Delivery'. Thabane was able to generate unprecedented interest among prospective voters and injected 'developmental issues' into the campaign, a new feature in Lesotho politics.

Third, this election provided a rare competitive challenge to the party which had ruled the country for a decade with no credible challenger in evidence. The LCD's hegemony appeared to be facing a determined onslaught from its splinter party, the ABC.

Finally, the election attracted the poorest voter turnout since 1993. Of a population estimated at 2,2-million 916 230 registered but fewer than half the registered voters cast their ballots at the 2 552 polling stations around the country. Furthermore, only 14 of the 19 political parties that had registered with the IEC contested the election, a clear indication that it was not only the voters who were apathetic, even the parties lacked interest.

To the consternation of opinion pollsters like *Work for Justice* and *Public Eye*, who, throughout the campaign, had forecast an ABC victory over the LCD, their predictions were proved wrong. The LCD secured 61 seats and its alliance partner, the NIP, won 21 proportional seats – a total of 82. The LCD / NIP alliance accounted for 68,9 per cent of the National Assembly while the ABC and its coalition partner, the Lesotho Workers' Party (LWP), won 17 constituencies. The LWP won 10 proportional representation (PR) seats, giving it a total of 27. The Basotho National Party (BNP), a traditional rival of the LCD, emerged fifth, with a poor showing of three PR seats.

Why do voters continue to vote for the LCD? Theories of voting behaviour might give us the answer. Table 1 illustrates the scale of the LCD's victory in three elections.

There are many theories to explain such phenomena. One of them is the sociological model, which emphasises the voting patterns of social groups. The party identification model stresses an individual's psychological attachment to his or her environment. The patron-client model posits that in emerging democracies such as that in Lesotho voters' choices are based more on patron-client power relations than on policy preferences. Finally, the rational choice model argues that voters are rational and vote according to their preferences (Denver 1989; Denver & Hands 1992; Dunleavy1990; Miller 1990). It is this model on which the paper will focus in analysing the LCD's 2007 victory.

The sociological model stresses that 'social groups will vote for the party that serves their interests' (Dunleavy 1990, p 46). The model argues that individuals' decisions do not reflect their personal choices but the interests of the group of which they are members. Therefore, they vote for the party they believe represents their class interests (Crewe 1993).

Lesotho's electorate lacks this voting consciousness. Basotho vote as party supporters not on the basis of class or groups and their votes, in most cases, reflect individual interests not those of groups or classes, as the model posits. In fact, even during campaigning, voters are mobilised not as blocks but as people who exercise their individual choices.

As far as voting on the basis of group interests is concerned, it can be argued that 'different social groups have different interests and hence different needs' (Denver 1989, p 26). Nonetheless, the model fails to explain deviant voters, who,

Table 1
The 1998, 2002 and 2007 General Elections

Year	Main parties	No of votes	% of votes	No of seats
1998	LCD	**355 049**	60, 7	79
	BNP	143 073	24, 5	1
	BCP	61 793	10, 5	0
	MFP	7 460	1, 3	0
Total		567375	100*	80
2002	LCD	**304 316**	**54,8**	**77**
	BNP	124 234	22,4	21
	LPC	32 046	5,8	5
	NIP	30 346	5,5	5
	BAC	16 095	2,9	3
	BCP	14 548	2,7	3
	LWP	7 788	1,4	1
	MFP	6 890	1,2	1
	PFD	6 330	1,1	1
	NPP	3 985	0,7	1
Total		54 6644	100*	118
2007	LCD/NIP	**229 602**	68,9	82
	ABC/LWP	107 463	22,7	27
	BNP	29 965	2, 5	3
	ACP	20 263	1,7	2
	PFD	15 477	0,8	1
	BCP	9 823	0,8	1
	MFP	9 129	0,8	1
	BDNP	8 783	0,8	1
	BBDP	8 474	0,8	1
	NLFP	3 984	0,0	0
Total		442 963	100*	119

Source: Independent Electoral Commission
* Figures rounded up

in some cases, form large minorities but fail to form a group. This model 'tends to give the impression that party choice is a sort of spontaneous effect or social location and ignores the active role that political parties play in mobilising and structuring the electorate' (Denver 1989, p 26).

As a low-income country without a solid industrial base Lesotho cannot be classified as class-based, as can highly industrialised countries such as Britain, whose political parties have class-based support. Denver (1989) argues that in Britain the Labour Party, in particular, has been said to draw its support from public sector workers who will vote for it at all costs. Furthermore, the middle-class public sector is less pro-Conservative than the rest of the middle class.

Voting has been associated with social and political factors. Social groups are based on sex, region, religion, class, and industrial sector. The voting patterns in Lesotho are a mixture of these factors and cannot be identified solely with one factor as in Britain, where black and white people can be identified with a certain party or with a particular region or religion. Religion does not feature at all in Lesotho voting patterns. If it did, the BNP would win since it has Catholic inclinations and the majority of Christians in Lesotho are Catholics. Therefore, the model falls short of explaining why the LCD won the election.

The party identification model refers to the psychological attachment voters develop in their early years. The model stresses the importance of long-term factors in determining party identification and the fact that 'the social position that an individual occupies affects the kinds of influence he or she will encounter in interacting with family friends, neighbours, work mates and so on' (Dunleavy & Husbands 1985, p 4).

These long-term associations are decisive in determining how an individual votes and identifies with a particular party and such environmental pressures are seen more 'in a heavily class-structured society, the schooling of children and the sort of people who become their friends also exert a strong influence'(Dunleavy 1985, p 4).

In a developing country like Lesotho the electorate is not heavily class-structured so the model does not provide an accurate assessment of election outcomes. While party identification is a factor other factors – such as the personality cults of Ntsu Mokhehle (LCD) and Leabua Jonathan (BNP) (Matlosa 1999) – can be said to explain voting patterns.

Furthermore, voting and party identification do not always converge. While most voters identify with their party this does not mean that they do not, on occasion, vote for another party. In Lesotho, for instance, a BNP supporter living in a constituency in which the party has no realistic chance of winning might decide to vote ABC while remaining a BNP supporter. Party identification does not offer much insight into why the LCD won the 2007 election.

THE PATRON-CLIENT RELATIONSHIP MODEL

The system of patron-client relationship according to Randall & Theobald (1985) is one of a social relationship outside kinship. It emerges once the kinship fails to deliver the necessities of existence such as social protection and security, among others, mostly in agrarian societies like Lesotho. It is therefore an exchange between a superior patron or patron group and an inferior client or client group. In most developing countries, and especially in Africa, the ruling party acts as a patron and voters become an inferior group voting in expectation of some rewards from the patron (ruling party). Developments in these countries depend on patron-client relationships.

Once established the patron-client relationship is perpetuated over time by adding more favours until the client is obligated to the patron for life and even over generations. This relationship occurs 'in societies where the state is underdeveloped, where state institutions are virtually non-existent at the village level so that there is a marked gap between centre and periphery' (Randall & Theobald 1985, p 54). This situation obtains in Lesotho in some respects, particularly in the far rural areas of the country when the clients have no choice but to bind themselves to a patron as the only means of articulating their interests.

In agreeing with Randall & Theobald, Barkan (1995) argues that, in agrarian societies, people live close to each other, are attached to the place where they live, love their neighbours, and tend to vote for the same party. This pattern is similar to that in Lesotho because most rural voters, since the birth of the LCD in 1997, appear to have voted for that party, voting for the patron regardless of whether the patron's policies were good or bad (Barkan 1995). Rural voters, therefore, vote for parties and candidates who have provided service to their constituencies or who have the potential to provide constituency services after elections. According to Barkan (1995, p 107), when these communities vote

> … they focus on the basic needs of their local community and surrounding region – whether they have adequate water, schools, and health-care facilities, whether there is a farm-to-market road, whether the producer price for the agricultural commodity grown in the area yields a fair return to local farmers, and so on. Inhabitants of a particular rural area usually have a common set of political interests, and they vote accordingly. This explains the high geographic concentration of the vote for competing parties in the recent round of multiparty elections in Africa.

Most rural voters in Lesotho appear to vote in a similar pattern to that described

above. With the introduction of free education and old-age pensions the level of rural communities' dependence on state-sponsored patronage appears to be overwhelming. Therefore, the ruling party and its members of Parliament (MPs) become patrons who provide practical assistance to the rural population. While these policies fall within the area of social protection to assist the poor, they may also be described as a patron-client relationship and explain why, in Lesotho, rural communities tend to vote overwhelmingly for the same party.

Weingrod (1968) describes patron-client relationship as a process whereby political leaders distribute rewards and other resources in exchange for the vote. In the USA this phenomenon is known as machine politics, with public service jobs given to clients in exchange for votes (Randall & Theobald 1985). This voting pattern explains the high concentration of votes for specific parties.

The LCD's victories were, however, not confined to the rural areas – city dwellers, too, benefit from pensions and free education so, while the LCD lost 17 constituencies in urban areas it won in others, indicating that while the theory of patron-client relationships, while explaining the voting patterns of rural voters and accounting for the LCD victory, falls short of a complete explanation of why it did not win in all constituencies. It is necessary to look at further possibilities.

RATIONAL CHOICE THEORY

The rational choice model (RCM) goes under various names, such as 'issue voting model', 'value model', 'prospective model' (where votes are cast with respect to a party's policies for the future), 'retrospective model' (where votes are cast with respect to a government's record) and 'leader personality model' (Miller 1990, p 53). RCM is the dominant theoretical paradigm in microeconomics. It is also central to contemporary political-science thinking. In recent years the theory has increasingly been used with reference to sociology and other academic disciplines besides economics. The theory has had a far-reaching impact on the study of political science, especially with relation to interest groups, elections, the behaviour of legislatures, coalitions, and bureaucracy, offering as it does a framework for understanding and often modelling the political (social), and economic behaviour of individuals (Dunleavy 1991).

Proponents of RCM do not claim that any model's assumptions are a full description of reality, only that good models can aid reasoning and help formulate falsifiable hypotheses, whether intuitive or not. Successful hypotheses are those that survive empirical tests (Dunleavy 1991).

It is in this context that the RCM is used in this paper to analyse the LCD's 2007 election victory. While models of rational choice are diverse they have one thing in common – they all assume that individuals choose the best action in the

light of the constraints they face. The model assumes that, given a range of choices, the voter will exercise his or hers to ensure that he or she will derive the maximum benefit.

Anthony Downs (1957), in his celebrated work, *An Economic Theory of Democracy*, argues that parties are political firms in the business of selling packages of policies in order to maximise votes so as to win and enjoy the fruits of government office. On the other hand, voters are political consumers who use their votes as currency to purchase the public policies on offer during a general election. Many of them are not tied to any party but are rational, free thinking, and determined to gain the maximum return by electing the party that offers them the best policy package at the lowest tax cost. As will become clear in this paper, those rural voters in 61 of 80 constituencies who elected the LCD in 2007 probably did so on the basis cited above.

The RCM applies the same assumptions as are used by economists to analyse voting behaviour. The model argues that a consumer 'operating in an economic market has a finely divisible stock of money to distribute over a wide variety of goods in order to express his or her preferences in a sophisticated and gradual way' (Dunleavy 1985, p 12). The consumer has only one vote to spend on the party that comes closest to providing his needs and, for this, he or she buys a basket of policies. The model does not address the question of how voters reach their decisions but focuses on their attitudes and choices. It claims that '[v]oters make up their own minds about issues, performance and personalities and then vote for the party that comes closest to delivering the policies and performance they want' (Dunleavy 1990, p 53). The voters individually act rationally when choosing to vote for a particular party and use their vote to derive the maximum benefits.

Voters have a clear knowledge of a party's record and 'are as volatile as shoppers choosing between supermarkets, constantly in search of a better product' (Crewe 1993, p 110). They have an enormous amount of information at their disposal, which provides them with various options and helps them reach their decision. Therefore, 'after comparing parties with their own preferred outcomes, they [voters] choose the party closest to their preferences' (Dunleavy 1985, p 13). The rational voters' views are clearly consistent with political issues. They know roughly what options are available and choose the ones that best suit them. They are, according to this model, egotistical and entirely self-interested.

THE LCD'S CAMPAIGN APPROACH

It appears that the key to the LCD's success is the party's ability to convince sufficient voters that both its pension and education policies, especially free

education, depend on the incumbent government remaining in office. According to *Work for Justice* (2006) the government of Lesotho in 2004 introduced an old-age pension of M150 a month for people over 70, the bulk of whom live in rural areas. This pension scheme became a campaign tool in the party's 2007 election campaign (LCD Election Manifesto 2007). Elderly voters were also promised an increase of M50 a month if they re-elected the LCD. The manifesto claimed the party valued the elderly greatly for their wisdom and insight. The party promised to consider ways of improving facilities at pay points in order to facilitate access (LCD Election Manifesto 2007). It can be assumed that, for that reason, most rural people voted according to their economic interests.

Most of the beneficiaries of the pension scheme have not contributed to it and have never worked for government, while those who have, retired civil servants, are not entitled to the pension. The scheme has succeeded in raising individual expectations, a factor that played a large part in the LCD's electoral success. Clearly, as King et al argue, 'one way in which this pocket-book effect is manifested, is through the level of optimism that people exhibit about their financial prospects' (King, Norton, Denver, Seyd & Crese 1992, p177). The critical question, of course, is how far these changes in individual economic expectation have affected the popularity of the LCD government. There are certainly good reasons for supposing that they may have done so.

In assessing the RCM in relation to the 2007 election it became evident that there was an emerging pattern in support of the model among different groups. The LCD's pension policy won over many voters. Aided by sympathetic national radio station like MoAfrica FM and Radio Lesotho, the party made pensions a major issue. Its success in doing so bears out those RCM theorists who 'draw attention to the significance of issue voting and argue that issues do matter precisely because policy preferences determine the direction of vote choice and not the other way around' (Dearlove & Saunders 2000, p 164).

Many studies of the relationship between economics and political support have distinguished between 'sociotropic' and 'egocentric' motivations. According to Sanders (1993, p 179), 'voters act sociotropically to the extent that their political judgement depends on their assessment of whether the government's economic performance has been good or bad for the country as a whole'. According to the RCM voters are prepared to re-elect a government if they feel that it manages the economy in such a way that their future and their children future will be bright.

The pension promise, along with the fact that inflation was maintained at 5 per cent and anticipated economic growth during the following fiscal years was estimated at 3,5 per cent (*Public Eye* 23 February 2007), appears to have overridden the governing party's failure to deliver on promises of job creation, economic growth, and success in the battle against HIV/AIDS (ABC Manifesto 2006).

The message was clear: 'I feel good about my own prospects, therefore, I feel good about the LCD government, irrespective of what other parties have been saying.' It was primarily for economic reasons that the voters rewarded the party in power with their votes, perceiving it as better able than its opponents to manage the economy and produce economic prosperity, a sense of well-being, and the feel-good factor.

Former British Labour Party Prime Minister Harold Wilson argued in 1968 that 'all political history shows that the standing of the government and its ability to hold the confidence of the electorate at a general election depends on the success of its economic policy' (Dearlove & Saunders 2000, p 168). The LCD appears to have done just that.

Another reason for the LCD's success in 2007 was its promise to extend the policy of free education, which had been phased in for primary schools since 2000, to secondary schools, and to provide books for students from poor backgrounds (LCD Election Manifesto 2007). It also promised to allocate M88,4-million to finance activities in the education sector, including provision of infrastructure for the 2007 financial year (Thahane 2007).

The defining feature of rational choice theory is that people try to maximize their interests when it comes to voting or volunteering to serve a particular party. The approach has many variants. Decision theory, for example, centres on cost-benefit calculations that individuals make, without reference to anyone else's plans. It may be assumed, perhaps correctly, that voters base their decisions on cost-benefit analyses.

In Britain in the early 1990s it was found that 'voters would support the party that would put most money into their pockets. This notion of pocketbook voting, or economic voting, is a more closely specified version of issue voting' (Dearlove & Saunders 2000, p 167). The rural voters in Lesotho made much the same decisions, thus it can be argued strongly that RCM was very much at work in Lesotho prior to the 2007 election, with voters believing the LCD would 'put most money into their pockets'.

Among the other achievements of which the LCD government boasted during the election campaign were: it had entrenched democracy, empowered women in local government, helped to introduce 10 private radio and television stations, built rural roads and created 30 000 new jobs in the past five years (LCD Election Manifesto 2007). The party also agued that in recent years garment manufacturing had been the key driver of growth, recording growth of 53 per cent in 2001 and maintaining this pace until 2004, before stalling in 2005 as a result of strong competition from Asia and the appreciation of the rand/loti (Thahane 2007).

Government took steps to counteract the loss of jobs. Specifically, in order to improve the financial position of firms a supportive tax regime was introduced in

2006/2007 (LCD Election Manifesto 2007). This move, on its own, indicated that the government's economic management strategy was improving, giving voters cause for optimism about their future economic well-being. In-house training was also introduced to bolster employee productivity.

The LCD also pointed to its foreign-policy successes, although this was not a major campaign issue. Lesotho is currently chair of the Southern African Development Community (SADC), has sent both police and military observers to Darfur, Sudan, and is a member of the African Union Security Committee. The prime minister is on record as pointing out that his party has brought peace and stability to the country (LCD Election Manifesto 2007).

As chair of the SADC region Lesotho is driving a process of scaling up regional economic integration. In less than a year SADC will launch a free-trade area (FTA), within which member states will trade with each other duty-free and quota-free. This will raise significantly intra-SADC trade, which now stands at about 25 per cent. With a population of more than 235 million this would present Lesotho with a huge market that would drive its economic growth rate to a sustainable 7 per cent a year (LCD Election Manifesto 2007).

These were some of the associated factors which might have assisted the party, although they did not feature prominently during the campaign. This paper therefore, is an attempt to understand why the LCD has won so many elections (1998, 2002 and 2007) despite noticeable political challenges in the country.

EXPLANATORY FACTORS FOR THE LCD'S ELECTORAL TRIUMPH

The LCD's success was achieved in most unfavourable circumstances.

First, Lesotho was in a grip of the highest unemployment rate since the early 1980s. The ABC manifesto argued that unemployment was rampant, standing at 45 percent; that there was a high degree of high child labour; that 50 per cent of the population live below the poverty line; and that the United Nations has described 40 per cent of the population as ultra poor, meaning that they cannot afford food (ABC 2007, p 5). The Minister of Finance in his 2007 budget speech corroborated the ABC's claim that the country was facing an economic catastrophe of major proportions.

> this unprecedented deterioration in the land and its people has ushered in a crisis in the social and moral fabric of our society. Unemployment is high, and poverty is deepening; stock theft and armed robbery have become the order of the day; corruption and nepotism are spreading like a cancer in our institutions; and there is

> no doubt that life is becoming harder by the day for an increasing number of our people.
>
> Thahane 2007, p 3

Furthermore, traditional sources of household income – agriculture, and migrant work – have been declining. Migrant labour declined from 126 000 in 1987 to 52 000 at the end of 2006. Prospects for agriculture as a high-yielding enterprise are threatened by drought and climate change (Thahane 2007). In fact, Lesotho, according to the finance minister, has been losing the global race for jobs, high, broad-based and sustainable economic growth, and poverty eradication to other countries within the Southern African Customs Union (SACU), SADC, Africa and Asia (Thahane 2007). Despite these economic hardships, the LCD won the election.

Second, the prime minister had earlier castigated civil servants for not being loyal to the government, saying they appeared to be attending opposition party rallies (*Public Eye* 27 March 2006, p 10). He made this statement despite the fact that there is no way of ascertaining whether or not public servants had voted for him in the 2002 election. His outburst was precipitated by concerns that the government was not delivering services. The civil servants were, therefore, singled out as scapegoats for government's failure to deliver (ABC 2007).

The third hurdle faced by the government was that it had earlier introduced what many consider its most unpopular policy, intended to benefit ministers and senior government officials (*Public Eye* 23 February 2006, p 2). This policy allowed government ministers to purchase Mercedes Benz luxury cars for M4 000 and Toyota Camrys for civil servants in statutory position for M2 000 (Government of Lesotho 2006) – the vehicles were previously leased to the government by a fleet services company and were supposed to be sold to officials after three years. The vehicle scheme furore appears to have left a legacy of resentment among a large proportion of urban voters, something that can be deduced from the fact that for the first time since the LCD had come to power it lost most constituencies in the capital, Maseru.

Subsequent to the outcry over the vehicles, in August 2006 the government dispatched a group of senior ministers to national television to defend the decision as legitimate government policy, insisting that the benefits that went to 26 ministers were meagre in comparison with world standards. In Lesotho, with its small economy and with economic growth (real GDP growth) of 4,5 per cent for 2006 (FAO 2007) and nowhere near reaching its macroeconomic target of 7 per cent a year, these benefits were perceived to be substantial.

Years before, in an article in the local newspaper, *Mopheme-The Survivor* 27 Oct-2 Nov 1998, a writer, Rakoro Phororo, commenting on Prime Minister

Mosisili's decision to grant to the previous prime minister, Ntsu Mokhehle, a Mercedes Benz in what now appear to have been similar circumstances, wrote:

> … in a poor country such as Lesotho, this precedent will ever be the main motive for political leaders to aspire to premiership at all costs, even at the expense of sacrificing principles, conscience, political values, and reconciliation. The dilemma of mediocre political leaders that Lesotho is presently experiencing will thus get worse in the years ahead.

The irony is that Phororo went on to become Minister of Agriculture in the 2002 Cabinet and is now a member of the group which had made the controversial decision.

At a public gathering in March 2006 the prime minister complained about the public outcry over the vehicles, going on to proclaim '*Ketla Ba Busa Ho Fihlela Ba Tloaela. Ea Belelang a eo bollella Khaitseli ea Malom'ae* (I will reign on over you until you are accustomed to my premiership. Whoever is in doubt should protest to his uncle).'

