

# 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 in 1966 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**

Rank	Country	Electoral System	Lower or Single House		
			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<sup>1</sup> (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.

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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.

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%)

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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