

REASONS FOR THE LOW VOTER TURNOUT IN LESOTHO'S 2022 ELECTIONS

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ABSTRACT

Voter turnout in Lesotho's 2022 National Assembly elections was at an all-time low of 37%. Since the country returned to multi-party electoral democracy in 1993, voter turnout has steadily decreased. Studies have been undertaken in Lesotho and globally to investigate the reasons for this phenomenon. While the turnout in the 2022 elections is a continuation of the pattern of declining voter turnout in Lesotho and globally, factors specific to each election may provide further insight into this intractable problem. The purpose of this article is to critically analyse the main reasons for the low turnout in the 2022 elections. The study uses qualitative methodology: it relies on primary and secondary data sources such as reports, targeted interviews, newspapers and literature, and legislation. The paper uses Stockemerian clustering of turnout variables to contend that election-specific factors can help to explain the steep decrease in voter turnout in the 2022 elections in Lesotho. Those factors are poor civic and voter education, political fragmentation, and some institutionalist variables.

Keywords: voter turnout, Lesotho 2022 elections, civic and voter education, Independent Electoral Commission, electoral participation, Constitution of Lesotho

INTRODUCTION

Africa saw a groundswell of democratisation in the early 1990s, which ushered in unprecedented changes such as the institutionalisation of pluralism, electoral democracy, popular participation, and increased accountability (African Union Panel of the Wise 2010, p. 2). As Southall (2004, pp. 6-7) instructively observes, this

is the period during which 'many African states found themselves now embracing the basic tenets of liberal democracy via the re-constitutionalisation of liberal rights, and most notably, multipartyism and competitive elections'. Lesotho has been no exception to this African pattern.

The beginning of the 1990s was a period of enthusiasm and optimism in Lesotho. This was the period when the country transitioned from authoritarian rule to multi-party democracy (Mothibe 1990, p. 242). From 1986 to 1993 the country had been ruled by a military junta. This transition culminated with the adoption of the new Constitution and the subsequent holding of pathbreaking elections in March 1993 (Letsie 2013; Southall 1994; Matlosa 1997). In the 1993 elections, 736 930 people registered to vote, and 532 678 voted, achieving an impressive 72% voter turnout (Matlosa 1997, p. 148). Voter turnout in this election remains the highest ever since Lesotho returned to multi-party democratic elections. Those elections were crucial and consequently generated much agitation amongst the voting population. Thereafter, the country experienced a steady downward spiral in voter turnout (Likoti & Likoti 2008, p. 216).

In a period of 25 years, from 1993 to 2017, voter turnout decreased by an incredible 25% (IEC 2021, p. 6). At 37% (IEC 2022), voter turnout in 2022 was at an all-time low. The trend of declining voter turnout in Lesotho is not unique – it is in keeping with global patterns. Globally, voter turnout has been decreasing since the beginning of the 1990s (Solijonov 2016, p. 8). This has raised questions about the future of democracy and the challenges that democracies face today. The main question confronting democracies today is whether this freefall in voter turnout indicates that elections are increasingly losing credibility as the main instrument for selecting government leaders.

Paradoxically, while there is a decrease in voter turnout globally, there is an upsurge in citizen activism through other non-conventional means. People seem to be gravitating towards non-formal means of participation, away from formal mechanisms like elections (Hague, Harrop & Breslin 1998). As Leterme (2016, p. 9) notes: 'lower citizen participation in elections does not necessarily mean that citizens are becoming less active in politics'. On the contrary, citizens increasingly participate through other forms of citizen activism, such as mass protests, occupy movements, and the increased use of social media as a new political engagement platform. These measures may be adopted in response to undesired and disputable electoral processes and/or outcomes, especially in circumstances where electoral fraud is used to secure electoral victory. Another irony, which is more manifest in Lesotho, is that while voter turnout has been on a steady downward spiral in every election since 1993, there have been more political parties competing (Malephane 2019, p. 2). This undesirable pattern is

sometimes called 'the paradox of the declining trend in voter turnout despite the rise in the number of political parties' (IEC South Africa 2008, p. 5).