It is unfortunate that the government has failed to acknowledge that government property cannot be transferred to individuals in such a manner. The government is not a corporation but a public entity. Government property is normally auctioned publicly and the proceeds channelled to the public purse, not kept for the benefit of individuals in powerful positions. Minister Phororo, lamented in his 1998 article that:

> … if I was a leader of a government that is sensitive to human misery and national economic tragedy, such as has befallen Lesotho, I and my colleagues would humbly approach our predecessor [Mokhekhle] and plead with him for us to at least postpone granting of an expensive car until the economic situation improves.
>
> *Mopheme-The Survivor* 27 Oct-2 Nov1998

Since Phororo wrote the article economic misery in Lesotho has worsened. He was against the granting of one car, yet he has become mute about the allocation of 36 vehicles. He did not suggest the postponement he had so eloquently advocated. He did not even try to persuade his colleagues that what they were doing was wrong.

The vehicle scheme led to the creation of a popular perception which Bratton & Van de Walle (1997, p 99) equate with that which prevailed in the early 1990s whereby citizens opined that those 'with access to political power were living high on the hog while ordinary people suffered'.

Despite all these factors the LCD defied the odds and won the 2007 elections as it had those in 1998 and 2002. The question remains why. The LCD victory may be explained by borrowing some important aspects from the rational choice model. In his analysis of the RCM Crewe (1993) argued that the model involves three different judgements about political parties. For instance, the issue of unemployment makes voters judge parties by their policies on job creation (policy-voting), by their degree of emphasis on the problem at hand (priority-voting) or by their past record on unemployment (performance-voting).

The LCD was vocal in pointing out that it had been able to relieve the poor by providing pensions and free education (policy). It also placed much emphasis on the proposed increase in the monthly pension (priority) and on the fact that it had created many jobs (performance).

The party exploited every possible means available to increase voters' confidence in the party and to convince the electorate that it was more competent in managing the economy than other parties would be. It would appear that the ABC and other major opposition parties, like the BNP and the Alliance of Congress Parties (ACP), were not trusted. This was similar to the situation in Britain in 1983 and 1987 when the Labour Party and other alliance parties were defeated by the Conservative Party because they were seen as divided and it was believed that despite their good policies a vote for them was a wasted vote.

The ABC had split from the LCD a mere four months before polling day as a result of intra-party conflict. Similarly, the BNP had fragmented, giving birth to the Basotho Democratic National Party (BDNP), while the ACP was a coalition of former congress parties, one of which had broken away from the LCD. It can be argued, therefore, that voters had no confidence in the leadership of these parties, instead, voting for the party they saw as capable of managing the economy. The LCD also managed to raise voters' expectations that they would be better off under an LCD government because expectations played a significant role in determining the level of support for the government in 2007.

Nevertheless, the rational choice model, like all others, has some problems. It explains very little about class and partisanship alignments and it is theoretical and difficult to apply in practice because of the unpredictable nature of voters' decisions.

The major problem is that it is often hard to ascertain whether particular attitudes cause certain behaviour or whether they are rationalisations. When the rational model is closely scrutinised its case for cause and effect becomes very weak. All that can be assumed is that pocket-book voting might have been responsible for creating conducive conditions for the LCD to win the 2007 general election, but the evidence available has not been compelling enough to justify this conclusion.

On the other hand, the case of the ABC, even though the issue of hunger was high on its manifesto, does not appear to have translated into a major swing throughout the country, except in Maseru, where it won nine constituencies (IEC 2007). What was significant during this period was that the rise in unemployment to 45 per cent during the term of the Parliament elected in 2002, though it inflicted a small amount of damage on government's electoral fortunes, was not enough to prevent its re-election.

Table 2
Parliamentary By-elections February 2003 to February 2005

Constituency	Election date	Parties participating[1]	Registered voters	Total votes	Voter turnout	Winner
Motete	15 Feb 2003	MFP, PFD, LCD, BAC, 2 Independents	11 768	3 945	34%	LCD
Qhoali	23 Aug 2003	LPC, LCD, PFD, MFP	10 929	3 516	32%	LCD
Khafung	23 Aug 2003	PFD, LCD, LPC, NIP.LWP, BCP, MFP	11 391	4 280	38%	LCD
Thaba-Putsoa	24 Jan 2004	MFP, LCD, PFD, LWP, UP	13 319	3 35325%	LCD	
Motimposo	24 Apr 2004	NIP, BCP, PFD, LCD, NLFP, MFP, LWP	13 125	1 712	13%	LCD
Mohobollo	5 Jun 2004	PFD, MFP, LCD, NIP, 2 Independents.	9 999	1 690	17%	LCD
Qhoali	16 Oct 2004	BCP, LCD	11 820	3 155	27%	LCD
Koro-Koro	12 Feb 2005	LCD, NIP, PFD	9 186	2 542	28%	LCD
Qalo	4 Oct 2005	LCD, PFD, NIP, 4 Independents	7 291	856	14%	LCD
Lebakeng	22 Apr 2006	LCD	3 86	Unoppossed		LCD

Source: Independent Electoral Commission 2003-2006

1 Lesotho's Parliament comprises 10 parties, most of which participated only irregularly in by-elections. Among those which participated are the: National Progressive Party (NPP), Basotholand Congress Party (BCP), Basutoland African Congress (BAC), Marematlou Freedom Party (MFP), LCD, Lesotho Workers' Party (LWP), Popular Front For Democracy (PFD), Lesotho People's Congress (LPC) and National Independent Party (NIP). The major opposition party, the BNP, did not stand in any of these by-elections. Two smaller parties outside Parliament, the United Party (UP) and the New Lesotho Freedom Party (NLFP), participated in by-elections on 24 January 2004 and 24 April 2004 respectively, while eight independent candidates stood in three.

A party which is likely to win an election is evaluated, particularly during by-elections, on its 'performance or party program' (Peele, Bailey & Cain 1992, p 64) or by the frequency with which it holds government accountable on all fronts. It is fair to assume that the LCD has been able to maintain its momentum by contesting every by-election – constantly reminding its supporters of its existence. Table 2 illustrates the scale of LCD victories in by-elections.

Judging from several by-elections held since 2002 and the recent general election voter participation has declined drastically. The apparent LCD victory in these by-elections, as illustrated in Table 2, reflects the strength of the party's record, a feature which also fits the rational choice model. However, these victories were largely against insignificant opponents since some of the major opposition parties, notably the BNP, boycotted the by-elections. In the 25 April 2005 elections, for instance, the LCD candidate was unopposed.

It is also important to acknowledge that ruling parties have an advantage over opposition parties not only during by-elections but in general elections because of the access to state resources given to them by their incumbency.

Most governments in Africa have been notorious for using state resources to attract short-term benefits such as votes. This practice is more pronounced in countries like Lesotho where the political code of conduct does not make the practice illegal. It has been an open secret in the country, for instance, that, in all the above by-elections, the state paved roads, attended to other development projects and provided food a few weeks before by-elections took place.

It has been this incumbency advantage that has disadvantaged opposition parties, many of whom saw no point in contesting elections in such an environment.

CONCLUSION

The use of state resources for political legitimacy and the promotion of clientelism has been pervasive in most African countries. There are several aspects of neo-patrimonial rule and patron-client relationships being used in Lesotho to solicit votes for the ruling party. However, where this strategy has been practised it has happened on a very small scale, to influence voters to vote for the patron. Furthermore, the policies the ruling party used during the campaign benefited people across the country, even where the LCD lost. This leads to the conclusion that the voters voted on the basis of rational choice rather than sociological or party identification.

While there is a variety of reasons for the LCD victory the rational choice theory appears to come closest to providing a plausible explanation for this victory and illuminating patterns of voting behaviour in the country.

Although it should not be assumed that the model is problem free criticisms of the flourishing rational choice research programme are not completely without merit, neither are they debilitating. Given the heterogeneity of the political science profession it would be surprising if any one approach won general acceptance. The approach itself is still debated by all scholars and in some cases, such as that of Lesotho, it has been relatively insightful, while in others it provides less than plausible arguments. This paper is therefore, part of the on-going debate about the use of the theory to explain elections.

In conclusion, therefore, I argue that there is evidence to indicate that the RCM applied to the 2007 elections. Most rural voters still believe the LCD is managing the economy more competently than another party might, hence they vote for it on the assumption that they are better off under an LCD administration which advocates pension for the elderly, free education, and economic prosperity.

RECOMMENDATIONS

From the above it is clear that political parties must mount civic education campaigns to inform people what they should expect from their parties and how to hold them accountable. When the voters know their rights they will vote in a more informed manner. An informed voter is likely to make a sound choice about who to vote for and why. This would entrench democracy in an agrarian society like Lesotho, where voters vote on the basis of patron-client relationships and where the likelihood of making the wrong choices is high.

Secondly, political parties in Lesotho depend heavily on paltry and irregular contributions from members. This means they cannot undertake their party programmes effectively. Financial weakness is one of the main limitations of opposition parties, some of which have cited lack of funds as a reason for non-participation in by-elections.[2]

Therefore, it is important for political parties to have access to party funding so they can run their affairs and compete in by-elections, in which, currently, the ruling party appears to be benefiting unfairly from its incumbency.

Without such funding opposition parties are unable to mobilise extensively for any elections. It is necessary to institute legislation dealing with funding and taking account of party representation in Parliament and the percentage of the vote a party has won.

Finally, Lesotho needs a sound political code of conduct which regulates the activities of both the ruling and the opposition parties. Such a code would provide

2 That not withstanding, six opposition parties participated in the Motimposo by-election and they were joined by another, which has no representation in Parliament. Motimposo is the constituency situated within the capital, Maseru, where the leaders of all the political parties reside.

a level playing field for all contesting parties and ensure that the ruling party does not have an unfair advantage, particularly because it has access to state resources.

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ELECTORAL SYSTEM REFORM AND IMPLICATIONS FOR GENDER EQUALITY

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ABSTRACT

This paper examines the impact of an electoral system on women's participation in electoral politics and their representation in the legislature. It advances the argument that while the nature of an electoral system influences the degree of women's representation other factors also play a role. Upon independence in 1966 Lesotho adopted the first-past-the-post system. This system, which was used until 2002, is generally considered less conducive to gender equality. There was a general optimism, therefore, when the model was changed in 2002 to a mixed member proportional system, which introduced an element of proportionality to the way in which votes cast in elections are translated into parliamentary seats. Generally proportional systems are reputed to encourage gender equality. But has this been the case in Lesotho thus far?

INTRODUCTION

With the introduction of the mixed member proportional (MMP) system in Lesotho it was anticipated that an increased number of women would be allowed space to participate in electoral politics and take their place in the country's House of Assembly. Paradoxically, however, the change has not helped the country achieve gender parity in Parliament.

This suggests that other factors besides the electoral system are at play in determining gender power relations in electoral politics. These include, inter alia, political culture, socialisation patterns, intra-party democracy, the commitment of the political elite and the existence of women's quotas in the composition of Parliament.

Lesotho's male-dominated political culture and patriarchal socialisation pattern has a strong bearing on gender power relations despite the fact that the

country has committed itself to various international, continental, and regional conventions aimed at gender equality, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Beijing Declaration, the African Union (AU) protocol on gender parity and the Southern African Development Community (SADC) declaration on gender and development. Committing to these noble declarations is one thing, translating them into policy practice is quite another.

LESOTHO'S ELECTORAL SYSTEM

Upon its political independence in1966 Lesotho adopted the FPTP electoral system as part of its inheritance of the Westminster constitutional and institutional arrangements from Britain, its colonial ruler. Like all other electoral systems the FPTP has both strengths and weaknesses and it is important that political leaders and other stakeholders in election management appreciate these strengths and weaknesses in order to ensure a smooth process of electoral design and reform efforts. The popularity of the FPTP is premised primarily on 'grounds of simplicity, and its tendency to produce representatives beholden to defined geographic areas' (Harris & Reilly 1998, p 194).

The FPTP system has many strengths. Table 1 highlights some key features which are important to an understanding of the working of the system.

Table 1
Characteristics of the FPTP

Advantages	Disadvantages
Clear choice between two main parties	Excludes minor parties
Ensures single-party governments	Exaggerates electoral dominance of ruling parties
Gives rise to coherent parliamentary opposition	Problem of wasted votes, which amounts to disenfranchisement
Excludes extremist parties	Allows a government elected on minority votes
Links MP to constituency	Unresponsive to changes in public opinion
Allows independent candidates to contest elections	Open to manipulation of election boundaries
Allows floor crossing	Less conducive to women's participation
Simplicity and familiarity in Africa	Problem of single-party Parliament

As indicated in Table 1, the FPTP system is, generally, less conducive to women's participation in elections and enhancement of their representation in national assemblies than are other systems and this is a general challenge confronting the SADC region.

Table 2 highlights this challenge and illustrates that, by and large, countries operating the proportional representation (PR) system, and those which combine the FPTP system with gender quotas, tend to achieve higher proportions of women's representation.

This, in part, explains why representation of women in Lesotho's National Assembly (NA) has been low since the country's political independence in 1966 but why an incremental change has come about with the adoption of the MMP system since 2002.

Table 2
Gender Representation in SADC Parliaments

			Lower or Single House		
Rank	**Country**	**Electoral System**	**Seats**	**Women**	**% Women**
1	Mozambique	PR	250	90	**34,8**
2	South Africa	PR	400	131	**32,8**
3	Tanzania	FPTP	307	97	**30,0**
4	Namibia	PR	104	19	**26,4**
5	Lesotho	MMP	120	19	**23,0**
6	Mauritius	FPTP-Block	70	12	**17,0**
7	Angola	PR	220	34	**15,5**
8	Malawi	FPTP	193	27	**14,4**
9	Botswana	FPTP	57	7	**12,3**
10	Zambia	FPTP	158	19	**12,0**
11	DRC	FPTP	500	57	**11,4**
12	Zimbabwe	FPTP	150	15	**10,0**
13	Swaziland	FPTP	65	5	**3,1**

Source: Lowe Morna 2004, p 14 (updated by the author)

On the basis of the data in Table 2 a plausible argument can be made that an electoral system can either facilitate or inhibit greater participation of women in governance. Although PR, in and of itself, is not a sufficient guarantor of increased women's participation in the legislature it is certainly a catalyst for gender equality in the political governance arena. As Table 2 shows, the two countries with the largest percentage of women in Parliament are Mozambique (35%) and South Africa (33%), both of which operate the list-PR system. The lowest percentages are in Zimbabwe (10%) and Swaziland (3,1%), both of which operate the FPTP (plurality) system. However, even though the PR system tends to be more conducive to gender equality it often requires to be complemented by gender quota systems, as the South African and Mozambican experiences demonstrate. This, in part, explains why Tanzania, which has a 35% quota for women, is now ranked number two in SADC in terms of gender representation (with 30% representation of women in the legislature) despite its FPTP system.

Lesotho used the MMP electoral model for the first time in the 2002 elections (see Elklit 2002; Matlosa 2003). The main trigger for the reform of the country's electoral system was the violent conflict which reached its climax after the 1998 election. The MMP system combines the plurality / majority and PR systems, with results linked with parliamentary seats determined by the election outcomes of both components, and creates room for a compensatory factor to reduce the adverse effects of wide disproportionality. Only nine countries use this system. They are Albania, Bolivia, Germany, Hungary, Italy, Lesotho, Mexico, New Zealand and Venezuela.

Although the implementation of the MMP system differs from country to country, its most distinct features are:

- a pre-determined proportion of parliamentary seats is constituted on the basis of a constituency vote;
- another proportion is constituted on the basis of a party vote;
- the system allows for the use of a double ballot – either two votes on one single ballot or two votes on two separate ballot papers;
- independent candidates may only contest elections in constituencies;
- a threshold or quota is used to determine both the winners and the composition of an elected Parliament.

Thus the MMP aims to broaden representation (through the PR component), retain accountability of elected representatives (through the FPTP component) and, given its inclusiveness, can make a considerable contribution to political stability (Matlosa 2004). Equally importantly, the MMP system may enhance women's representation in the legislature provided there is political commitment and

deliberate measures are put in place by the political leadership. The specific features of the MMP system are summed up in Table 3.

Table 3
Characteristics of the MMP System

Advantages	Disadvantages
Retains accountability of MPs inherent in FPTP	Relatively more complex than FPTP and PR
Retains broad representation in the legislature inherent in PR	Lack of familiarity in Africa since it is relatively new on the continent
Widens the political complexion of Parliament (inclusiveness)	May lead to a fragmented Parliament
Combination of constituency vote and party-list vote	Double voting either in a two-ballot or single-ballot system
Establishment of entry threshold for MPs to hold seats in Parliament	Calculation of an entry threshold into Parliament by MPs requires lengthy negotiations and consensus among parties
Facilitates power-sharing in the legislature	Costly relative to FPTP
Opens avenues for gender balance in the legislature	May generate a proliferation of parties

In Lesotho, where 80 seats in the 120-member NA are filled by means of FPTP, while 40 are filled on the basis of a closed list PR system, candidates are not barred from contesting elections in both components. The formula used to allocate seats is as follows:

- The total number of votes cast is divided by the total number of seats to get the quota of votes.
- The total party votes are divided by the quota of votes to get each party's quota of votes.
- Parties are allocated seats equal (ie, proportional) to their quota of votes.
- All the seats allocated are added together and the total is deducted from the total number of seats in the NA.
- Parties are then allocated seats on the basis of a compensatory mechanism that ensures that a party that has acquired a larger share

of its allocation from the FPTP component does not get benefits from the PR component.

Voters are provided with two ballots, one to elect FPTP candidates, the other to elect PR candidates on the basis of a pre-determined party list. While electoral system reform cannot be a total panacea for all the country's political problems there is no doubt that it has had some positive results.

- Political representation in the NA has been broadened.
- Political instability has been considerably curtailed.
- The adversarial zero-sum politics of the FPTP has increasingly been replaced by the consensus politics of the PR model.
- Reconciliation and national harmony are taking root after decades of repressive rule.
- Parliamentary reforms have been initiated in order to reconstruct the NA in conformity with the new electoral model.

While the adoption of the MMP electoral model did not help Lesotho to achieve the 30 per cent representation of women by 2005 decreed by the 1997 SADC Declaration on Gender and Development and may not necessarily facilitate the achievement of the 50 per cent women's representation required by the African Union and SADC after the 2005 summit in Gaborone, Botswana, it may have played a role in increasing representation in the NA. While in 1998 a mere 3,7 per cent of women were returned to the NA, this figure increased to 13,3 per cent after the country's first MMP election, in 2002. It is worth noting, though, that a wide array of factors besides the electoral model inhibits women's participation in electoral politics and representation in the NA. Some of these factors are explored in detail in the next section.

EVOLUTION OF WOMEN'S PRESENCE IN THE LOWER HOUSE OF PARLIAMENT

As Table 4 indicates, women were not represented in the NA after the elections of 1965 and 1970. Only in 1993, after the transition from military rule to a multiparty democratic dispensation, did women find their way into the legislature, occupying about 5 per cent of the 65-seat chamber. After dropping to 3,7 per cent in 1998, the proportion of women has increased.

After the 2002 election, in which the MMP electoral system was used for the first time, there were 16 women in the 120-strong NA[1] (13,3% – 16,7% shy of the SADC benchmark of 30%) (Lowe Morna 2005). Although this represents a

Table 4
Gender Representation in Lesotho's National Assembly, 1965-2007

Year	Size of Parliament	Men	%	Women	%
1965	65	65	100	0	0
1970	65	65	100	0	0
1993	65	62	97	3	4.9
1998	80	77	66.3	3	3.7
2002	120	105	87.5	16	13.3
2007	120	101	77.0	19	23.0

Source: Letuka, Mapetla & Matashane-Marite 2004, p 37 (updated by author)

substantial increase from 1998, the number of women in the NA still remains low in relation to regional and continental commitments to gender parity in key governance institutions.

Of the 16 members of the NA 12 were elected on the basis of the FPTP system under the ticket of the ruling Lesotho Congress for Democracy (LCD) and four through the party-list PR (3 representing the Basotho National Party and 1 the Basutoland African Congress). Although the representation of women in Parliament increased in absolute and percentage terms after the 2007 general election it is still far shy of both the SADC target for 2005 and the current commitment towards 50 per cent representation of women in the legislature championed by both SADC and the AU.

The Impact of MMP on the Proportion of Women in the Lower House

Data in Table 3 suggest that the introduction of MMP in Lesotho has had an indirect impact on the number of women in the NA. However, it is worth noting that the largest proportion of women represented in Parliament entered the house through the FPTP tier of the MMP. Thus, on its own, MMP may not necessarily facilitate Lesotho's achievement of the required gender parity in governance institutions. The characteristics of MMP cannot, on their own, ensure gender parity. There are three reasons for this.

1 However, this number is increased to 17 by virtue of the fact that the Speaker of the National Assembly, Nthloi Motsamai, is the first woman to hold this position. Only two countries in SADC (Lesotho and South Africa) have woman speakers in their national assemblies.

Firstly, the electoral formula used is a purely technical calculation intended to translate votes into seats without regard to gender as a specific consideration. Secondly, given that there are no gender quotas, the nomination of candidates for the FPTP and PR tiers of the new model does not take into account gender considerations. Thirdly, it was widely assumed that, in theory, the closed party list component of the new system would allow the party leaders to ensure an equitable gender mix, which, in turn, would lead to more women occupying seats in the NA. However, there seems to be little political commitment to gender parity on the part of the political leadership. That, in part, explains why women occupy only four of the 40 PR seats (10%).

Other Variables Influencing the Proportion of Women in the NA

One of the underlying principles of democratic governance is inclusiveness. In other words, one of the indicators for judging the democratic credentials of a governance regime is the extent to which it is generally inclusive of all social groups in the country. The significance of empowerment of women and protection of their rights to democracy cannot be overemphasised (see Lowe Morna 2004, 2005; Geisler 2005).

It should be borne in mind that Lesotho has committed itself to achieving the UNDP's eight millennium development goals, goal 3 of which commits state parties to 'promote gender equality and empower women and eliminate gender disparity in primary and secondary schooling, preferably by 2005 and no later than 2015' (UNDP 2005, p 39). One way to ascertain the democratic content of Lesotho's governance process, therefore, is to inquire into the degree to which gender equality exists.

Gender equality may be measured by the degree of participation of women in the governance process as well as the extent to which the rights of women are promoted and protected. The vital role of women in governance and development in Lesotho cannot be overemphasised, particularly since women constitute a majority (54%) of the country's population, women are more literate (80%) than their male counterparts (61%), and, historically, Lesotho's agrarian economy has remained the preserve of women, as most men have tended to seek wage employment on the South African mines.

Lesotho has committed itself to the following conventions which embrace gender equality:

- The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) 1979.
- The Beijing Declaration and Platform of Action 1999.

- The SADC Declaration of Gender & Development 1997.
- The AU Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003.

The signing of international and regional protocols is one thing, putting these conventions into law, political culture, and policy practice at the national level is quite another. Thus, the absence of a gender policy militates against the effective translation of protocols into policies, programmes and strategies for the empowerment of women and the promotion and protection of their rights.

In particular, Lesotho must endeavour to adhere to the 1997 SADC Declaration, the implementation of which was given further impetus by the SADC Regional Indicative Strategic Development Plan (RISDP) of 2003. RISDP sets out SADC's overall goal in relation to gender equality and development as 'the achievement of substantive equality between women and men in the SADC region, through mainstreaming gender into all national and regional policies, programmes and activities, and the adoption of positive measures to accelerate progress in this regard' (SADC 2003, p 77). Priority areas for the achievement of this objective are: (a) gender policy and institutional frameworks; (b) women's human and legal rights, including the elimination of violence against women; (c) gender mainstreaming; (d) access to, and control of resources and (e) access to key political and decision-making positions (SADC 2003, p 77). In respect of (e), SADC member states have committed themselves to achieve the following percentages of women:

- At least 30 per cent in decision-making positions in local government, Parliament, Cabinet and senior positions in the public sector by 2005, or affirmative action measures in place to accelerate the attainment of this target.
- At least 40 per cent in decision-making positions in local government, Parliament, Cabinet and senior positions in the public sector by 2010, or affirmative action measures in place to accelerate the attainment of this target.
- At least 50 per cent in decision-making positions in local government, Parliament, Cabinet and senior positions in the public sector by 2015, or affirmative action measures in place to accelerate the attainment of this target.
- At least 20 per cent in decision-making positions in large private sector firms as defined by member states by 2005, 30 per cent by 2010 and 40 per cent by 2015.

SADC 2003, p 79

The only sphere in which Lesotho has been able to achieve 30 per cent of women's representation in decision-making processes is in local authorities, following the reforms instituted since 1994 and the 2005 local government elections. With regard to the executive branch of government as well as the legislature (especially the NA) the country still lags far behind its international commitments. This means that at the level of central government (Cabinet and legislature) Lesotho has failed to meet the SADC benchmark. The question remains, then, whether or not, having failed the first stage, Lesotho will be able to meet the SADC target of 50 per cent representation of women in all spheres of public policy making?

Additional factors may explain the low participation of women in politics and the legislature in Lesotho. The legal systems in Africa in general, and Lesotho in particular, inhibit women's participation, both by design and by default. Almost all Southern African states have a dual legal system encompassing both customary and civil law. Both systems consider women as minors and thus reinforce the socially constructed patriarchal ideology and inhibit women's active participation in politics. Under customary law a woman is under the guardianship of her father before marriage. Upon marriage the guardianship transfers to her husband and, in the case of her husband's death, to the husband's heir and/or the paternal male affine (Pule & Matlosa 1997, p 30; Letuka, Matashane & Morolong 1997, p 20). What this suggests is that 'at law she is not a person with full legal rights, since she would have to be assisted if she wants to sue, or be sued in the courts. This makes a woman dependent on others in the management of her affairs' (Letuka, Matashane & Morolong 1997, p 20). Under customary law, therefore, a woman is a perpetual minor.

Under civil law a woman is a minor until she reaches the age of majority (21). After that, provided she is unmarried, a widow, or married in community of property, a woman is considered a major under civil law. In these circumstances she 'would be regarded as a person who is fully capable of handling the affairs of her life without permission or assistance from anyone' (Letuka, Matashane & Morolong 1997, p 20). The combination of the legal system and patriarchal ideology has had a cumulative effect of low participation of women in Lesotho's political affairs. Basotho women play an insignificant, if tangential role in politics in general and the legislature in particular. Not only are their numbers in leadership positions in political parties low, their influence is insignificant. The same is true of the gender complexion of Lesotho's national Parliament: women remain a silent minority in both houses (Letuka, Mapetla & Matashane-Marite 2004).

Lesotho's political system has generally been marked by instability and violence. Given this and the zero-sum nature of the political game in the country, plus the marginalisation of the gender question in the national political discourse, women have not been involved. The inherently adversarial nature of politics has

caused it to be considered a male sphere, with women relegated to the relatively less violence-ridden economic and domestic realm.

The patriarchal nature of the state system perforce excludes women from participating effectively in the governance process. Male domination of society and politics is profound and is compounded by a socialisation pattern that inculcates cultural norms which perceive boys and men as dominant actors in society and girls and women as subordinate. The combination of patriarchy and male-driven socialisation patterns runs counter to democratisation and, in part, explains the marginalisation and disempowerment of women by the FPTP system.

The fact that the PR tier of the Lesotho MMP has done little to ensure that the party list is gender sensitive is due, in large measure, to pervasive sexism and gender discrimination within parties. Without a political commitment to gender parity and the institution of gender quotas both within parties and in the NA no electoral mode is likely to be effective in realising gender parity in key governance institutions in line with SADC and AU commitments. Political party leadership structures are dominated by males, who often man the gates for entry into all layers of these institutions. Thus, women hardly feature in the leadership structures of parties. Table 5 clearly demonstrates this fact. Male leadership also extends to party executive committees.

Table 5
Executive Committee Membership of Selected Political Parties by Gender, 2004

Party	Executive Committee members	Gender	
		Male	Female
BNP	18	13 (61,6%)	5 (38,4%)
MFP	18	8 (44%)	10 (66%)
BCP	13	12 (2,3%)	1 (7,6%)
LCD	15	13 (6,6%)	2 (15,3%)
LPC	9	9 (100%)	0
BAC	11	9 (81,8%)	2 (18%)
KBP	9	4 (45%)	5 (55%)
LWP	9	5 (55%)	4 (45%)
PFD	9	7 (77,8%)	2 (22,2%)

Source: Letuka, Mapetla & Matashane-Marite 2004, p 40

This trend is a clear manifestation of a lack of internal democracy within parties as well as a lack of commitment to gender equality on the part of party leadership structures. Thus, given the zero-sum nature of the FPTP system, when it comes to nomination of election candidates party leaders would prefer to field male rather than female candidates, who are conveniently seen as a political liability in the high-stakes contest for the control of state power.

In addition, candidates for national elections are generally selected by means of primary elections within parties and it is at this stage that the exclusion of women starts, so it is not possible to include them in later stages of the electoral process, unless they stand as independent candidates.

For this reason it is important to institutionalise gender quotas both at party and at legislature level. Generally, there are two types of quotas, voluntary party-based quotas and mandatory quotas.

> Voluntary quotas are usually introduced by political parties under their own initiative either provided for in the party's policy documents and practices or because of the 'goodwill' of the party leadership. The Party is not bound by any legislation to implement the provision … There are two types of mandatory quotas: legislated quota and the constitutional quota. The former is introduced through legislation that reserves a certain number of seats for women in political bodies and requires that all political parties have a certain number of women on their electoral ballot … Constitutional quotas, … are provided for in the constitution, which is the highest law of the land and cannot be overridden by any statute. This quota is mandatory and binding on all parties and the government of the day.
>
> Kethusegile-Juru 2004, pp 22-3

Until fairly recently Lesotho had neither voluntary nor mandatory gender quotas except in respect of representation in local government authorities, elections for which are run on the basis of the FPTP system. Since the 2005 local government elections legislation has been introduced compelling the Independent Electoral Commission (IEC) to reserve 30 per cent of the 1 272 electoral divisions for women (Shale 2005). If gender parity is to be fully realised it is imperative that the mandatory gender quota be extended to the National Assembly as well.

CONCLUSION

While the link between an electoral system and gender equality in electoral politics and women's representation in Lesotho's National Assembly is well established,

other factors do play a role. While the FPTP system is considered to contain an inherent disincentive for the representation of women the proportionality introduced to the Lesotho electoral model with the adoption of MMP also failed to increase women's participation to the level required by Lesotho's commitment to the regional benchmarks. Following the election of February 2007 Lesotho falls short of the regional commitment of 30 per cent of women in Parliament and is unlikely to achieve the 50 per cent benchmark. This suggests that while electoral systems do influence women's involvement in politics and representation in parliaments, there are other crucial factors. These include the political culture, political socialisation patterns, the degree of intra-party democracy, the political commitment of the political leadership, and specific quotas for women.

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THE CHALLENGE OF POLITICAL LEGITIMACY POSED BY THE 2007 GENERAL ELECTION

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ABSTRACT

The placing of electoral democracy at the top of the SADC agenda is steadily beginning to pay dividends – Swaziland is the only country in Southern Africa which does not hold democratic elections. Since democratisation in 1993 Lesotho has held four elections. This paper considers the 2007 election, discussing the electoral process and the subsequent challenges to its legitimacy. The argument advanced is that conflict and contested election outcomes threaten the legitimacy of elected authorities and tend also to threaten the stability of the country's political system. The institutionalisation of political conflict resolution based on dialogue and tolerance seems to be the preferred way to tackle these problems. Lesotho must embark on deliberate transformation to strengthen the institutions of democracy in order to accommodate emerging political attitudes.

INTRODUCTION

Post-colonial Southern Africa has made significant strides in transforming from unelected governments and war to electoral politics, peace, and security. The transition in the Democratic Republic of Congo (DRC) marked by the recent elections rekindled hope that Southern African leaders can successfully guide the region towards the stability needed for development.

All countries in the region, except Swaziland, have elected governments and no country is at war either with its neighbour(s) or internally. Despite this remarkable progress, however, the region is far from peaceful. In several countries election results have been challenged, in some cases with resultant violence and fierce political tension. Even where election results are accepted elements of discontent are expressed in one way or another.

Lesotho's experience is no different; in fact, it has become the norm for the country's elections to be followed by disputes. Election related disputes deny

Southern African Development Community (SADC) countries the leadership consensus necessary to realise various development plans at both national and regional levels. It is, therefore, important to analyse critically issues surrounding electoral processes, not only to get to the core of the problem but also to come up with recommendations which inform the agenda of democratisation. This paper seeks to analyse Lesotho's 2007 electoral process in the context of three Cs, namely, Conflict, Competition and Cooperation. It also seeks to answer two questions:

- Did the 2007 electoral process offer Basotho voters a free choice?
- Has the process given legitimacy to the incumbent government?

As its title suggests, the paper does not deal with well-known facts about the election, instead it analyses the electoral process and outcomes in order to contribute meaningfully to the robust debate aimed at improving the situation.

CONCEPTUAL FRAMEWORK

Election process refers to activities which give the electorate the opportunity to choose those who will govern it. These activities are guided by the political system enshrined in the laws and are dependent on the general political and economic atmosphere within which elections take place.

Legislation, together with the conduct of participants, determines whether or not elections are free and fair. While the essence of elections is contest, what is less obvious is whether that contest is a competition or a conflict. Whatever the case, cooperation is the best form of interaction in any election. Familiar though conflict is, it is assigned different meanings in different contexts by different parties. On the one hand it is an incompatibility of aims, goals, or interests of opposing parties, on the other, it refers to an injury, damage, frustration and destruction inflicted on other parties. While conflict is about struggle over who gets what, it is not inherently negative. When the attempts by party A to achieve its goals hinder or minimise the chances of party B conflict exists and it is a matter of choice whether that conflict is resolved violently or amicably.

Competition, on the other hand, refers to a form of conflict in which parties seek to improve their relative positions – it is positive conflict in contrast to negative conflict, where winning is synonymous with eliminating or damaging the opponent. In competition the aim of each party is to improve its image and performance. The net effect, therefore, may be an improvement in the quality of product delivered to the consumer. In elections competition may therefore result in political developments which address a country's socio-economic problems.

How and why does an electoral contest eventually become either a competition or a conflict? The skewed possession and control of resources may shift

an electoral process into a conflictual encounter. What is at stake is not only high office and its attendant benefits but also the relative advantages of the contestants.

Institutional and legal arrangements governing the electoral process should be set with the intention of enhancing cooperation among stakeholders and making the process competitive rather than conflictual. In many countries elections have resulted in substantial loss of innocent lives, damaged property, heightened political tension and deepening economic crises. This has certainly been the case in Lesotho – with 1998 marking the peak of violence. The capacity of institutions to promote competition, manage conflict, and enhance cooperation has been a key issue in all election related disputes.

Peaceful elections are rare in Southern Africa and the absence of observable violence is not the only criterion for judging whether or not an election has been peaceful. Peace can be differentiated into negative peace, referring to absence of war; positive peace, a condition in which social and economic justice and wellbeing are ensured for all; and internal peace, referring to a condition of inner harmony in the individual.

Analyses of electoral processes may, therefore, be naïve and serve a very limited purpose if they are based on observable violence alone. Violence has two dimensions – direct and structural. The former refers to physical injury or the threat thereof, while the latter is about laws, structures, norms, and practices that inflict damage by depravity or denial. It is critical to examine the laws and institutions governing the electoral process to establish whether they are capable of managing conflict and transforming it into competition. In other words, are existing laws, practices and institutions facilitating cooperation; are they discouraging or promoting violence in its all forms? It is these elements that determine whether an election process is peaceful and the outcome perceived as credible.

International standards for the conduct of elections, which should be incorporated into national legislation, seek to promote harmony and enhance the cooperation necessary for free and fair elections. Within this conceptual context this paper analyses the electoral process and outcome of the 2007 general election in Lesotho.

CONTEXTUAL FRAMEWORK

Post-colonial Lesotho, like many African countries, has grappled with the challenges of democratisation in the context of traditional society and of harmonising traditional and modern leadership. Lesotho, with its limited economic base, continues to experience divisions of privilege and inequality of capital and other productive assets within its society, a factor that has a significant impact on both the process of elections and the way the results are perceived.

Table 1[1]
Responses to Elections in Lesotho

Election period	Verdict	Response
1965	BNP* 31, BCP* 25, MFP* 4	Three court cases, one dismissed by the court, election reruns ordered in two cases
1970	BCP 36, BNP 23, MFP 1. BNP seizes power and declares state of emergency	BNP, BCP, MFP and UDP* leaders declare results null and void; political violence and instability follow
1985	BNP returned unopposed	Only BNP regards the process as legitimate
1993	BCP wins all 65 constituencies	28 cases filed, all dismissed by court though not pursued to finality by petitioner (the BNP)
1998	LCD* wins 79 and loses 1 constituency to the BNP	Court cases superseded by Langa Commission of Inquiry
2002	LCD wins 79 seats, other parties 9	9 cases, all dismissed by court. Petitioners do not pursue them to finality.
2007	LCD wins 62 seats, other parties 11	6 cases dismissed by court while the controversial seats allocation case is pending.

Source: Mohau 1998; High Court records 1993, 2002-7
*BCP Basotho Congress Party; BNP Basotho National Party; LCD Lesotho Congress for Democracy; MFP Marematlou Freedom Party; UDP United Democratic Party

Since the country's first election the losing parties have been unable to accept defeat and the intensity of resistance has deepened when losing parties have been left out of Parliament completely.

Each election in Lesotho has been followed by court cases and other challenges to its legitimacy but, as Table 1 indicates, in more than 40 challenges since 1965 the court ordered reruns of only two elections, the remainder of the cases being dismissed, few of them on their merits. A number of petitioners either withdrew or abandoned their cases. As a result the cases have proved of little value to the development of the electoral process.

Why would petitioners seek to withdraw cases they filed so enthusiastically? Can it be true that losing parties institute cases as a face-saving strategy or is the reason for the withdrawal diminishing hope and confidence in the judicial system?

1 As a result of the destruction of some High Court records during the political turmoil of 1998 details of the petitions of 1993 and 1998 are unavailable.

Part of the answer may be found in the 1998 post-election political turmoil and its effect on electoral politics in Lesotho.

Since 1965 opposition parties have questioned the legitimacy of the incumbent government. Their objections have been expressed in various ways, all of which have had a negative impact on the stability of the kingdom. The 1994 intra-military cross fire, the displacement of the BCP government by the king, and the 1998 military intervention by South Africa, later joined by Botswana at the invitation of the government, are examples of the effects of post-election disputes.

Despite this history little has been done to engage in institutional development to build a strong foundation for democracy. The 1998 crisis, which marked the climax of political instability in the country, led to the establishment of an Interim Political Authority (IPA). This body, the product of a diplomatic peace process brokered by South Africa, consisted of all the parties that had contested the election. The achievement of the IPA was the introduction of the mixed member proportional (MMP) electoral model. The 2002 election, in which the MMP model was used for the first time, was the least controversial election to date, despite a few objections. This success, however, was short lived.

THE 2007 ELECTORAL PROCESS AND ITS OUTCOME

The Pre-election Phase

The first controversial issue in the period before the 2007 election was an amendment to the Constitution extending the term of office of the two Independent Electoral Commission (IEC) commissioners from three to five years. Party leaders wanted both commissioners to leave office, but the government proposed releasing one and keeping the other to provide continuity. The government position prevailed and the opposition parties regarded the move as the first attempt to compromise the fairness of the election. The polarisation of government and opposition on this matter shook voter confidence in the electoral management authority.

The pre-election period was preceded by some intractable intra-party battles, which led to several acts of violence and intimidation.

- The shooting of the foreign affairs minister on his return from his party's annual conference. The minister described this as an inside job, although the party's secretary general denied that any party members were connected with the act.
- A petrol bomb and a letter containing a death threat were placed at the gate of a leader of a BNP faction disillusioned with its leadership.

- The cold-blooded murder of a former BNP deputy leader and MP at his gate only hours after the leader of the BNP and other senior party members had been suspended from Parliament for what was termed un-parliamentary conduct. Although some have accused the BNP of the attack, to date no perpetrators have been identified.

These violent incidents raised eyebrows as the election approached. It seemed as though instead of ballots the country was headed for more bullets. The struggle within the large parties increased and it seemed the centre would not hold. The result was that the main parties disintegrated into splinter parties with the split in the ruling LCD giving rise to the All Basotho Convention (ABC), the BNP split producing the Basotho National Democratic Party (BNDP), and the Basutoland African Congress (BAC) spawning the Basutoland African National Congress (BANC), although too late to contest the election.

These breakaways led to a fiercely contested snap election after the ABC placed enormous pressure on the LCD, necessitating the early dissolution of Parliament and putting all the parties under severe pressure. The IEC's institutional capacity was stretched to the limit, which made voter registration, in particular, a challenge – cameras malfunctioned, opening times at registration centres were irregular, and IEC clerks failed to carry out their tasks effectively.

The preliminary voters' roll produced for public scrutiny did not arrive at the centres on the scheduled days, which caused considerable inconvenience. When the roll was finally displayed many names, particularly those of newly registered voters, were missing, some did not have photographs appended, and many other errors were detected.

At the time it was clear that the IEC was overwhelmed and neither the commission nor the parties was able to sort out the confusion or restore confidence that the election would be well conducted.

The behaviour of the parties was far from acceptable, with fermenting anger between and among parties expressed in harsh and at times vulgar and inflammatory utterances by party leaders. Although all parties subscribed to the code of conduct intended to promote a climate of tolerance and political activity without fear, intimidation, and violence, they did not follow its dictates.

The most significant development before the election was the establishment of electoral pacts, notably between the ABC and the Lesotho Workers' Party (LWP), the LCD and the National Independence Party (NIP) and the Basutoland African Congress, the Lesotho Peoples' Congress and one faction of the BCP.

Because these alliances determined how the parties participated in the elections and this approach had a major impact on the application of the electoral model, it is appropriate to examine them closely.

Table 2
Interpretation of Pre-2007 Electoral Pacts

Pact	Description	Effect on MMP
ABC/LWP	Parties agreed that the ABC would field 79 candidates in constituencies and not submit a party list while the LWP would field one constituency candidate and submit a party list containing names of ABC members. A MoU was signed but the IEC was not informed. The ABC leader appeared on the LWP list.	The compensatory function of the model was deliberately disabled and turned into a parallel system.
LCD/NIP	Parties agreed the LCD would field 80 constituency candidates and not submit a party list while the NIP would submit a party list that included LCD members. A MoU was signed but the IEC was not informed. LCD members appeared on the NIP list.	The compensatory function of the model was deliberately disabled and turned into a parallel system.
BAC/LCP/Mahatammoho a Poelano	Parties agreed to tackle election as a collective. The coalition was registered at the law office of the Alliance of Congress Parties and the IEC was notified.	Preserved the nature of MMP.

The first two pacts undermined the electoral model as the bigger parties, the LCD and the ABC, used the smaller parties, the NIP and the LWP, to secure proportional representation (PR) seats without reference to the number of seats they won in the constituency race, bypassing the compensatory mechanism which is at the heart of Lesotho's MMP system and making the whole allocation questionable. Leaders of the LCD, the ABC, and several other members of the parties appeared on the lists of the two smaller parties.

The LCD won 62 constituencies while its alliance won 21, effectively giving the party 83 seats. The ABC won 17 constituencies and the alliance 10, effectively giving the party 27 seats. While the LCD and the ABC are equally culpable in the assassination of the model, the LCD is the government and governments born of a disputed allocation suffer from crises of legitimacy. Members of the LCD, including the party's treasurer, who entered Parliament through the NIP list, and who, in terms of the law, are deemed to be members of the NIP, serve in the LCD government. Although the LCD commands the necessary majority to rule on its own, its cooperation with the NIP makes the description of Lesotho's government as a coalition inescapable. The presence of ABC and LCD leaders on the party lists of their partners was in the nature of an insurance policy. If they lost in their constituencies the leaders would still make it to Parliament. It is surprising that those parties which deliberately structured alliances that undermined the compensatory element of the MMP, with its broad national benefit, ensured they would be compensated, with the benefit limited to their leaders.

Another important point is the way the Popular Front for Democracy (PFD) approached the election. All but one of its candidates stood as independents – the one who did not had registered by default as a party candidate. Effectively this also undermines the model in that the PFD's PR seats would be allocated without reference to any constituency seats these 'independent candidates' won. They would then join the party by crossing the floor after the election.

The first challenge to the legitimacy of the LCD/ NIP pact was launched by the leader of the NIP, veteran politician Ntate Anthony Clovis Manyeli, whose name did not appear on the list the NIP submitted, while that of the leader of LCD did. Manyeli won the High Court case challenging the party list the NIP had submitted to the IEC but lost on appeal. Although he has not abandoned his fight, it remains, at this point, only a political battle.

It must be noted that the situation within the NIP, particularly between its leader and its National Executive Committee, has been detrimental to the country's political stability. Unless mediation is facilitated between the parties involved the NIP will be unstable and will remain a political test case for distortion of the electoral model, the definition of leader of the opposition, the problems inherent in the formation of coalitions, and a number of other post-election uncertainties.

Proceedings before the nomination court, which involved supporters of all the parties, were peaceful, enthusiastic, and colourful. Anticipating potential tensions the United Nations Development Programme (UNDP) and the IEC held a conference on tolerance which allowed political leaders to focus on what participants in the election needed to do to ensure that the process was peaceful. Among the participants were security organs.

Despite the provisions of the electoral law giving all parties equal access to state radio and television during the election campaign only the leader of the ruling party featured on state-owned radio and television news and current affairs programmes until a media liaison committee established by the IEC intervened. Both print and electronic media worked closely with the IEC to disseminate information, including voter education. Non-state radio stations, however, were inclined to give coverage to opposition parties.

The failure of the media to give time to candidates they consider to be non-viable deprives voters of the opportunity to hear stimulating debate and is detrimental to democracy in that it curtails the free and informed participation of the electorate.

In Lesotho parties are not financed from a consolidated fund, so they are forced to find their own ways to finance their daily functions. The electoral law provides that a party that receives a donation of more than M20 000 for an election campaign must declare it. Although it is believed that parties receive external assistance no single political party has declared such assistance to the IEC.[2]

In 2007 the government provided a campaign fund of M250 000, which the IEC administered. This arrangement was a government decision and not a provision of any law. Again this fund was limited to funding party campaigns. Only ten parties met the minimum requirements set by the parties themselves for access to the fund. The major criterion was that a party should have submitted a PR party list. Each party must pay M8000 upfront when it submits its list. M200 was made available to each constituency candidate but smaller parties which were not able to raise the M8000 needed for submission of a party list had no access to the campaign fund. The question of campaign funding is crucial, giving rise, as it does, to a great deal of the anger that culminates in a refusal to accept election results

Although it is important to regulate campaign funding such regulations must not be used to inhibit access to funding. Relatively well resourced parties like the ABC and the LCD had an advantage over those like the Kopnang Basotho Party,

2 According to the IEC's deputy director some parties took money in 2002 but failed to use it for their campaigns. In order to prevent this, the parties agreed that only parties which submitted party lists would receive funding.

the United Party, and the Lesotho Education Party, which received no funding as they had not submitted party lists.

As pointed out elsewhere, incumbency gives the ruling party an unfair advantage and the fact that in addition to this advantage the ruling party also has access to the campaign fund appears to be a form of structural violence, with the law used to improve the position of one party to the detriment of others. This imbalance makes it extremely difficult, if not impossible, for a poorly resourced opposition to mount a massive campaign to unseat an unpopular but well resourced party.

The rushed pre-election period in 2007 also affected the voter education carried out by the IEC and various non-governmental organisations (NGOs) and many voters went to the polls without fully understanding the coalitions and their implications.

The Election Phase

Election day went off peacefully, with no reports of intimidation. There were sufficient polling stations to enable an even distribution of voters. The voting procedures ensured the secrecy of the ballot and illiterate voters and those with disabilities were allowed to have people of their choice helping them.

In some centres voting started late because election materials had not been received and there were reports of insufficient materials in some centres. Names of some registered voters were missing from the voters' roll altogether, others, which appeared in the copies of party agents, did not appear in that of the presiding officers. In the latter cases those who went to the district offices were given certificates allowing them to vote.

Counting was done in the presence of party agents and observers. Since 1993 electoral staff have tried to complete the counting and submit the results from polling stations to the constituency centres on the same day, thus facilitating the speedy release of results. In 2007, however, it appeared that the process was deliberately delayed, with results only being delivered on the following day – a negative development which potentially threatens the security of the process.

The Post-Election Phase

The post-election phase is the most important stage of the electoral process, including, as it does, the announcement of the results. In Lesotho this is a transparent and inclusive process. After counting, results are announced at the polling station and then sent to the constituency office. After computation of the results from polling stations the constituency results are determined, announced,

and sent to the district office, then to the Results Coordination Committee in Maseru, where they are handed to the commissioners.

This process minimises the chances of commissioners handling the results in the absence of the committee.

Table 3
Allocation of Parliamentary Seats 2007

Party	Constituency	Total votes	Compensatory seats	Final allocation
Alliance of Congress Parties	1	20 263	1	2
All Basotho Convention	17	–	0	17
Basotho Batho Democratic Party	0	8 474	1	1
Basutoland Congress Party	0	9 823	1	1
Basotho Democratic National Party	0	8 783	1	1
Basotho National Party	0	29 965	3	3
Lesotho Congress for Democracy	61	–	0	61
Lesotho Workers Party	0	107 463	10	10
Marematlou Freedom Party	0	9 129	1	1
National Independent Party	0	229 602	21	21
New Lesotho Freedom Party	0	3 984	0	0
Popular Front for Democracy	0	15 477	1	1
Total	**79**	**442 963**	**40**	**119**

Source: Independent Electoral Commission

There is little consensus about exactly how many seats each party won. Some people maintain that the ABC should be considered together with the LWP and the LCD with the NIP because they contested as a collective, not as separate entities. This disagreement is part of the broader debate about whether MMP was properly applied in the 2007 general election. It is argued that the pre-election pacts made it impossible for the model to be applied.

Although almost all the observer missions (from the Commonwealth, SADC, SADC Parliamentary Forum, EISA, the AU, and the Lesotho Council of NGOs)

applauded the conduct of the election some concerns were raised, the major one being that the MMP model is under siege and must be rescued. This issue remains unresolved despite the intervention of the former president of Botswana, Sir Ketumile Masire, sent by SADC to meet political leaders, churches, NGOs and government.

The election of the Speaker and her deputy from among the LCD MPs was seen by some as an erosion of necessary checks and balances and of the autonomy of the position of Speaker. Others disagreed, arguing that it is quite possible for the Speaker to be objective, despite her party affiliations.

The attempt by a coalition of parties – the ABC, LWP, BNP, and MFP – to have the leader of the ABC recognised as the official leader of the opposition in terms of the Members of Parliament Salaries Act was scotched by the Speaker, adding further tension to the already hostile post-election situation. The Speaker is demanding that the coalition be registered before it can be recognised as the official opposition.

Since neither the Constitution nor the relevant Act contains the definition of a coalition, this is yet another conflict that will have to be resolved either through talks or by the courts.

THE OUTCOME OF THE 2007 GENERAL ELECTION

The 2007 election, like all post-independence elections apart from that of 2002, generated conflicts for the resolution of which institutional capacity is insufficient. As Duvenhage argues, when political dynamics surpass the capacity of the political institutions intended to manage them instability and anarchy will ensue, culminating in political decay.

The snap election placed the institutional capacity of the IEC under serious stress, pressured political parties, and curtailed the capacity of NGOs to reach out to the community, a situation which has created tension among the participants and has placed the IEC under attack. This inability to resolve misunderstandings has meant that Lesotho's elections have become more about conflict and less about competition, with the aim being to eliminate rather than challenge opposing parties.

The question posed by this paper was whether the 2007 general election gave voters a free choice and legimated government. With confidence it can be said that the answer to the first is 'Yes'. But in light of the circumstances it is hard to be positive about the second. Since February 2007 Lesotho's government has been viewed as being a coalition government in disguise. The controversy surrounding the allocation of seats may only be adequately addressed through political dialogue.

CONCLUSION AND RECOMMENDATIONS

The pre-election phase of the election, the first snap election in Lesotho's history, challenged the institutions charged with election management, democracy and governance. It was marked by a number of violent incidents and by conflict between the political parties and the government over key issues, including the expiry of the term of office of the commissioners.

The formation of various electoral pacts prior to the election had both positive and negative impacts on electoral politics in the country. The positive impact was that some parties with similar policies came together to tackle elections as an entity, following formal procedures to establish alliances and registering the alliance with the IEC. The negative impact was that some alliances were formed solely to undermine the MMP system, thus resulting in controversy over the allocation of seats and the legitimacy of government.

Although election day was peaceful, the disharmony that had characterised the pre-election period resurfaced immediately after the election in relation to the contested allocation of seats.

Demonstrations and stay-aways were staged by the opposition, the involvement of the military, and the Speaker's refusal to grant a coalition of opposition parties the status of official leadership of the opposition have clouded the post-election period and the mediation process brokered by SADC and led by Sir Ketumile Masire to resolve the question of allocation of seats has been halted by the ongoing court cases.

In order to resolve the question of legitimacy and other ancillary problems in Lesotho the following recommendations are made:

- The seats allocation issue must be taken up by experts, with a view to resolving it, thereby preserving the MMP model. In the interests of the model, which may be deformed by court judgements, it is recommended that government and the opposition parties reach a compromise position in which government commits to genuine dialogue and pledges to facilitate legislation which will safeguard the model. The opposition must accept that the outcome of any deliberations will not affect the current allocation. This would mean that the 2007 allocation would merely serve as a case study.
- Party coalitions of a size laid down by law should be granted the status of official opposition.
- If Lesotho is to use the lessons learned from the pre- and post-election conflict of 2007 to build a reputable electoral process, transformation is a necessity. Political parties must institutionalise democracy within

their own structures and create structures to deal constructively with conflict.
- The capacity of the IEC to deliver a snap election must be reviewed.
- Political institutions must be created to accommodate and grow with the changing political attitudes of the people of Lesotho. The country cannot afford to suppress increasing political participation by using established institutions of governance. Unless the institutions are open to and accommodative of change the forces of change will see them as obstacles and will find ways to remove them. This negative development will cause instability and, eventually, political decay. The collapse of systems in failed states like Zimbabwe is basically a failure of political leadership to manage change.

There is no doubt that the understanding among the Basotho of democracy and how it should work is growing rapidly. It is preferable to embark on institutional transformation than to engage in praetorian politics in which, in order to achieve normality, there has to be military engagement.

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THE ROLE AND POSITION OF CIVIL SOCIETY ORGANISATIONS IN LESOTHO'S DEMOCRATISATION PROCESS

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ABSTRACT

This paper assesses the role and position of civil society in Lesotho's democratisation process by interrogating the mandate and functions of civil society organisations from immediately before the transitional elections of 1993 to the recent 2007 polls. While acknowledging the pro-democracy activities of civil society we argue that because of its failure to observe the theoretical civil-political divide its role in democratisation has been ambivalent. While in some cases it has been propitious for democratisation, in others it has tended to undermine the process. We conclude that not only should civil society position itself outside the political realm, although we admit this is not easy to do, but that political society should accept and tolerate civil society as an indispensable partner in the democratisation process.

INTRODUCTION

In this third wave of global democratisation no phenomenon has more vividly captured the imagination of democracy scholars, observers, and activists alike than 'civil society'. What could be more moving than the stories of brave bands of students, writers, artists, pastors, teachers, labourers, and mothers challenging the duplicity, corruption,

> and brutal domination of authoritarian states? Could any sight be more awe-inspiring to democrats than the one they saw in Manila in 1986, when hundreds of thousands of organized and peaceful citizens surged into the streets to reclaim their stolen election and force Ferdinand Marcos out through nonviolent 'people power'?
>
> Diamond 1994, p1

Although the author wrote over a decade ago, the above quotation is instructive for the purpose of this paper, capturing the essence of what has been dubbed the 'civil society argument' (Walzer 1992), the argument that civil society plays a pivotal role in the democratisation process.

The argument has been defended ably by numerous democratic scholars, invoking it in different parts of the world in an attempt to highlight what civil society can do and, indeed, has done to make democratisation possible in what were hitherto authoritarian political systems. One analyst has gone as far as to say: 'No civil society, no democracy' (Fan 2004, p 165).

The main thrust of this argument is that 'a dense network of civil associations promotes stability and effectiveness of a democratic polity through both the effects of association on citizens' "habits of heart" and the ability of associations to mobilize citizens on behalf of public cause' (Foley & Edwards 1996, p 38).

According to the civil society thesis civic activism can generate democratic regime change' (Yom 2005, p 1). Civil society undermines authoritarian rule, fosters a democratic polity, and improves the quality of governance (White 1996, p 185). It is credited with having resisted authoritarian regimes in Latin America and Eastern Europe as well as democratising from below in these parts of the world by putting pressure on these regimes to change (Foley & Edwards 1996). African civil society has also played a pivotal role in the continent's democratisation. For Gyimah-Boadi (1996, p 118), 'among the forces that dislodged entrenched authoritarianism in Africa and brought about the beginnings of formal democracy in the early 1990s, the continent's nascent civil societies were in the forefront'.

In line with the civil society thesis this paper maintains that civil society has a positive role to play in the process of democratisation. We note, however, that the validity of the thesis should not be exaggerated: there are cases in which civil society has not been able to produce democratic outcomes. Yom (2005, p 1), for instance, contends that the argument for civil society does not hold in the Arab world, arguing that the expansion of civil society has not been able to democratise the political systems there, but has, instead, been used by autocratic rulers as a strategy to perpetuate repression.

Our approach is circumspect, leaving room for guarded optimism and cautious pessimism. It is an approach that allows us to appreciate both successes

and failures in the nebulous civil society-democracy nexus. We agree with White (1996, pp 192-207) that the ability of civil society to promote democratisation as a process and democracy as a preferred system of government is dependent on the nature of the state (democratic or authoritarian), the level of the elite's commitment to democracy – both within civil society itself and within the state, and the level of economic development and industrialisation.

With this in mind the task of this paper is to answer the following questions: What has been the role and position of civil society in Lesotho's democratisation in general and the 2007 electoral process in particular? What contribution has civil society made to the management of pre-election and post-election conflict? It is imperative to conceptualise democratisation and civil society as we do below.

CONCEPTUALISING CIVIL SOCIETY AND DEMOCRATISATION

The concepts of civil society and democratisation are key to this paper, with the latter less problematic than the former. Democratisation has been defined as ' a long process that takes several generations to achieve; it begins with political challenges to authoritarian regimes, advances through political struggles for liberalisation, requires the installation of freely elected government, and concludes when democratic rules have been firmly institutionalized' (Bratton & Van de Walle 1997, p 194). There is consensus in the literature that the process of democratisation began in the late 1980s and early 1990s: the period widely referred to as the 'Third Wave of Democratisation'. Almost all African countries have gone through at least the four stages reflected in the definition above.

Civil society is an important ingredient in a pluralist democracy but, as with many concepts in the social sciences, that of civil society is nebulous and elusive and it has been defined in different ways depending on the theoretical perspectives, circumstances, and contexts in which it is used. Its emergence in the literature of political theory may be traced as far back as the works of Enlightenment philosophers such as Thomas Hobbes and John Locke, where civil society was equated with the state.

For these theoreticians civil society was the result of humankind's transition from the inhospitable state of nature – a hypothetical political condition in which there was no common authority to regulate human behaviour and settle human disputes. It meant specifically 'those who are united into one body and have a common established law and judicature to appeal to, with authority to decide controversies between them and punish offenders' (Strauss & Cropsey 1972, p 479).

With time and developments in political theorisation civil society took on new connotations. It now 'consists of those groups which are "above" the personal realm of the family but "beneath" the state' (Hague, Harrop & Breslin 1998, p 86).

For Heywood (2002, p 29) civil society refers to the 'realm of autonomous groups and associations, a private sphere independent from public authority', concepts which are too broad, failing to define the groups and just how civil society relates to the state and the market. The emphasis appears to be on the autonomy or even independence of civil society from the state, yet the boundaries between the two are blurred.

Pointing to the definitional problems shrouding the concept Foley & Edwards (1996, p 38) aptly observe that it is not clear whether civil society includes business or the market. They warn that it is difficult to 'distinguish between political associations *per se* and the activities of groups in civil society … in pursuit of political goals'. 'Just when does the "civil" become the political?' they ask (Foley & Edwards 1996, p 39). A more elaborate concept of the term is provided by the London School of Economics (LSE), which states that it

> refers to the arena of uncoerced collective action around shared interests, purpose and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, and market are complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trade unions, self-help groups, social movements, business associations, coalitions and advocacy groups.
>
> LSE www.lse.ac.uk

The LSE definition is useful in that it stresses key features of civil society, namely, uncoerced or voluntary collectivity, theoretical distinction from the state and market, yet with blurred and contested boundaries, and the diversity of the groups that form it. But the definition leaves out a very important group – the private mass media, whose role in the process of democratisation in Lesotho has been so vital.

However, bearing in mind this omission, for the purpose of this paper we adopt the LSE definition. Thus, we conceive of civil society as consisting of all the social formations whose business it is to promote, sustain, and even defend the democratisation process. These, for the purpose of this paper, are the Lesotho Council of Non-governmental Organisations (an umbrella body of non-state organisations), the trade union movement, the mass media, and the churches.

It is crucial to state from the onset that the role of each of the social groups comprising civil society differs from one context to another; some will and have been more effective than others in democratisation at different stages of the process. But what specific democratic roles does civil society play in political systems? We look more closely at these below.

THE DEMOCRATIC MANDATE AND FUNCTIONS OF CIVIL SOCIETY

Civil society performs numerous democratic functions. According to Huntington (1984, p 203), civil society 'provides the basis for the control of state power, hence for the control of the state by society'. Without civil society, Huntington continues, 'societies are likely to be dominated by centralized power apparatus – an absolute monarchy, an oriental despotism, or an authoritarianism or totalitarian dictatorship'. In the same vein White (1996, p 185) submits that 'civil society can alter the balance of power between the state and society in favour of the other, thereby contributing to the kind of balanced opposition held to be characteristic of developed democratic regimes'. This, in his view, implies weakening state power while at the same time increasing the ability of civil society to prevent it being governed against its will. Diamond (1994) sets out the democratic mandate and functions of civil society, maintaining that it:

- contains the power of democratic governments, checks their potential abuses and violation of the law, and subjects them to public scrutiny to prevent corruption – a free, robust, and inquisitive press and civic groups are instrumental in this regard;
- stimulates political participation and provides civic education, instils in citizens vital democratic values such as tolerance, moderation, willingness to compromise, and respect for opposing views;
- provides channels for articulating and representing interests, especially those of traditionally excluded groups such as women and racial and ethnic minorities.
- creates a wide range of cross-cutting interests, thereby mitigating political conflict;
- carries out non-partisan election monitoring to deter fraud, enhance voter confidence, affirm the legitimacy of election results and demonstrate an opposition victory despite government fraud.
- disseminates information to citizens to help them defend and pursue their interests and values.

In order to carry out these functions effectively civil society must establish for itself a firm position that is distinct from that of political society – the state and political parties, the main object of which is to acquire political power. It must maintain its autonomy. This balance is very difficult to strike, especially in the case of Africa in general, and Lesotho in particular, for two main reasons. One is that civil society membership and leadership is made up of human beings with their own political interests. Thus any discourse on civil society should not commit the error of reifying and treating civil society as if it has a life distinct from that of its members. Secondly, as we have indicated in our conceptualisation, civil society-state boundaries are contested and blurred and the state (especially in the context of Africa) has always attempted to encroach on civil society autonomy.

In his lucid analysis of civil society-state relations in contemporary Africa, Mamdani (1990) chronicles how the post-colonial state succeeded in defeating popular movements by various means, including the use of brute military force against radical movements; co-optation of some civil society leaders into the state system; legalisation of the most important organisations in order to bring them under the scrutiny of the state and undermine their autonomy and popular accountability; criminalisation of organisations unfriendly to the state; and splitting leaders from the rank and file of the popular movements. But the state is not the only guilty party in failing to observe the boundaries between itself and civil society. In the pursuit of personal rather than organisational interests members of civil society also cross the civil-political divide, if, indeed, one exists.

Ideally a democratic civil society would be a positive ingredient of democratisation, but the attempts by civil society to promote democracy have been circumscribed by myriad problems. Gyimah-Boadi (1996, pp 118-25) notes that civil society remains too weak to promote democracy effectively. The weakness emanates from a lack of resources, state repression, ethno-regional and religious cleavages and conflict, and cooption and banning by the state. What then, in the light of this broader context, has been the position and role of Lesotho's civil society in the country's democratisation? Has civil society lived up to its self-assigned functions since the country began to move towards democracy in the early 1990s? The following section tackles these questions.

THE ROLE AND POSITION OF LESOTHO'S CIVIL SOCIETY IN DEMOCRATISATION

Contextual Framework

Since its genesis Lesotho's civil society has not observed the 'civil-political' divide, so its role in the country's democratisation has been ambivalent: in some cases it

has been propitious for democratisation (especially towards the end of military rule and the early days of the Basutoland Congress Party – BCP – administration), while in other cases it simply appeared to condone the state's undemocratic practices (as was the case towards the end of the BCP's first term in government and, more recently, the present administration of the Lesotho Congress for Democracy – LCD).

This was the result of the convergence of political interests between civil society leaders and the governing elite, or simply the result of cooption of the leaders by the state elites. The emergence of organisations comprising civil society in Lesotho, as indeed has been the case in colonial Africa, far predates independence. But from the outset these organisations were aligned to the two main political parties: a problem which continues to bedevil civil society.

The first labour unions, the Basutoland Federation of Labour (BFL) and the Lesotho Council of Workers (LCW), were closely aligned to the country's then biggest parties, the BCP and the BNP respectively. The secretary general of the former was Shakhane Mokhehle, brother of the then BCP leader, Ntsu Mokhehle, while the latter was led by John Molai Lephole, son-in-law of the BNP leader, Chief Leabua Jonathan (Southall 1984, p 97). Instead of promoting and protecting the workers' interests the unions were used to fight the political battles of these two parties after independence in October 1966.

The main churches, too, were closely aligned to the two parties: the Lesotho Evangelical Church (LEC) to the BCP and the Roman Catholic Church (RCC) to the BNP. These divisions were replicated in the activities of the print media owned by these churches. The LEC- owned *Leselinyana la Lesotho* was pro-BCP, while the RCC's *Moeletsi oa Basotho* was pro-BNP.

When the third wave of democratisation began in the early 1990s Lesotho's then military junta was under tremendous pressure both from within the country and outside it to return the country to democratic civilian rule. At this time civil society became a powerful force, pressing the regime for democratic change. At a conference organised by the Lesotho Council of Non-Governmental Organisations (LCN) held from 29 to 31 October 1991 on 'National Unity and Democratic Rule' in Lesotho civil society organisations were unequivocal about their commitment to democratisation.

A robust resolution emphasised that civil society's role was 'to facilitate an opportunity for the nation to impact on the process of transition to democratic rule promised by the military government and *to guard against either the government itself or anyone reversing it*' [author's emphasis] (LCN 1991, p1).

The conference called on the military government to honour its commitment to return the country to civilian rule by organising free and fair elections and castigated the government for impeding the democratisation process by retaining

the then Order No 4 of 1986 which banned parties and party political activities and called on the government to announce the election date and to publicise the electoral law and the office or commission which would run the election.

This was a positive move towards democratisation and, indeed, the military did organise elections, which were held in March 1993 and gave the BCP a landslide victory.

Hardly two years after the 1993 elections, however, there was armed conflict within the Lesotho Defence Force (LDF), leading to faction fighting between the army's two barracks, the Ratjomose and Makoanyane. In the midst of these military skirmishes civil society established a 'Crisis Committee' in an attempt to resolve the crisis. The committee petitioned the then prime minister, Ntsu Mokhehle, and the commander of the LDF. Selinyane (1997, p 41) submits that during the 1994 military crisis 'the NGO coalition not only deplored the intra-military skirmishes and chastised opportunistic politicians for fanning suspicions and cleavages in the army but also lambasted the government for its regular taunts against all sectors of the public service…' As a result of this intervention the government instituted a commission of inquiry to investigate the causes of the crisis (Sello 1998, pp 3-4).

In August 1994 King Letsie III dissolved Parliament and ousted the BCP government because it refused to reinstate his father, King Moshoeshoe II, who had been dethroned by the military regime. Since independence the king had had problems with 'his' governments relating to his role as a constitutional monarch – he harboured an ambition to become executive monarch (Machobane 1990, p 276). As a result he was sent into exile numerous times both by the BNP and during the period of military rule, until he was dethroned in 1990. He fought to be reinstated but his calls went unheeded, even by the new BCP government.

Civil society mobilised the population to embark on a series of non-violent activities to reverse the 'palace coup' and also brokered negotiations between the belligerent parties. The activities included nationwide stayaways, the object of which was to avoid violence and bloodshed, restore democracy, and call for national dialogue (Sello 1998, p 9). The campaign proved successful and the government was reinstated with the help of a Southern African Development Community (SADC) mediation team comprising the presidents of Botswana, South Africa, and Zimbabwe.

The reinstatement of the BCP government alone, however, did not bring political stability and civil society, led by the LCN, organised a national conference of representatives of various sectors of society, including the Cabinet, the National Assembly, the judiciary, opposition parties, academics, students, the churches, chiefs, trade unions, the youth, media, farmers and NGOs (Report on the National Conference 1995). The object of the conference was to afford other sectors of society

the opportunity to contribute to the process of bringing about stability and to influence the government to hear the views of others, particularly the opposition parties (Report on the National Conference 1995).

The outcome of the conference was a number of resolutions, including, for the purpose of this paper, one calling for a review of the first-past-the-post (FPTP) electoral model and the establishment of an Independent Electoral Commission (IEC) (Report on the National Conference 1995, p 66). The IEC was established before the 1998 election and the new mixed member proportional (MMP) system was adopted prior to the 2002 election.

The LCN has been involved in attempts to resolve post-election[1] conflict through various forums. After the disturbances in 1998, which almost led to civil war, it organised a Special Forum on Lesotho's 1998 General Elections from 2-3 December of that year, the objective of which was to promote debate and discussion as well as knowledge-sharing about governance issues affecting the Basotho (LCN 1998). The event was attended by academics from the National University of Lesotho and pro-democracy activists.

Lesotho's civil society has also been involved in fighting for the rights of some of its members, especially the workers. The implementation of the bilateral water transfer treaty, the Lesotho Highlands Water Project (LHWP) between the Lesotho military government and South Africa in 1987 led to the unionisation of the project's workforce. According to Selinyane (1997, pp 32-33) this was the result of the difficult working conditions and the recruitment of retrenched Basotho mineworkers following the 1987 strike in the South African mines. The workers embarked on a series of strikes over what they saw as low wages and poor working conditions.

The unionisation of the LHWP workforce was emulated in 1990 by the country's teachers, who formed the Lesotho Teachers' Trade Union (LTTU), which the military government refused to recognise. Instead, the government instigated the formation of a friendly organisation, the Lesotho Association of Teachers, which was largely comprised of the headmasters of primary and high schools. (Interview, Vuyani Tyhali, Secretary General of the Lesotho Teachers' Trade Union 2008).[2] Despite government's refusal to recognise the LTTU the union organised groups such as the National University of Lesotho Academic Staff Association, and National University of Lesotho students supported the striking unions and began to call for the restoration of multiparty democracy (Selinyane 1997, p 32).

1 Lesotho does not have a history of serious pre-election conflict; conflict often erupts after elections, the most serious being that of 1998.

2 This development is reminiscent of the action of the BNP government in forming its own alternative union to the BFL, as indicated above.

The significance of these actions is that the unions' response clearly transcended bread and butter issues, including, as they did, specific demands for regime change. This was a logical move, since the regime had banned all forms of political activism through Order No 4 of 1986. The unions became the platform for those seeking political change. The military and the BCP government respectively responded to the strikes by putting them down brutally and enforcing a no-work-no-pay ruling.

Although the military ultimately succumbed to the pressure and handed over power to the BCP after the 1993 election it should not be assumed that civil society was a united force fighting for the political liberation of Lesotho. In fact, it was still divided along party political lines. At that point even the labour movement was divided and failed to form a unified federation. In February 1998, however, after a meeting, nine trades unions agreed to form a federation, the Congress of Lesotho Trade Unions (Coletu), which, in solidarity with the Lesotho Clothing and Allied Union workers (Lecawu), condemned the killing by the police of one woman and the injury of 46 others (Matlosa 1997, p 105) Furthermore, the individual unions had their own internal problems such as opportunism, power struggles, financial corruption, and bribe taking (Matlosa 1997, p 105).

The advent of multiparty democracy in 1993 raised the expectations of civil society and the general citizens about the opening of political space. These expectations were, however, dashed by several negative actions and the attitude of the state towards civil society, in particular the trade union sector. During this period there was massive unionisation within both the public and the private sectors. For the first time in the country's history civil servants formed their own trade union – the Lesotho Union of Public Employees (LUPE). The BCP government swiftly passed two pieces of legislation – the 1995 Public Service Act and the 1995 Education Act – both of which effectively proscribed unionisation in the public service and the teaching service, tarnishing the new regime's democratic credentials (Selinyane 1997, p 40).

The government also used the police to clamp down on strikes by Lesotho Telecommunication Corporation workers, LHWP workers, teachers belonging to the banned LTTU, and textile and clothing-factory workers. In some instances extreme violence was used, leading to the deaths of unarmed workers. In the case of the LHWP staff strike, for example, several workers were killed and the deputy prime minister and the minister responsible for the police (Lesotho's current prime minister, Pakalitha Mosisili, publicly commended the police on 'a marvellous job' (Selinyane 1997, p 40).

Selinyane (1997, p 42) notes that the LCN, displaying double standards, refused to intervene in these strikes and the resultant state brutality, its new leaders arguing that these were matters for the Democracy and Human Rights Com-

mission. The reason for this stand was that the leaders were motivated by their affiliation to and sympathy for the BCP government. To intervene, the leaders argued, would mean 'destabilizing our government' (Selinyane 1997, p 42). The LCN insisted that its function was to 'keep the lines of communication with government open leaving the politics and political questions to its politically-oriented affiliates' (Selinyane 1997, p 42).

The LCN also failed to act in a subsequent case of police violence against textile and clothing factory workers in which two women were shot dead and many others seriously injured in November 2003 (US Department of State 2003), confirming its clear alignment with the government. Did the situation change during the 2007 general elections? What role did civil society play in these elections? The next section deals with these questions.

CIVIL SOCIETY AND THE 2007 ELECTIONS

Civil society appeared unwilling to respect the theoretical civil-political divide even during the 2007 election. When the king dissolved Parliament, as provided for in the Constitution, and announced a snap election to be held in February all stakeholders were taken by surprise. Nonetheless civil society was quick to adapt and ready itself for the election. Although polarised along political party lines, as were other organisations, the mass media played a crucial role in terms of mobilising the population to register and vote. Several radio stations provided special phone-in programmes allowing public debate on a range of election-related issues, while at the same time displaying loyalty to the main political parties. The erstwhile anti-government Moafrika FM did a swift turnabout, supporting the governing LCD after it split and the All Basotho Convention (ABC) was formed by the former Minister of Communications Science and Technology, Thomas Motsoahae Thabane, and 17 former LCD members of Parliament.

The station received favours from the government, including state advertisements and controversial airtime via one of the country's telecommunications companies. These were denied to 'unfriendly' stations such as the newly established Harvest FM, People's Choice FM, Catholic Radio, and newspapers, notably the popular *Public Eye*. In addition, the government harassed Harvest FM and People's Choice FM in various ways, including temporary closures and the arrest of prominent journalist on allegations of broadcasting information considered by the government to be causing political instability and inciting a coup. Some of these cases are still before the courts.[3]

3 The allegations about harassment of media personnel were widely reported in both the electronic and print media, see, eg, Motonotsi 2007.

The stations provided special programmes for opposition leaders and sympathisers and covered party rallies, the vote count, and the announcement of results. However, since the February general election media-state relations have continued to be adversarial and the media have not been neutral in their reporting.

The 2007 election was contested on the basis of political party alliances, a new phenomenon in the country's politics. This in and of itself is not a problem, but it raised queries about the way the IEC allocated the proportional representation seats. This led to the current standoff between the government and five opposition parties. In the midst of this debacle the LCN, in partnership with EISA, organised a regional conference on Lesotho's post-election crisis on 25-27 September, involving all the key stakeholders including all political parties, the civil-society fraternity and academics, in an attempt to resolve the problem through debate and discussion. Thus far no solution has been reached and the possibility of one being found appears remote because the government and the opposition are far apart: the former insisting that the courts must rule on the matter while the latter would prefer a political solution reached through negotiations. This indicates that civil society cannot do much to resolve similar problems if the concerned parties lack the political will and the culture of negotiation.

CONCLUSION AND RECOMMENDATIONS

We cannot claim to have covered comprehensively all organisations comprising Lesotho's civil society nor what they have done since the start of the third wave of democratisation but we have highlighted the positive role Lesotho's civil society has played in the country's democratisation process since the early 1990s. Civil society put pressure on the military government to return Lesotho to civilian rule prior to the 1993 elections; organised two national conferences, in 1991 and 1995, which resulted in the establishment of the IEC and the adoption of the MMP electoral model; challenged the king to reinstate the elected BCP government following the 1994 'palace coup'; mobilised the population to stage stayaways and other non-violent protests against the king; petitioned the prime minister and the commander of the LDF to resolve the 1994 army crisis; and organised conferences to discuss post-election conflict. These achievements notwithstanding, we have argued that by aligning itself closely with political parties and the government civil society has not been able to observe the theoretical civil-political divide. As a result its role in the democratisation project has been ambivalent.

Continuing to build on the contribution it has made to Lesotho's democratisation process civil society would need to reposition itself outside political society. This is, admittedly, not an easy position to take, for it is made up of people with their own political affiliations, but it is not impossible to achieve.

Civil society, especially the mass media, should be neutral and should avoid bias either in favour of or against the government and the opposition. The LCN should not hesitate to criticise both government and opposition parties constructively.

Political society (both government and opposition) too should accept and tolerate civil society as a partner in democratisation. We are aware, however, that these recommendations are not easy to adopt, given that Lesotho's political economy is characterised by a weak economic base, making it difficult for its citizens to earn a decent living outside the state and leading to incessant conflict and polarisation across all social formations. But we strongly believe in human agency and that nothing is impossible provided all the actors are committed to consolidating Lesotho's democracy.

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THE IMPACT OF FLOOR CROSSING ON ELECTORAL POLITICS AND REPRESENTATIVE DEMOCRACY IN LESOTHO

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ABSTRACT

There is a firm consensus among both academics and policy analysts that political parties are the linchpin of representative democracy. However, parties require, among other things, internal cohesion, democratic and visionary leadership, intra-party democracy and constructive management of internal conflict as well as mutually beneficial inter-party relations if they are to add value to representative democracy. Without the above qualities political parties on their own, and through the legislature, may not play their role effectively. While floor crossing or political migration, in and of itself, is not necessarily undesirable in a democracy, if not well managed it accentuates the proliferation of parties, a trend that may have adverse effects on already fragmented party systems and fledgling representative democracies such as that prevailing in Lesotho. In the discussion that follows we examine the impact on Lesotho's representative parliamentary democracy of faction fighting and party schisms, which, in turn, lead to floor crossing.

INTRODUCTION

This paper discusses the impact of floor crossing on party systems and representative democracy in Lesotho. It focuses mainly on major floor crossing (sometimes termed 'political migration'*) developments in 1997, 2001, and 2006, which have led to party breakaways and changes of government.

* For the sake of simplicity the expression floor crossing will be used throughout this paper

Migration is often associated with human movement within or between countries. Within countries it involves the movement of people mainly from rural to urban areas, and between countries it involves the movement of people from less developed to relatively well-developed countries. At the heart of migration is the hope of improved socio-economic conditions and we deliberately invoke this notion to suggest that a similar mindset is at play in floor crossing or political migration in legislatures, namely, that a politician or politicians move from one party to another in the hope that the new party will offer better prospects for accessing state power. The primary thrust of this article is three-pronged, namely:

- Floor crossing in Lesotho, although permissible constitutionally, undermines the country's representative parliamentary democracy.
- Floor crossing is a clear manifestation of Lesotho's fragmented party system, which is not sufficiently robust for the institutionalisation of democracy; it therefore reinforces the fragility of the country's democracy, since the historic political transition of 1993.
- Given that floor crossing is a feature of the constituency-based electoral system Lesotho inherited from the British in 1966, with the reform of the electoral model towards more proportionality and the adoption of the mixed member proportional (MMP) system it was assumed that this problem would be redressed, but recent developments suggest that this has not been the case; in fact, the country's current political crisis is marked by even more fragmentation of the party system, which directly and indirectly destabilises Parliament and other spheres of governance.

Following these introductory remarks we will provide a brief political context for our discussion of floor crossing and its impact on electoral politics and representative democracy. We then move onto the links between floor crossing and the electoral system.

This will be followed by a discussion of the links between floor crossing and the party system and an exploration of the possible impact of floor crossing on Parliament and representative democracy. Before concluding the paper we outline immediate challenges posed by the 2006 floor crossing and the emergence of the new political party. The conclusion wraps up the debate and sums up our main observations.

THE POLITICAL SETTING

Lesotho has a parliamentary democracy with a dual governance system – the government is headed by the prime minister, the state by the king. Lesotho,

therefore, operates the Westminster political system whereby the prime minister is appointed by the king on the advice of the State Council from a party with the majority of seats in Parliament. The king remains head of state by virtue of his traditional status, which is hereditary. It is an unusual system, blending modern democracy with traditional governance, a rare hybrid in Southern Africa.

Government in Lesotho, like that in other countries, operates through three main organs, namely, the executive, the judiciary, and the legislature, with two others, the bureaucracy and the security establishment, playing supplementary and subsidiary roles. Typically, the executive tends to dominate the other organs of state. For the purposes of this paper the focus will be on the legislature. The country has a bicameral Parliament (ie, an Upper House or Senate, and a Lower House or National Assembly – NA). The 33-member Senate is constituted through appointments made by the king on the advice of the prime minister. The majority of the appointees are principal chiefs from the country's 22 wards. The other 11 senators are appointed from among distinguished members of the community. The 120-member NA, the elected house, is the main law-making organ of the state. The Upper House holds the Lower House to account. A Bill can only become law after it has been passed by both the upper and lower houses.

Although Lesotho is a parliamentary democracy one prominent feature of the country's political history has been its political instability since its independence in 1966. While it is not the task of the present paper to investigate the factors behind the entrenched culture of instability in Lesotho we note that in many ways this instability has tended to undermine the institutionalisation of the country's democracy. Our interest is to find out to what extent the fragmentation and faction fighting within political parties, especially those represented in Parliament, fans and fuels this instability (Matlosa & Sello 2005; Kadima, Matlosa & Shale 2006).

As will become clear in the discussion below, the politics of floor crossing interfaces dynamically with electoral and party systems. This is so because an electoral system facilitates the formation of parliaments and party systems determine the way in which political parties operate and interrelate both within and outside Parliament.

THE ELECTORAL SYSTEM AND FLOOR CROSSING

Upon its political independence in 1966 Lesotho adopted the Westminster system of governance, including its plurality-majority or first-past-the-post (FPTP) electoral system – the system that makes it possible for members of Parliament to move (or migrate) from one party to another (cross the floor). This movement of MPs, although allowed by the Constitution, permissible on the basis of the electoral

system, and governed by parliamentary rules (standing orders), frequently has unintended consequences such as fragmenting the party system, destabilising Parliament, undermining the legitimacy and accountability of MPs, and, above all, devaluing representative democracy.

The major floor-crossing episode to shake Lesotho's political system took place in 1997, in the first election to follow the historic transition from military dictatorship to multiparty democracy in 1993 and the election of that year, the outcome of which was a landslide victory for the BCP, as illustrated in Table 1.

Table 1
General Election Results 1993

Party	No of votes	% of votes	No of seats
BCP	398 355	74.7	65
BNP	120 686	22.6	0
MFP	7 650	1.4	0
Other	6 287	1.2	0
Total	**532 978**	**100***	**65**

Source: Matlosa, 2002
* Figure rounded up

The BCP won all 65 constituencies, hence all the seats in the NA, leaving all the other parties in the cold despite the fact that they had together garnered about 25 per cent of the total votes.

While this development may have been good news for the BCP, which then formed a new government in a democratic dispensation, political success came with costs. Not only did the new government confront a plethora of challenges, including conflicts with the security forces and the monarchy, but, importantly for the discussion in this paper, the party faced an internal menace: faction fighting and power struggles. Thus, the political honeymoon for the newly elected BCP proved brutally ephemeral. Disagreements began to surface over the leadership of the party and the sharing of the spoils emanating from control of the state. Tensions mounted and the one-party Parliament began to develop internal cracks as opposition emerged within the monolithic ruling party.

This internal feuding was not based upon ideological or policy differences but on a leadership tussle involving members of the party hierarchy. The political tug-of-war between the factions within the BCP resulted in a rupture which

followed a special conference organised by the party's leader, Prime Minister Ntsu Mokhehle, which convened on 7 June 1997 and was attended by about 1 000 delegates. According to Mokhehle the main purpose of the conference was to deliberate on the internal problems of the BCP, which had, for more than a year, been involved in legal battles which caused delays in preparations for the 1998 election (*Hansard* 9 June 1997). At the conference a decision was taken to establish a new party. A breakaway group was formed, known as the Lesotho Congress for Democracy (LCD).

Led by the prime minister the newly-established party enjoyed the support of a majority of MPs (40), subsequently displacing the BCP (which was left with 25 MPs). To the chagrin of the BCP the LCD became the ruling party simply on the basis of its numerical strength in Parliament and the BCP, despite the numerical strength conferred on it by the 1993 election, was declared the official opposition, a designation the party denounced publicly.

The LCD became the de facto authority, replacing the BCP government and constitutionally acceptable despite allegations of a coup d'état and despite that fact that it had not been put into power through a popular vote. Announcing the formation of the LCD at a press conference at the Parliament buildings on 9 June 1997 the prime minister declared that 'since in this move we enjoy the support of a majority of MPs, there will be no change of government. Those who prefer to remain with the BCP, we wish them luck in their new role as official opposition in parliament. I request them to nominate the leader of opposition and submit the name to the Speaker of Parliament, so that government is able to accord him/her the requisite privileges' (*Hansard* 9 June 1997).

Immediately after the press conference the Speaker of the NA exhorted the BCP to nominate and submit the name of the leader of the opposition. A profound sense of political bitterness ensued as the BCP felt cheated and unfairly elbowed out of power. This bitterness, and the tension among political parties, set the stage for the 1998 election, which was to be followed by deep-seated and violent conflict. The LCD won the election and its popular choice seemed to legitimise the 1997 split. The outcome of the 1998 election is illustrated in Table 2.

It was, therefore, no surprise that the BCP and other opposition parties, notably the Basotho National Party (BNP) and the Marematlou Freedom Party (MFP) rejected the election outcome and resorted to political violence which nearly plunged the country into a civil war. Although the LCD won only 61 per cent of the vote it secured 79 of the 80 seats.

As was the case in 1993 the 1998 election effectively produced a one-party Parliament and again, as happened after the 1993 election, Parliament was poised to experience internal problems, especially relating to internal cohesion, faction fighting and floor crossing. It therefore came as no surprise when there was a

Table 2
General Election Results 1998

Party	No of votes	% of votes	No of seats
LCD	355 049	60.7	79
BNP	143 073	24.5	1
BCP	61 793	10.5	0
MFP	7 460	1.3	0
Other	16 244	2.9	0
Total	**583 619**	**100***	**80**

Source: Matlosa 2002
* Figure rounded up

split in the LCD hardly five years after its formation, with its deputy leader leaving the party to form the Lesotho Peoples' Congress (LPC), which was registered with the Law Office on 8 October 2001. The existence of the party was formally announced in the NA on 12 October. After being advised by a letter from the party's general secretary, Shakhane Robong Mokhehle, a younger brother of Ntsu Mokhehle, that some members of the party were MPs, the Speaker requested those involved to cross the floor. A total of 27 MPs did so, joining the LPC under the leadership of Kelebone Maope, former deputy prime minister and minister of justice, human rights and constitutional affairs. The LPC then assumed the role of opposition. After the floor crossing, the Speaker made the following appeal:

> Honourable Members, today we have reached a sad day for our democracy, although I am comforted by a sense of joy on your faces. As many of you know, floor crossing in parliament often destabilises parliament as it is accompanied by a problem of accepting these new changes as well as ensuring cooperation among factions. Be that as it may, I truly and humbly appeal to everyone of you that during these trying times, you be vigilant. Everyone of you should remember that you are here in this House because of votes by the electorate; you were chosen among many contestants. The electorate chose you because they had trust in you given your understanding, compassion and appreciation of their problems. But above all you had shown trust in the eyes of the electorate.
>
> *Hansard* 12 October 2001

A year later (2002) Lesotho reformed its electoral system, abandoning FPTP and adopting MMP. It must be emphasised that when the system changed it was assumed that the country's election-related conflicts would subside and the problem of floor crossing be minimised. This was not entirely the case, as will become evident. Within the framework of the new system the size of the NA was increased from 80 to 120 seats, 80 filled by means of FPTP, the rest through the party-list proportional representation (PR) system. The only MPs who may cross the floor and retain their seats are the 80 elected by constituencies, the 40 elected by PR lose their seats if they do so. The original intention of the designers of Lesotho's electoral system was that all elections subsequent to that of 2002 would be organised on the basis of a 1:1 ratio of PR:FPTP seats. At the time of writing this had not yet been effected – the ruling party appears to have developed cold feet.

THE PARTY SYSTEM AND FLOOR CROSSING

Conventionally, there are four types of party systems. The one-party system obtains where one party (the ruling party) dominates the political scene and no other party has any prospect of dislodging it from power. The two-party system (duopoly) prevails in a setting where there are two dominant parties each with an equal chance of constituting a government. A dominant-party system is one in which even if there is a multiplicity of parties only one exercises such profound hegemony that it tends to reproduce itself as the ruling party over a long period in successive elections in which the opposition parties are fragmented, disjointed and enfeebled. A multiparty system presupposes a political setting in which there are many parties, each with a roughly equal chance of controlling state power. Lesotho does not fit neatly into any of these scenarios, due, in large measure, to the fact that the country's party system is generally marked by fragmentation and both the ruling and the opposition parties tend to experience fragmentation brought about by internal faction fighting and splits.

Not only do parties in Lesotho lack a culture of cooperation for mutual gain, internally they tend to engage in unending faction fighting, which undermines their organisational cohesion and institutional effectiveness. This problem is even more acute among parties represented in Parliament. Parties in Lesotho generally lack intra-party democracy and thus internal conflict must either be resolved through the courts or, if that route fails or the aggrieved factions do not consider it viable, a party split is inevitable. Not only does this trend destabilise parties, it tends to destabilise Parliament and generates uncertainty in the process of nurturing and consolidating the country's newfound democracy. In the decade since Lesotho re-introduced multiparty democracy none of its major political parties has been spared faction fighting and splits.

Since the BCP split in 1997, leading to the formation of the LCD, and the further split of the LCD, leading to the formation of the LPC in 2001, another major faction has caused political tremors within the ruling party. Following its overwhelming electoral victory in 2002 (see Table 3), the ruling LCD has not avoided contracting Lesotho's age-old political cancer of fragmentation.

Table 3
General Election Results 2002

Main Parties	No of votes	% of votes	No of seats
Lesotho Congress for Democracy	304 316	54.8	79
Basotho National Party	124 234	22.4	21
Basutoland African Congress	16 095	2.9	3
Basutoland Congress Party	14 584	2.7	3
Lesotho Peoples' Congress	32 046	5.8	5
National Independence Party	30 346	5.5	5
Lesotho Workers' Party	7 788	1.4	1
Marematlou Freedom Party	6 890	1.2	1
Popular Front for Democracy	6 330	1.1	1
National Progressive Party	3 985	0.7	1
Total	**546 614**	**100***	**120**

Source: IEC, Results of the National Assembly Elections 2002
* Figure rounded up

As was the case with the emergence of the LCD in 1997 and the LPC in 2001, this latest development occurred about a year in advance of a general election scheduled for mid-2007. Just days after Lesotho's celebration of its 40 years of independence on 4 October 2006 the Minister of Communications, Science andTechnology, Motsoahae Thomas Thabane, announced his resignation as a Cabinet Minister and member of the ruling LCD amid rumours that he might form a new party.

Indeed, the Speaker of Parliament received a letter dated 10 October 2006 advising her that 'a new political party has been registered under the following name: All Basotho Convention [ABC]. Some of the founding members of the said

party are Members of the National Assembly.' Consequently, during the 13th meeting of the Sixth Parliament, on 13 October, 17 members of the LCD crossed the floor to join the ABC. They were joined by L Tsehlana, MP for Mokhotlong Constituency number 79, who had been expelled from the LCD in February 2004 but had not lost his seat. This brought the total number of ABC MPs to 18.

The leader of the ABC gave a number of reasons for his move, including a failure to implement agreed policies and corruption in the public sector. However, there is no gainsaying that the overriding factor was the intensity of the power struggle, particularly in relation to the successor to the current party leader, Prime Minister Pakalitha Mosisili. The LCD, which had won 79 seats (all constituency-based) in the 2002 election, was reduced to 61 and a new opposition party with 18 MPs, second only to the BNP (with 21), emerged. The LCD now had 61 seats, the combined opposition 59.

Table 4
Party Representation in the National Assembly after the Floor Crossings

Parties	No of seats after the 2002 election	No of seats after floor crossing	Gain/Loss
Lesotho Congress for Democracy	79	61	-17
Basotho National Party	21	21	0
All Basotho Convention	–	18	+18
Basutoland African Congress	3	3	0
Basutoland Congress Party	3	3	0
Lesotho Peoples' Congress	5	5	0
National Independence Party	5	5	0
Lesotho Workers' Party	1	1	0
Marematlou Freedom Party	1	1	0
Popular Front for Democracy	1	1	0
National Progressive Party	1	1	0

Source: The Authors

The question is whether or not this development strengthened or further fragmented Lesotho's party system; enhanced or inhibited the effectiveness of the legislature; and ultimately strengthened or weakened the country's representative democracy. It is to these fairly complex issues that the next section turns.

IMPACT OF FLOOR CROSSING ON REPRESENTATIVE DEMOCRACY

It should be emphasised that Lesotho's politics tends to be characterised by the zero-sum nature of engagement of politicians across and within parties. Part of the explanation for this is the country's limited resources. Small, landlocked, and impoverished, Lesotho has always been mired in conflict-ridden politics, in part, because the political elite perceives politics (through parties and the legislature) as a licence to access state resources.

Given the bleak prospects for gaining wealth in the private sector the state becomes a major avenue for accumulation and this explains why the contest among the elite for state power becomes so fierce and has generated protracted violent conflicts in the past. In the light of this, what exactly are the prospects of building and sustaining representative democracy in a poor country like Lesotho, which has no sound economic base? This answer to this question is beyond the scope of this paper, but it should be a consideration in any discussion of the dilemmas of representative democracy in the country.

However, explaining the problem in structuralist (socio-economic) terms alone may not tell the full story. It is important also to emphasise that in addition to the structural determinants leadership plays a crucial role in political parties, the legislature, and democracy. Democracy requires democrats as its agents. If leaders are democrats they are bound to embrace a democratic ethos. If they are not they are not likely to run their parties democratically. If parties are not run democratically they are bound to experience endless infighting and conflict, which may not be managed constructively, resulting in fragmentation and splits. As the old saying goes, democracy cannot exist without democrats.

Lesotho's fragmented party system and factional politics undermine the parties and adversely affect the legislature. Put somewhat differently, the state of political parties determines the success or otherwise of a Parliament comprising those parties. From the tradition of the one-party system during the heyday of BNP rule (especially between 1970 and 1986) through the era of a no-party system under the military regime (1986-1993) Lesotho's political system has been marked by a fragmented party system characterised by a proliferation of weak parties.

This, in part, is a consequence of the overwhelming majority of the ruling party in Parliament, which has bred factionalism – a phenomenon that would be less prevalent if there were strong and effective opposition parties. Needless to say, the absence of such parties has not been the result of ideological differences but of the struggle for power.

This is illustrated by Mahao (1999), who shows that some members of the BCP made numerous attempts to oust the party's leader. In this regard it is worth

noting that all the major party splits and floor crossing in Lesotho have taken place just as a general election is on the horizon, a trend that suggests that power struggle is a major factor. The combined effect of power struggles and the lack of intra-party democracy within political parties further compound their existential crisis and help us to understand and explain the splits and floor crossing.

Furthermore, floor crossing in Lesotho, as elsewhere, takes place without the consent of the rank and file membership, hence some observers perceive it as unfair and a betrayal of the voters. Broadly, the impact of floor crossing on Lesotho's representative democracy can be identified at five levels. First, it changes the political complexion of the National Assembly and alters the outcome of general election results. This means that results can easily be altered by elite pacts and the realignment of power in the National Assembly, as happened after the 2002 election when the LCD, which had originally won 79 parliamentary seats, ended up with only 61 after the formation of the ABC.

Second, the proliferation of small, weak parties created by floor crossing further compounds the problem of a fragmented party system in an emerging democracy such as that of Lesotho. While a multiparty system is good for democracy it has its own dangers, including a proliferation of small parties with strong leaders. Third, when MPs cross the floor they are not compelled to consult their constituencies in advance, neither are they compelled to seek a new mandate, a situation which undermines the accountability of MPs to the electorate.

It is interesting to note that after the formation of the ABC the leaders of the new party organised a public rally at Ha Abia (Lithoteng Constituency No 34) on Sunday 22 October 2006 to introduce the party to the constituency the party leader had represented as an LCD MP since the 2002 election. On the same day the LCD leadership, including the secretary general, Mpho Malie, and the deputy leader, Lesao Lehohla, organised another public rally in the same constituency with a view to explaining to voters that their MP had left them in the lurch (*Mololi* 26 October 2006; *Public Eye* 27 October-2 November 2006).

Fourth, it has also been observed that one of the weaknesses of political parties in Lesotho (and other emerging democracies in the region) is their lack of mutually reinforcing inter-party relations by way of cooperation and alliances where their ideological and programmatic positions coincide and open avenues for inter-party unity. It was only in 2006 that three parties – the BAC, the BCP and the LPC – formed an alliance known as the Alliance for Congress Parties (ACP), which aimed to contest elections under one banner in 2007.

It is possible that the MMP electoral model is resulting in a proliferation of small parties. While one feature of the model is that it encourages the formation of new parties it also encourages party coalitions, power-sharing and national unity governments.

Finally, if not well managed, floor crossing may undermine representative democracy in that if the electorate keeps electing MPs who, after a while, undermine their choice by switching political allegiance, voters may feel the MPs only represent themselves. This situation may generate a legitimacy crisis for the MPs in the eyes of the electorate, which may, in turn, result in declining public trust in both MPs and parties. Available data from the Afrobarometer surveys suggest that public trust in political parties is declining in all Southern African Development Community (SADC) countries and it is opposition parties which suffer most.

IMMEDIATE CHALLENGES POSED BY THE 2006 FLOOR CROSSING

The political temperature in Lesotho seemed to be on the rise ahead of the 2007 election, possibly due to the anxiety caused by the emergence of a new political player. As illustrated above this development undoubtedly transformed the complexion of party representation in Parliament overnight. But other developments were at play too, two of which are worth exploring.

Firstly, the country was about to undergo the African Peer Review Mechanism (APRM) by means of which Lesotho's governance architecture would be assessed in terms of robustness and any possible deficits that need redressing. There is no doubt that one of the major deficits of the country's governance is the fragmentation of its party system, which is likely to feature in the APRM report as one of the weaknesses of Lesotho's new democracy.

The signing of the Memorandum of Understanding (MoU) between Lesotho and the APRM Secretariat, which took place on Wednesday 15 November 2006, launched the Lesotho APRM process, led by Dr Chris Stals (a member of the APRM Panel of Eminent Persons). It is a sensitive process that requires political stability as it unfolds. If instability sets in the whole process is likely to be adversely affected. There is no gainsaying that intra-party instability may have the ripple effect of destabilising inter-party relations and this, in turn, if it is not well-managed, has the potential to trigger political instability at a national level. This instability is more likely in the context of preparations for a general election.

The emergence of a new political party meant that the political environment in the run-up to the February 2007 general election was increasingly electric. The response of the main political players, especially the ruling party, to the floor-crossing development and the subsequent emergence of the ABC had the potential either to trigger instability or to ensure a stable environment ahead of the election. It was therefore essential that political violence be avoided because it is axiomatic that the political environment within which an election takes place is crucial in determining the credibility of the process and the legitimacy of its outcome.

On Friday 24 November 2006 His Majesty King Letsie III dissolved Parliament. In terms of the Constitution and the electoral law, once this has been done an election must be held within 90 days. At its meeting on 29 November 2006 the State Council decided that a snap general election would be held on 17 February 2007. Fortunately the opposition parties retracted earlier threats to boycott the poll, committing themselves to participate despite the challenges posed by inadequate preparation time, which would affect voter registration, the selection of candidates, the nomination process, the training of party agents, resource mobilisation, party campaigns, and so on.

CONCLUSION

If political parties are to play their rightful role in the nurturing and consolidation of democracy they must exhibit a considerable degree of internal cohesion and institutional effectiveness. We have argued in this paper that parties in Lesotho lack these qualities and that consequently the country's party system is generally fragmented, with both ruling and opposition parties experiencing internal discord and disharmony, characterised by conflict and faction fighting which frequently lead to schisms.

When this happens it is not only the parties that suffer but other institutions as well. These include the legislature – the key political institution for representative democracy wherein parties play an active role in the law-making process. A legislature is only as good as its constituent parts (ie, the MPs). If the constituent parts are weak and fragmented, the legislature is bound to be adversely affected. Faction fighting within parties triggers breakaways and schisms and a proliferation of parties through floor crossing.

Lesotho's new democratic dispensation has seen major party schisms: in 1997 (the emergence of the LCD from the BCP), 2001 (the emergence of the LPC from the LCD), and 2006 (the emergence of the ABC from the LCD).

These floor-crossing developments share two features: all involved leadership squabbles and some degree of intra-party conflict and all took place shortly before a national election.

We conclude that while the country's constitutional framework and electoral system allow for floor crossing it tends to further fragment Lesotho's party system, destabilise its parliamentary system, and thereby undermine its newfound representative democracy. While Prime Minister Mosisili bemoaned the schisms within his ruling LCD (in 2001 and in 2006) he was confident that the new parties did not pose an electoral threat to his party, arguing that the LCD would still win the general election in 2007 – as, indeed, it did – just as the party won the 2002 general election after the 2001 split and floor crossing (*Mololi* 26 October 2006).

Although the LCD won the 2007 election there is no doubt that the emergence of the ABC prior to the election had a significant influence on the nature of the configuration of power and on the electoral contest and a major influence on the post-election political trajectory in Lesotho.

RECOMMENDATIONS

The following four recommendations flow from the discussion above. They relate directly to the three main issues raised in the paper: floor crossing and representative democracy; floor crossing and the party system; and floor crossing and the electoral system.

- In many respects floor crossing (political migration) may run counter to the deepening of representative democracy in Lesotho, in particular by destabilising Parliament. It is likely that one of the factors behind declining public trust in the legislature has to do with floor crossing. The Parliamentary Reform Committee set up to transform the National Assembly of Lesotho should, among other things, look into how best to contain the adverse effects of floor crossing in order to minimise the loss of public trust in this democratic institution.

- The building and sustainability of a strong and durable party system depends, in part, upon parties' resources both during and between elections. Political parties require a whole range of resources – human, technological, infrastructural and financial – if they are to become effective agents of representative democracy, but it is financial resources they need most. In this regard, it would be worthwhile for Lesotho to consider introducing public funding of parties represented in Parliament to be used for their institutional development instead of merely for their campaigns (which is the case at present). It is quite possible that lack of resources and the lure of resources elsewhere are among the contributory factors to the intra-party factionalism which leads to splits and floor crossing.

- One of the major triggers of intra-party faction fighting, schisms, and ultimately floor crossing is an absence of intra-party democracy and mechanisms for constructive management of conflicts. Political parties in Lesotho need to make a deliberate effort to institutionalise these elements.

- Floor crossing subverts electoral systems and the mandates given to MPs by the electorate, thus running counter to the accountability of MPs to their

constituencies. In order to institutionalise such accountability as an important ingredient of representative democracy Lesotho should consider a constitutional provision enabling the electorate to recall constituency-based MPs when voters feel the MP no longer lives up to the expectations of the constituency.

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THE SOCIO-ECONOMIC COST OF THE POST-ELECTION CONFLICT

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ABSTRACT

Both theory and empirical evidence suggest that political instability hinders domestic investment and foreign direct investment, therefore retarding economic growth. Moreover, political instability generates inefficiently high inflation, which hinders investment, reduces welfare and retards economic growth. In Lesotho periods of political instability are associated with very low levels of investment and economic growth. However, there is no evidence to suggest that political instability has led to high levels of inflation in those troubled periods.

INTRODUCTION

Post-election conflict, which manifests itself in politically motivated assassinations, deaths as a result of domestic violence, coup attempts (successful and unsuccessful), anti-government demonstrations, and general strikes, among other things, are good indicators of socio-political instability (SPI) in an economy. Generally, SPI can be defined as the degree of propensity for a change of governance of a country. More specifically, SPI is defined in terms of the frequency of events which increase the likelihood of social and political unrest (Awokuse & Gempesaw 2005).

Theoretically there are several channels through which SPI can have a negative impact on economic growth. SPI reduces investment and employment, thus retarding growth. Frequent political crises (coups d'état, riots, strikes, and so on) lead to regular stoppages of investment projects and productive activities. Consequently, foreign direct investment (FDI) is reduced and this, in turn, reduces economic growth.

SPI not only reduces productivity it can also lead to a significant decline in highly skilled human capital because of brain drain. Moreover, SPI induces financial capital flight and, therefore, reduces the incentive for the accumulation of physical capital. This not only has a negative impact on investment, it may also erode a nation's international reserves and its ability to finance imports, which serve to substitute for losses in domestic production caused by the disruptive effects of SPI. SPI can also impede economic growth by contributing to high inflation, which, in turn, discourages economic growth. SPI is notorious for generating hyperinflation.

Section two of the paper discusses the adverse effects of SPI on investment, the major determinant of economic growth; section three highlights the effects of SPI on inflation; section four considers the possible effects of SPI on trade balance; section five focuses on the economic impact of SPI in Lesotho; and section six concludes and highlights the social costs of SPI emanating from its negative impact on investment, employment, and economic growth. The final section sets out policy implications.

POLITICAL INSTABILITY AND INVESTMENT

Economists and political scientists have long recognised that, over and above economic failure, political and institutional failure adversely affect economic performance. Notable studies in this field include Greene & Villamueva (1990), Feng & Chen (1997), Feng (2001), and Le (2004). Unlike most researchers Le (2004) employs a model which divides political risk into three types, namely, SPI, regime change instability (RCI), and policy uncertainty, while at the same time controlling economic risk.

Le (2004) defines SPI as series of widespread politically violent and non-violent protests and internal uprisings involving the use of physical force. The main finding is that SPI characterised by non-violent protest promotes private investment while violent uprisings have a negative impact on investment. SPI is said to reduce investment in two ways. First, it destroys physical capital and displaces human capital, thereby reducing job opportunities and disrupting personal savings. This process hinders private investment.

Second, SPI induces investors to shift their assets from fixed capital stocks to more liquid and speculative forms of investment.

Le (2004) argues that RCI is caused by constitutional or unconstitutional change in the executive power. In common with Feng (1997, pp 391-418), Le differentiates between two types of change – major regular government change and irregular government change. Major regular government change is a constitutional power transfer of the executive office within the ruling party or the

coalition of ruling parties. It represents a policy adjustment and can cause uncertainty if such a change leads to a distortion in the fundamental market structure. But it may also lead to the adoption of market reform policies. Irregular government change which takes place by unconstitutional means can disrupt the political system and reduces private investment. RCI characterised by constitutional government change, on the other hand, encourages private investment.

Le (2004) focuses on two different types of policy uncertainty, the variability of government political capacity and the variability of contract enforcement. The former is measured by the political capacity of government to implement policy. A measure called Relative Political Capacity (RPC) is often used in this case. It is based on the ratio of actual to predicted government revenue.

The basic notion is that a country with high RPC has a strong government which can implement policy effectively. Conversely, a government with low RPC is unable to extract resources to implement its policy. The variability of RPC generates uncertainty because the direction of policy is not clear to investors (Feng & Chen 1997). From a policy point of view private investment declines because the government fails to provide comprehensible policy direction to the private sector (Le 2004). The variability of contract enforcement is measured by contract intensive money (CIM), an indicator of property rights enforcement based on the type of financial assets held. This measure, developed by Clagure, Keefer, Knacks & Olson (1999), is defined as the ratio of non-currency money to the total money supply:

$$\frac{M_2 - C}{M_2}$$

where M_2 is a broad definition of money supply and C is currency in the hands of the non-banked public.

The variability of CIM is used as another measure of policy uncertainty. Le (2004) finds that policy uncertainty characterised by the variability of contract enforcement encourages private investment, while the variability of government political capacity discourages private investment.

Moreover, a vast amount of literature shows that political instability causes the value of a country's currency to decline and makes the exchange rate more volatile. The foreign exchange volatility reduces FDI inflows. Since FDI serves as a supplement to domestic saving and investment, investment is hindered by political instability.

POLITICAL INSTABILITY AND INFLATION

It is hypothesised that economies with weaker institutions might be unable to build efficient tax systems, thereby resorting more frequently to the use of seigniorage[1] as a source of revenue (Aisen & Veiga 2005). The underlying cause of most episodes of high inflation and hyperinflation is government's need to obtain seigniorage.

The link between politics and inflation basically relates to the demand for public expenditure, which is, in turn, financed by seigniorage or inflation tax. It is noteworthy that, though seigniorage and inflation tax are used interchangeably, the two concepts are different. Seigniorage is the revenue the state enjoys by having the monopoly to issue a monetary base while inflation tax is the loss sustained by the holder of real money balances and non-indexed government bonds because of inflation.

Inflation reduces the purchasing power of real money balances and, therefore, reduces consumption. The two terms (inflation tax and seigniorage) are closely related but are identical only when any increase in money supply is translated into inflation (Sachinides 1995). The confusion between seigniorage and inflation tax emanates from the mistaken assumption that the growth rate of money is equal to the growth rate of prices. This assumption holds only for a static economy. In a growing economy, however, the government can increase money supply by change in income times the measure of responsiveness of demand for money to changes in income. The newly issued money provides revenue for the government – this is seigniorage and is quite different in concept from inflation tax (Sachimides 1995; Friedman 1971; Blanchard & Fischer 1989; Kimbrough 1992). In most cases a high inflation rate is explained by the need to raise revenue from money creation to finance the budget deficit.

THE COSTS OF INFLATION

Easily Identifiable Costs

In many simple models steady inflation merely adds an equal amount to the growth rate of all prices and nominal wages and to the nominal interest rate on all assets. Consequently, inflation has no effect on relative prices, real wages, or real interest rates (Romer 1996). This makes it difficult to identify its real effects. But since the nominal return of high-powered money (cash holdings of the non-

1 Profit made by issuing currency, especially coins, rated above their intrinsic value

banked public plus bank reserves) is fixed at zero, inflation necessarily lowers its real return. The increased gap between the rate of return on money and that on other assets leads people to hold less high-powered money – they make smaller and more frequent conversions of other assets into currency. Since it essentially costs the government nothing to produce high-powered money these efforts have no social benefit. Therefore, they represent a cost of inflation (Romer 1996).

One other easily identifiable cost of inflation is that nominal prices and wages have to be changed quite often, or indexing schemes have to be adopted. There are some costs associated with these efforts.

Other Costs of Steady Inflation

Since individual prices are not adjusted continuously (different firms adjust their prices at different times), steady (anticipated) inflation may cause variations in relative prices. Consequently, inflation widens the departures of relative prices from the values they would take under continuous price adjustment.

Inflation-induced relative-price variability may disrupt markets where firms and customers form long-term relationships and prices are not adjusted frequently. Formal theoretical models suggest that inflation can have complicated effects on market structure, long-term relationships and efficiency (Romer 1996).

Individuals and firms that do their financial planning in nominal terms (in money terms – not in real terms) can make major errors in long-term investment (eg, in saving for retirement) even under moderate inflation. For instance, 3 per cent inflation, though moderate by all standards, can cause price levels to triple over 40 years.

Costs of Variable Inflation

High inflation is more variable and less predictable. Since many assets are denominated in nominal terms, unanticipated inflation will redistribute wealth (from lenders to borrowers). Therefore, high inflation variability increases uncertainty and reduces welfare. Moreover, with debts denominated in nominal terms, greater uncertainty about inflation can make firms and individuals reluctant to undertake long-term investment.

Highly variable inflation may also hinder long-term investment if firms and individuals perceive it to indicate a poorly performing government that is likely to resort to confiscatory taxation or other policies detrimental to capital-holders (Romer 1996).

The empirical evidence suggests a strong negative association between inflation and investment; and between inflation and growth.

POLITICAL INSTABILITY

Political Instability and the Trade Balance

Since SPI discourages economic growth by inducing financial capital flight, thereby reducing the accumulation of physical capital, it encourages imports, at least in the short to medium term. The basic notion is that domestic production is disrupted by SPI and therefore imports serve as a foreign substitute for losses in domestic production. Although the purchasing power of the importing nation declines as a result of the negative impact of SPI on the income level, the import bill enlarges, as most imports are basic necessities (food, fuel, and so on). Consequently, SPI leads to trade imbalance and possibly to an overall balance of payments deficit. Almost all politically unstable economies have low incomes, ever-enlarging trade imbalances, and a large and unsustainable national debt burden, with detrimental consequence for economic growth.

Political Instability and its Economic Impact in Lesotho

The paper focuses on three distinct periods in which one of the following took place: unconstitutional regime change, constitutional regime change followed by political instability, and / or re-election of regime followed by political instability.

In particular, it concentrates on the years 1986, 1993, and 1998. 1986 was marked by an unconstitutional regime change – a military coup. The military regime lasted for about six years. In 1993, a memorable year in the history of Lesotho, the first democratic elections were held following a long 'holiday from politics' (since 1970). The political instability that followed these elections led to the temporary downfall of the democratically elected government. In 1998 Lesotho experienced its most violent post-election political protest following the landslide victory of the Lesotho Congress of Democrats (LCD).

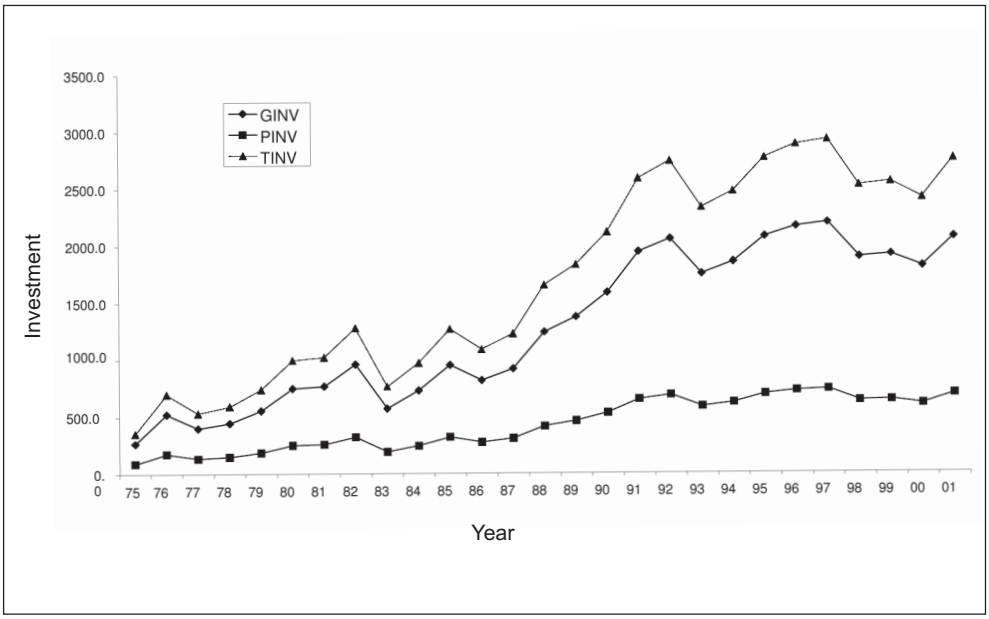
Political Instability and Investment in Lesotho

A glance at Lesotho's data on the variables of interest, namely, investment and economic growth, reveals that both variables were negatively affected by political developments which preceded or followed regime change. For instance, as indicated in Figure 1, total investment dropped by 14 per cent in 1986, the year in which Lesotho experienced its first military coup.

Investment began to pick up after 1987 following the signing of the Lesotho Highlands Water Project Treaty between Lesotho's military regime and South Africa's white minority government. The upward trend reached a peak in 1992 before dropping by 15 per cent in 1993, the year in which the first democratic

elections were held. The drop in investment was a direct result of the political instability that led to the temporary downfall of the democratically elected government. The effect on investment was, however, short lived – it began to pick up from 1994 until 1997, the year before the second democratic election. Investment dropped by 13 per cent in 1998 compared to 1997, again as a direct result of the most violent political protests Lesotho had experienced since independence. These observations are consistent with Le's (2004) findings on 25 developing countries. Specifically, Le (2004) demonstrates that violent uprisings seriously hinder private investment.

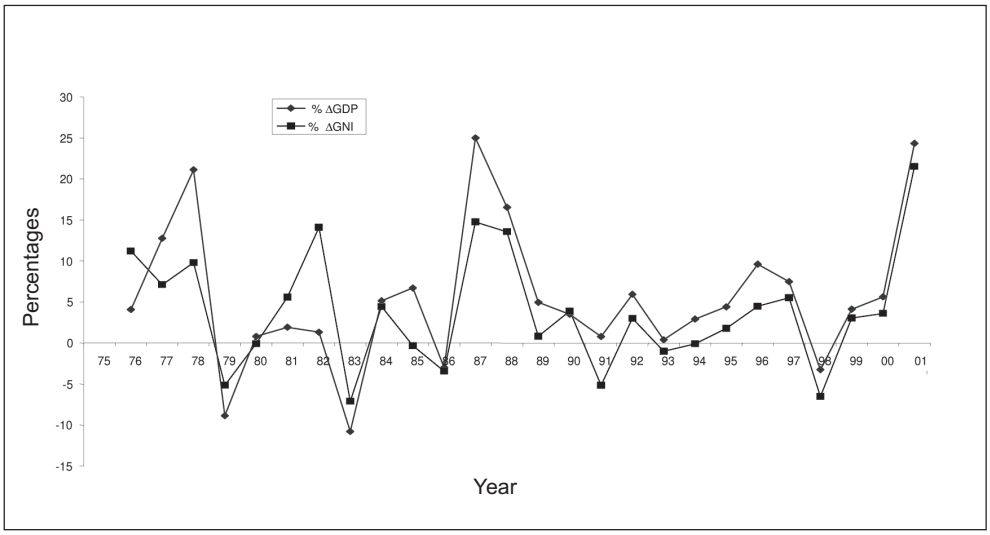
Figure 1
Political Instability and Investment (Government Investment, GINV; Private investment, PINV; and Total Investment, TINV)



Political Instability and Economic Growth

Like investment, economic growth was adversely affected by the political upheavals highlighted above. In particular, as seen in Figure 2, the economic growth rate declined significantly, from 6,7 per cent in 1985 to -3 per cent in 1986, the year in which Lesotho experienced its first military coup.

Figure 2
Political Instability and Income Growth Rate (Percentage Change in GDP, %ΔGDP; and Percentage Change in Gross National Income, %ΔGNI)



This drop is not unexpected given that investment fell by 14 per cent in the same year. Particularly noteworthy is the fact that the economy began to register positive and high growth rates from 1987 to 1990. Significant economic slowdowns are notable in the years 1991 and 1993. In particular, the growth rate declined from 5,9 per cent in 1992 to 0,4 per cent in 1993, the year in which there was a constitutional regime change.

Although such regime change should, under normal circumstances, lead to high investment and therefore high economic growth, the political instability that followed the overwhelming victory of the LCD led to the temporary downfall of the democratically elected government during this period. This should, by all laws of probability, have been the source of an economic downturn during this period. However, economic growth started to pick up substantially from 1994 (from 0,4 in 1993 to 2,9). The reason behind this quick recovery is the fact that the political instability was short lived and the measures taken to reinstate the democratically elected government were swift and decisive.

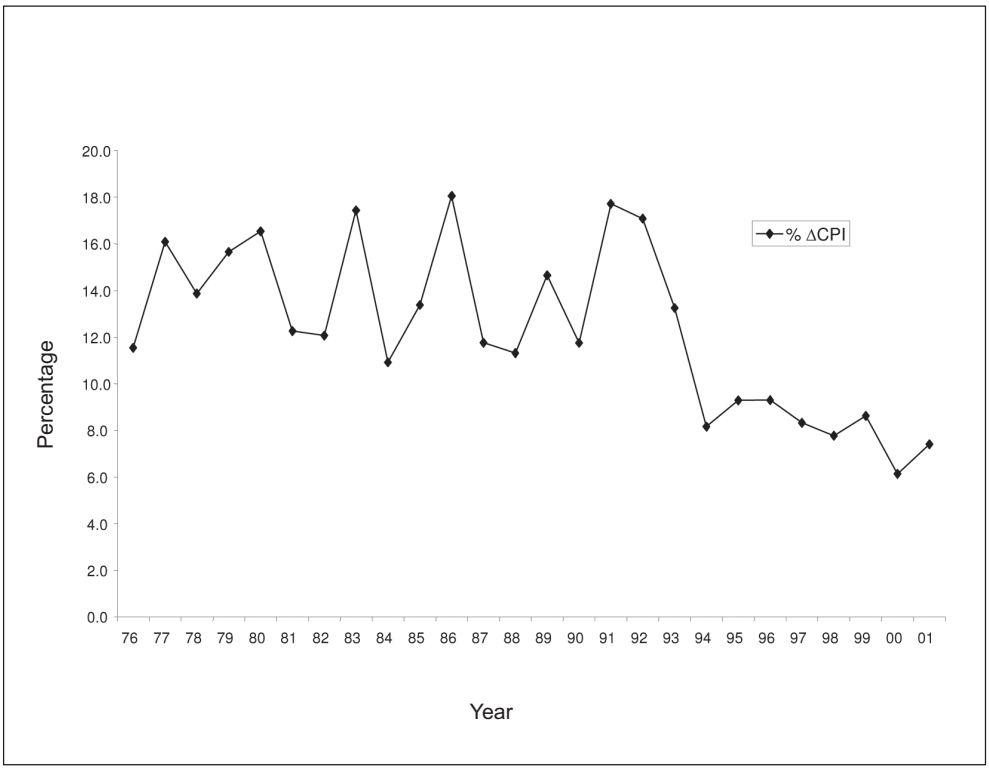
On average the economy grew at the rate of 6 per cent a year between 1994 and 1997.These unprecedented growth rates are largely attributable to the country's relative political stability during this period and to the implementation of the Lesotho Highlands Water Project. Lesotho's economy registered a negative

growth rate of –3,3 percent in 1998, after enjoying positive and high growth rates (an average of 6%) since 1994 – a result of the political instability cited above.

It is noteworthy, however, that the economy began to recover from 1999, an occurrence consistent with the findings of studies on the subject in other countries. For instance, Abadie & Gardeazabal (2002); Fosu (2004) and Gelb (2001) demonstrate that political instability leads to a decline in economic growth.

Figure 3 makes it clear that there is no noticeable correlation between inflation and political instability. The reason for this is that the option of seigniorage revenue is not available to Lesotho under the CMA arrangement. This is one of the most obvious benefits of participation in the arrangement. It is noteworthy, however, that studies in other countries demonstrate that political instability leads to high inflation. For instance, Aisen & Veiga (2005) demonstrate that between 1960 and 1999 political instability led to high inflation in about 100 industrial and developing countries.

Figure 3
Political Instability and Inflation Rate (Percentage Change in Consumer Price Index, %ΔCPI)



CONCLUSION

Both the theory and the empirical evidence suggest that political instability generates inefficiently high inflation, which reduces welfare and hinders domestic investment and foreign direct investment, retarding economic growth. Moreover, politically unstable economies have a low income, ever-growing trade imbalances, and large and unsustainable national debt burdens, with detrimental consequences for economic growth.

Declining income levels put governments in a very vulnerable position and undermine their ability to pay civil servants and provide basic social services (health, education, and so on). This raises frustration in the population and may trigger further political instability. Since employment is procyclical a decline in income leads to higher unemployment. The immediate impact of this on the population is poverty, misery, disease (including HIV/AIDS), and crime of all sorts.

In the case of Lesotho periods of political instability have been associated with very low levels of investment and economic growth, which have, in time, resulted in a declining income which undermines government's ability to provide basic social services. Moreover, declining investment and low levels of income lead to higher levels of unemployment. The end result is poverty, frustration, an increase in crime, and the outbreak of disease.

There is, however, no evidence to suggest that political instability has led to high levels of inflation. The main reason is that, under the current CMA arrangement, the government of Lesotho cannot resort to seigniorage revenue, the need for which is the main source of high inflation and hyperinflation. As indicated, above moderate inflation may not entail substantial costs at macro level, but it hurts the vulnerable sections of society (the old, the unemployed, and the children). Inflation, however moderate, reduces the purchasing power of money, making basic necessities unaffordable by the vulnerable groups.

POLICY RECOMMENDATIONS

Periods of political instability in Lesotho have been fairly brief since 1993 because of effective intervention by neighbouring countries. Foreign intervention of this nature should be encouraged and strengthened as it contributes to mitigating the adverse effects of political instability on economic performance. The fact that Lesotho, because of its participation in CMA, has experienced low levels of inflation despite political instability makes it imperative that the country remain a member of CMA.

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THE MEDIA AND ELECTORAL POLITICS IN LESOTHO BETWEEN 1993 AND 2007

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ABSTRACT

It has become commonplace to lambaste the media for its failure to play a positive role in the cause of nation-building and democratisation and (Southern) Africa is no exception to this trend. Little effort, if any, however, has gone into examining the reasons for the stance taken by the media. Nor has any effort – save for various attempts to bribe, cajole, persecute or suppress – gone into mapping the role of the media in Lesotho's electoral politics since the reversion to competitive multiparty constitutionalism. This paper is a preliminary attempt to fill this vacuum.

INTRODUCTION

The discussion is divided into five parts: why is it logical to discuss the media in tandem with electoral politics? What are the prevailing perspectives on the social and political roles of the media? How have the media intervened in shaping the debates about democracy and the democratic landscape of Lesotho since the transition of the late 1980s? What role has the media played specifically in relation to the election process? The final section ties together the general observations of the paper and makes tentative suggestions about the way forward.

LEGITIMATE ENTRY POINTS FOR MEDIA IN THE DISCOURSE OF ELECTORAL POLITICS

I consider the media to be part of civil society and to occupy the same position assigned civil society in contemporary discourses of democracy and good governance. This is a provocative assertion, for it is widely accepted that there is

no consensus about the definition of civil society and its place and function in the democratic project.

Among the areas of contention are whether civil society should be seen as comprising all organised life between the family and the state; whether it should be separated from political society or be subsumed by it; whether it should be organised and self-representing or whether each individual entity should be considered deserving of the label as long as it is outside the state. Allen (1997) and Osaghae (1997), among others, believe civil society is nebulous and of little use, while others see it as a way for society to restrain (potentially) repressive states (Harberson, Rothchild & Chazan 1994; Ndegwa 1996; Bratton 1989).

The various opinions of good governance and democracy alluded to above place their central thrust on precepts of participation, respect for the client, and responsiveness to those whom the bearers of public office are supposed to serve. In this connection two important points can usefully be made: one is that the media, like civil society, of which I contend they are a part, cannot be expected to be of any one complexion but are as perverse or virtuous as the various shades of civil society.

Secondly, the enforcement of these precepts must start with the laying of foundations, that is, if the media fail to ensure that the constitution of government through national elections is undertaken in observance of those ideals it is likely to be that much harder to rein in the wayward role players once the government is in place. As an element of civil society the media in Lesotho are enabled to undertake this task by the following instruments and frameworks which assign civil society a role in national and regional affairs:

- The Lesotho National Vision 2020, especially, but not only, the sections that speak to the imperative of having in place a stable democracy at peace with itself and with its neighbours.
- The Lesotho National Goals and Objectives, and the Smart Partnership compact.
- The Southern African Development Community (SADC) Treaty, especially Chapter Four on Operational Principles, which stipulates that SADC members should be guided by norms of democracy, human rights, and the rule of law; read together with the provision that all disputes should be resolved amicably. In addition, the 2001 amendment, which goes further than the 1992 text, includes non-governmental organisations (NGOs), civil society, and business and workers' organisations as official stakeholders in the business of SADC and incorporates them into SADC business at national level via the SADC national committees.

- The SADC Parliamentary Forum's treatise on Norms and Standards for Elections in the SADC Region, section 8 of which stipulates unambiguously that 'the media plays an important role in terms of fostering the integrity and transparency of the Electoral Commissions and on building public confidence. Therefore, the Electoral Commissions and the media should view themselves as allies and not as adversaries in the institutionalisation of the democratic process in the conduct of elections' (p 21).
- The African Union's (AU) Economic Social and Cultural Council (ECOSOCC), which makes it mandatory for representatives of civil society to be included in the prosecution of AU business at the national level, and provides for observer representation of civil society at some AU meetings.

PERSPECTIVES ON THE SOCIAL AND POLITICAL ROLES OF THE MEDIA

There are several views on the role of the media in society. Four main threads merit attention: The *libertarian* version holds that the government has no right to interfere with the media; that individual citizens are mature and rational enough to distinguish right from wrong in the messages of the media and that the media have the right to be left alone in their search for the truth and market forces will dictate what appeals to the tastes and sensibilities of the consumer.

The *authoritarian* view holds that the role of the media is to serve a people through its chosen government and to disseminate the information the rulers want to pass on. The media must make no effort to turn over stones and search for information.

The *egalitarian* paradigm is close to the libertarian view, but emphasises the rights of communities as opposed to individuals. The media should reflect the views of all segments of society and no group should monopolise the media and gain unfair advantage in the contest for control of resources or influence over the thinking of fellow community members.

The *developmental* perspective arose in tandem with mainstream developmentalist discourse in the post-war world. This view holds that the media complement other instruments in the arsenal necessary for the attainment of national development and social engineering. The state must be in a position to mobilise the media to throw its weight behind a number of national initiatives (Keane 1992; Curran 1991a).

Political theories about the media run along roughly the same lines as the social perspectives. They are generally grouped into three broad areas, namely,

the media should: *inform* citizens about events in the community, educating them via interpretation of the information, its implications and significance; provide a *public political discourse forum;* and *throw light* on the abuses perpetrated or occurring within governmental and political institutions – the watchdog function. The media are further expected to *provide an outlet for advocacy* which may go further in the direction of persuasion, or endorsement of certain parties or candidates (Ronning 1993; Curran 1991b; Murdoch 1992).

THE MEDIA AND THE 'CRISIS' OF DEMOCRACY IN LESOTHO

In the past two decades of transition to multiparty electoral politics it has become customary to use the word 'crisis' to describe political developments in Lesotho. Such fashionable phrases have traditionally been disseminated through the media, especially the private newspapers. The media are very powerful in Lesotho. This is especially true of the oldest (church-owned) newspapers, *Leselinyana la Lesotho* and *Moeletsi oa Basotho*.

The media's influence in shaping the public's views of democracy has been equally important given their freedom to choose either to put forward their own line or to reproduce and popularise that of a particular political party. The role of the press in propagating democratic ideals of tolerance and respect for the Constitution, truth rather than falsehood, civil debate rather than name-calling and slander, reconciliation, and integrity in national government, has been, at best, inconsistent.

The media have made their own rules and adjudicated their enforcement and observance; they have moved the goalposts when they have acted with dubious integrity, and there has been no one to rein in the media's contribution to what they like to call the 'crisis' in Lesotho's democracy. The following section throws light on some prominent incidents.

The almost unanimous actions of the mainstream media in exhorting the electorate to ignore certain political parties and focus only on the formerly incumbent Basotho National Party (BNP) and the formerly exiled Basutho Congress Party (BCP) in the 1993 general elections was widely noted.

Leselinyana la Lesotho, for instance, in an editorial (13 December 1991) condemned the formation of new parties as a malicious attempt to make certain main parties lose the elections.

Immediately after the BCP's one-party National Assembly was established in 1993 the fervour with which some newspapers had argued for a two-party legislature began to diminish and they openly backed the one-party state.

In the months and years that followed the media began to diverge in their commentary on the unfolding record of the government. Increasingly the Catholic-

owned *Moeletsi oa Basotho* revelled in the problems of the BCP government, especially the intractable Lesotho Liberation Army (LLA) integration question, and the army, police and prison warder strikes and mutinies.

At the other extreme was the grandiloquent pro-BCP tabloid, *MoAfrika*, which seemed to thrive on sensational rumour-mongering and the vilification of individual politicians both in and out of government, within and beyond the fold of the BCP.

When, in December 1996, the faction of the BCP leadership the newspaper had defended in 1994 declared that it intended to stay in office indefinitely, and denounced the government's commitment to the formation of an Independent Electoral Commission (IEC) to administer the coming general election, *MoAfrika* applauded. While most of the BCP government's problems were manufactured within the party the media reports either whitewashed the BCP and hurled thinly disguised vituperation at the institutions of government and the political opposition (in the case of *MoaAfrika*) or fuelled political intolerance of the government, and even lauded those who overtly sought to topple it (in the case of *Moeletsi oa Basotho*).

While remaining on the side of those media that defended the government at all costs the Protestant *Leselinyana la Lesotho* was of a less fundamentalist persuasion. *Moeletsi oa Basotho* reported on the BNP leadership's calls for mutiny by the army while throwing fuel on the smouldering government-army standoff.

Commenting on the king's long-running feud with State House the paper stated (17 April 1994) 'He who appeals to democracy to solve his problems may find himself longing for the days of the past [ie, repressive rule]. This was clearly an appeal to the conflicting parties to look beyond democratic structures for solutions to their problems.

Editorials in *Moeletsi oa Basotho* increasingly called on the government to step down (see 11 June and 1 October 1995). Most observers would be adamant that journalists should not be prevented from exercising their freedom either as citizens or as professionals, but, at this time, the exploitation of these freedoms was being used mainly in ways that were far from constructive, especially given the long tunnel of uncertainty, disunity, reprisals, and mutual suspicion from which Lesotho was emerging as a nation.

The events following the brief removal of the BCP government in August 1994 were equally revealing of this weakness of the independent media. The BCP emerged from the 'palace coup' more repressive and arrogant than ever. The spate of undemocratic legislation and the pace at which anti-democratic and self-serving policies were implemented was indicative of an uncertain group which wanted to make hay of accumulation for as long as the sun shone. To their credit the private media across the spectrum consistently reported on these develop-

ments – the teachers' strike of 1994/95; the Public Service Act of 1995, which suppressed the civil service; the largely unpopular Education Bill of 1995; the Privatisation Act of 1996; the Pardons Act of 1996; and so on.

While differences in perspective are welcome in any democratic dispensation it is another matter to call for the government to be brought down in the process of promoting one's view. This is essentially what *MoAfrika*, with its regular barrage of vitriol, did repeatedly with respect to the Pardons Act, for example. This type of reporting did little to strengthen democracy or the culture of tolerance on either side.

In the period under review the mainstream print media also did little to deter the extra-parliamentary subversion of democracy. To the extent that street marches calling for the dissolution of the government were hailed by the media as acts of bravery (as long as they were anti-BCP/Majelathoko), this largely distracted attention from the absolute imperative to build a broad social base for opposition politics by mobilising around issues of importance to the nation's development. Indeed, after the BCP split in June 1997 both *Moeletsi oa Basotho* and *MoAfrika* supported extra-parliamentary plans to rock democracy by mobilising the masses against the government or by calling for a coup. Citizens were urged to march in support of moves to challenge the alleged violation of the Constitution. The king and the army were exhorted to replace the newly formed LCD government with a coalition government pending a new general election.

The two newspapers also derided the steps towards the formation of the IEC. On this point they were both true to their disparaging and denigrating stance on the subject and complacently emphasised the 'fact' that the 'big' parties rejected the installation of the IEC under the LCD government and that this rejection spelt doom for the next general election.

The focus was not on whether this was a socially beneficial, principled stance. The papers called for a military coup or, alternatively, a 'palace coup' similar to the one the BCP had survived in 1994 thanks to the concerted efforts of civil society and regional shuttle diplomacy (Selinyane 1997a, b).

At the other end of the spectrum *Leselinyana la Lesotho* veered between heartbreak and rage at Prime Minister Ntsu Mokhehle's breakaway from the BCP. At one point the paper condemned the LCD's birth and assumption of the mantle of government and regretted that Mokhehle was still in office despite his declared intention to retire.

At another point the paper evoked the scriptures to portray the formation of the LCD as an omen that the end of the world was nigh (editorial 26 June 1997). For these shepherds of democracy emotional outbursts prevailed over the duty to learn, understand, and teach readers how Lesotho's democracy works. The psychological crises of individual editors and owner-publishers were elevated to

a national 'crisis of democracy'. Only the private English-language media (*Mopheme* and *The Mirror*) stood resolutely on the sidelines in their reportage.

It would be naïve to expect all media to support one particular cause at any one time (the media represent a spectrum of opinion), but it may be considered excessive for sections of the media to arrogate to themselves the status of defender and missionary of democracy, and simultaneously champion some of the more bizarre anti-democratic tendencies. Lesotho has reached a point in its history when strong, conscientious, honest and objective media should be among the essential pillars of national democracy.

CONCLUSION

The private press in Lesotho has been in existence since 1863, while private radio dates back only 10 years, to 1998. A total of nine newspapers and six radio stations were surveyed to gauge the performance of the media during the elections of 1998, 2002, and 2007. Seven indices were employed for this purpose:

- *Openness to diverse opinion:* Do news pages/bulletins and letters/commentary sections reflect a wide spectrum of public opinion?
- *Balance of coverage*: Are the agendas of all parties, big and small, accommodated in the news?
- *Equity of coverage*: Is equal emphasis placed on the opinions and views of all parties?
- *Contribution to peace-building*: Is the tone of reporting tolerant or belligerent?
- *Level of advocacy*: Do the media make an effort to lobby their audience/readers to take a specific stand?
- *Voter/civic education*.
- *Encouragement to vote*.

The picture that emerges can be thus summarised:

Those media houses which show a greater openness to various opinion trends tend to carry more balanced and equitable coverage while those which are less open are more inclined to advocacy. The more open media tend to advocate principles while the others advocate regime change without reference to principles.

The Sesotho-language newspapers tend to carry a narrower range of opinions than their English-language counterparts. There seems to be a clearer propensity for endorsement in the former than in the latter.

Openness to diverse opinions grows over time in the English press, but there is little noticeable change in the Sesotho press. This remains true regardless of

whether the Sesotho press is privately owned or owned by established religious denominations. Both English and Sesotho newspapers had a lacklustre approach to voter education.

After the watershed elections of May 1998 there was a perceptible change in the tendencies of the press, which showed greater openness and more of an inclination to contribute to peace building and to encourage a high voter turnout. By and large the tone was less strident and divisive and there is a greater tendency to preach the values of mutual accommodation, commitment to agreements, and national dialogue.

The entry of radio after the 1998 general election marks an interesting change in the media's influence on politics in general and elections in particular. Radio scored better than the print media in the areas of election coverage and civic education because it was able to host activists and technocrats from civil society and the IEC, which the space constraints of the press largely do not permit. Only a few radio stations, however, made a deliberate effort to initiate and mount voter education programmes – MoAfrika FM was the best of these.

It is important to investigate the track record of the media as far back as possible in order to understand current trends.

The earliest press was pioneered by the colonial state and missionaries and the earliest privately-owned press was effectively a protest/resistance press. Religion and politics have always informed the press, even in post-colonial times. Most private radio stations in Maseru have pretensions to being religious, while evincing deeply partisan political leanings.

RECOMMENDATIONS

Measures for building on the strengths and weeding out the weaknesses noted above may include the following:

- Giving the media a central role in the election processes, not merely for purposes of 'teaching' them how to report properly on elections. For instance, the media were excluded from the mediation sessions led by Sir Ketumile Masire in efforts to resolve the post-election conflicts which meant their only resort was to speculate about the process.

- Assisting in the creation of independent self-regulating media institutions which will encourage the media to observe a common ethos and subscribe to a voluntary code of practice in respect of election processes and accompanying national endeavours.

- Ensuring that national political, religious, and industrial (workers and business alike) elites observe and uphold national values. It is not a defence of the media to suggest that if the various enabling institutions cited above are not sustained by the nation's leaders the media can hardly be expected to volunteer itself for the role.

- Heeding the voice of the media when they offer constructive criticism and creative suggestions for problem solving and institution building. The media can provide a fertile hunting ground for solutions to many challenges, not as much because of the ingenuity of their editorial staff but because of the access they provide to a wide range of public opinion.

- Establishing an independent media standards authority which can judge impartially the propriety of the conduct of the various participants.

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REVIEW

Democratisation and demilitarisation in Lesotho: The general election of 1993 and its aftermath.
R Southall & T Petlane (eds)
Pretoria: Africa Institute of South Africa, Pretoria 1995, 193 pp.

A book devoted to the twin processes of democratisation and demilitarisation after the historic transitional election of 1993 in Lesotho was undoubtedly timely and, indeed, appropriate when it was written, and it remains so even after three further elections.

The book, the first comprehensive text on democratisation and the related processes of elections and demilitarisation, is divided into nine chapters written by academics and analysts both within and outside the country, each with an extensive knowledge of Lesotho's politics.

In the first chapter Rok Ajulu sets the scene and puts both the book and the election into a general context by providing an historical background to the election, situating it within the broader context of the third wave of global democratisation which affected the African continent in the early 1990s. Focusing on the 'changing character' of Lesotho's 'ruling class' and its public policy and on the role played by exogenous forces, of which South Africa is and always has been the most notable, Ajulu argues that if the 'ruling class' had not pursued collaborationist policies in relation to Lesotho's powerful neighbour the country's survival would have been at risk. He concludes that the return of democracy brought about by the 1993 election did not change the country's dependence on South Africa and placed the 'embryonic ruling class', represented by the Basotho Congress Party (BCP), in the same dilemma as its predecessors.

In chapter 2 Roger Southall analyses the country's transition and the 1993 election, paying a special attention to the circumstances surrounding the withdrawal of the military from power and the factors that led to it. These were, among others, the power struggle between the 'radical' and 'conservative' elements within the then ruling Basotho National Party (BNP); the central role of South Africa in Lesotho's politics, which led to the 1986 coup d'état; the resultant tensions between the military junta and the country's monarchy and within the regime itself; the processes that led to democratisation, including the establishment of the National Constituent Assembly (NCA), which paved the way for the election; and the attempts by the military to entrench itself in the future democratic dispensation by establishing the 'Defence Commission', which was designed to protect it from investigations into its corrupt activities. He also details the electoral

processes and the conduct, behaviour, and responses of the key players – the political parties – comparing this election with the annulled 1970 poll.

Fox's chapter assesses voting patterns and the geographic distribution of votes from 1965 to the 1993 poll. Acknowledging the difficulty of using variables such as ethnicity and region in Lesotho's homogeneous society he finds that, compared to both 1965 and 1970, there was 'a major swing away from the BNP towards the BCP', both in terms of votes and geographically. The BCP swept both the mountain and lowlands constituencies, leaving the BNP with 'one or two pockets … in the southern stronghold [of Mount Moorosi]'. Echoing Southall's sentiments Fox attributes the vote swing to 'a strong protest vote' against the BNP and surmises, in the conclusion, that voters' mobility from rural areas to urban centres, or what he dubs the 'modernisation variable', was operating in vote distribution in the 1993 election.

In chapter 4 Southall 'investigate[s] the demographics and the educational experience of candidates; their social experiences and activities; and their political activities and attitudes to key issues'. He submits that in a parliamentary democracy demographic data are useful in explaining the success or failure of candidates in any election. The specific variables under investigation are: religious affiliation, occupation, economic status, age and gender, and education.

With regard to social experience the author focuses on external work experience and voluntary association membership. He concludes that most BCP MPs were drawn from the Protestant religious denomination, despite the fact that religion may no longer be an important variable in Lesotho's politics. He states that MPs are not 'cut off from their constituents by possessions and wealth', yet when they assume public office, he predicts, there is a danger of them 'seeking to ensure their financial survival by non-democratic methods'. Lastly, he points out that the 1993 parliamentarians fought their previous political battles without comprehending adequately the political and economic challenges confronting them and Lesotho itself, namely, the 'nature of Lesotho's links with changing South Africa', with its attendant 'declining export migrant labour … and the largely undebated social consequences of the Highlands Water Project, which many analysts consider a time-bomb'. He cautions that there is a need for the BCP to select new and younger leaders and more female candidates to boost its popularity.

In chapter 5 Tim Quinlan analyses the 1993 election in the Khubelu constituency of the Mokhotlong district of Lesotho, focusing on the electoral process, including the selection of candidates by the two main parties – the BCP, which won, and its rival, the BNP; the key issues of the election campaigns; the election itself, its outcome, and the factors that produced the outcome. He avers that the BCP won the poll because its candidate focused on issues affecting and appealing

to the local inhabitants of the area, while his BNP counterpart addressed broad national issues with little appeal to the locals.

Like his co-authors he argues that the BCP's triumph over its rival was essentially 'a vote of resistance against the BNP as opposed to belief in the BCP's capabilities and national agenda', and this was occasioned by the BNP's record in government, which had marginalised the rural communities, Mokhotlong and its electoral constituencies included. The author offers as an example of this marginalisation a policy, which was later abandoned, of levying grassing fees for livestock in an attempt to reduce overgrazing. He concludes that the election gave Basotho a chance to 'express disdain for the previous governments and their repressive policies' but casts doubt on whether the results reflect support for the BCP's ideology of pan-Africanism and its 'socialist tradition'.

John Daniel provides an account of the election monitoring exercise during the 1993 election. He defends the role of foreign observers in African elections, arguing that those who criticise them conflate the process of election observation, which is limited both in scope and time, and a more comprehensive and extensive monitoring process. The former process is, according to Daniel, what took place in Lesotho, and it involved an array of activities and processes, including election management and administration, and financial and technical assistance provided by the international community.

He details the objectives of election monitoring exercises, applying them to Lesotho, and rejects the BNP's claim that its defeat was due to irregularities in the election process, arguing that any such irregularities would have had to be 'of massive scale and … be shown to have been deliberately concocted to favour one party over another'. This, he maintains, the BNP failed to prove in court and therefore no fraud could be ascertained. He concludes that the election was free and fair because of the role of the international observers, who, he writes, helped to 'rid a people of tyrants', an opinion expressed by one voter in Matsieng, who said 'You United Nations Have Delivered Us'.

In chapter 7 Pontso Sekatle analyses the BNP's claims of electoral fraud by reviewing the related processes of vote counting, voter education, and election monitoring against the background of the polls of 1965 and 1970 and concludes that the BNP mounted a less effective voter education campaign than the BCP and that this, along with other factors (its past record of authoritarianism and human rights violations, corruption, its close ties with the army, and factionalism), accounted for its defeat. The key issue for the BNP, according to the author, was that the election had 'a robotic outcome', manifested in the consistent pattern of figures in total disregard of the relative strengths and weaknesses of the parties in different constituencies. Sekatle rejects this claim as having no substance because, compared to the 1965 and 1970 elections, the party

had demonstrated 'relative strength in its traditional strongholds', although it lost the contest.

In chapter 8 Khabele Matlosa shows that the victorious BCP was expected to inherit a hostile bureaucratic apparatus, notably the security forces, created by previous regimes, but that the speed with which relations between government and security forces deteriorated, leading to the military-backed coup of 17 August 1994, came as a surprise. The chapter analyses this development, highlighting the challenges concomitant with the process of demilitarisation which the new BCP government had to confront but failed to overcome, principal among which are how, effectively, to place a military that has tasted political power under civilian control while simultaneously not jeopardising its interests – individual and corporate.

The author elaborates on the tensions between the three central elements of Lesotho's politics: the government, the military, and the monarchy, and how these threatened political stability and the very process of transition. The initial tensions between the military and the new government spilled over into the military itself, circumstances of which the BNP took advantage for political gain. These culminated in instances of faction fighting sparked by the refusal (initially) by the government to grant a pay rise to the military. The problems abated but were not fully resolved.

Matlosa shows how the unresolved question of restoration of the dethroned King Moshoeshoe II surfaced – setting the government and the monarchy on a collision course, spearheaded, this time, by Moshoeshoe's son, the reigning monarch, King Letsie III, and led by the BNP leadership. The failure of the government to resolve this issue led to the 'palace coup', which was tacitly supported by the security forces.

Matlosa also highlights the important role played by the international community in resolving these crises when internal efforts proved to be ineffective, and in reversing the coup by restoring the BCP government. He concludes by reiterating that Lesotho's case illustrates 'classic problems of demilitarisation' in that 'having become accustomed to power, the military proved extremely reluctant to make way for a democratic government, to render itself subject to democratic control mechanisms, and to concede its corporate interests to civilian supervision'. He notes, too, that the military had been 'highly politicised and had become imbued with partisan politics', and finally that Lesotho's post-election problems and the external interventions have limited the country's political independence.

Tsoeu Petlane, in chapter 9, deals with a number of issues related to the prospects of consolidating a democratic culture in post-1993 elections and, in particular, tackling the issue raised by Matlosa – how to place the military under effective civilian control in the transition period. He observes that Lesotho's army

has been central in the country's post-independence politics and argues that in order to achieve democratic consolidation all the players – government, opposition and, importantly, the armed forces – must be committed to the process.

Given the history of politicisation of the armed forces, their exploitation by politicians both in government and in opposition, and their entrenchment in national politics as an autonomous agent to protect their own interests, they pose a major challenge to the democratisation process. Petlane argues that politicisation of the armed forces continues to be a threat to democratisation, which requires, among other conditions, civilian control over the army. For him 'democracy cannot take root in an atmosphere which continues to place national politics at the mercy of armed groups, both constitutional and extra-legal'.

In sum, therefore, the book provides comprehensive coverage of the 1993 election and detailed treatment of related issues and, in that regard, achieves its objective, despite the limited financial resources at the authors' disposal when the project commenced, a factor that is reflected in the preface.

It is a valuable resource for those interested in Lesotho's politics, and elections in particular. The few factual and editorial errors in the text are not significant enough to affect the value of the book and its objectives.

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