As shown in Table 1 below, 1 375 753 people registered for the Lesotho 2022 elections, while 515 018 people voted on election day. The turnout was, therefore, 37.44% (International IDEA 2022).

Table 1: Voter turnout in the Lesotho National Assembly Elections (1965-2022)

Year	Voter turnout	Total vote	Registration
2022	37.44%	515 018	1 375 753
2017	46.37%	581 692	1 254 506
2015	46.61%	563 972	1 210 079
2012	50.04%	564 451	1 127 980
2007	49.00%	448 953	916 230
2002	66.69%	554 386	831 315
1998	71.83%	617 738	860 000
1993	72.28%	532 678	736 930
1970	81.90%	306 529	374 272
1965	62.32%	259 844	416 952

Source: International IDEA (2022): <https://www.idea.int/data-tools/country-view/174/40>

It is generally accepted that countries with smaller populations have a higher turnout. This theory may not necessarily hold for Lesotho. The country is tiny in terms of population and land mass. The country's population is only 2.2 million, with a land mass of approximately 30 355 square kilometres, yet this has not impacted voter turnout positively.

Hence, the purpose of this article is to critically analyse the reasons for the low voter turnout in the 2022 National Assembly elections in Lesotho. The study uses a qualitative methodology and relies on primary and secondary data sources such as reports, targeted interviews, newspapers and literature, and legislation. The article comprises four major parts. The first part is the introduction. The second part provides a conceptual framework. The third part analyses the factors contributing to low voter turnout in the 2022 elections. The final part is the conclusion and recommendations.

THEORETICAL FRAMEWORK

Problematising Voter Turnout as a Concept

The participation of citizens in the political process in general, and in elections in particular, is the bulwark of viable democracies (Cancela & Geys 2016, p. 264). It is a measure of the health of democracy, and it imbues governors with legitimacy (Dalton 2008; Norris 1999). As Leterme (2016, p.9) observes: '[l]ower turnout suggests that fewer citizens consider elections the main instrument for legitimising political parties' control over political decisionmaking.' Voter turnout is also important for the performance of democracies: democracies tend to perform better when more people participate in elections (Bonica & McFaul 2018).

While there is a consensus about the importance of voter turnout in elections, there is a divergence of views about how to define voter turnout (Geys 2006). There is also a notable disagreement in the literature about measuring voter turnout. The disagreement is principally about the three ways of measuring turnout: the percentage of registered voters who actually turn out, called 'registered voter (RV) turnout'; the percentage of a country's voting-age population who voted on election day, called 'voting-age population (VAP) turnout'; and the percentage of eligible voters who actually voted, called 'voting-eligible population (VEP) turnout' (Stockemer 2017). Many countries use RV turnout and VAP turnout to measure voter turnout.

This is unsurprising because many studies use these two or either of these two common measurements of voter turnout. There is an upsurge in the critique of the accuracy of RV and VAP turnouts. RV turnout has been criticised for its two critical deficiencies as a measurement of voter turnout using only registered voters (Stockemer 2017; Highton 2004; Endersby & Krieckhaus 2008).

First, RV turnout ignores people who are eligible to vote but cannot do so because they are not registered. There are many reasons why people do not finally appear on the voters' rolls. Some of the reasons are systemic, such as the failure of the system to register everyone who is eligible to vote, like people who live in far-flung areas or those who may be outside of the country on the dates designated for registration. Some may not be registered because they simply choose not to participate in electoral activities. Secondly, national voters' rolls are often inaccurate; as they are not a true register of people who should be on the roll. They may include people who are dead or there may be data-capturing errors.

The use of VAP turnout is equally beset by shortcomings. Stockemer (2017, p. 944) criticises VAP turnout for its propensity to distort the calculation because 'it includes into the calculation of electoral participation individuals who, by law, are not allowed to vote such as foreigners or individuals serving a prison sentence.

It might overestimate turnout if more citizens of a country live abroad than there are foreigners or ineligible citizens in that country’.

Stockemer (2017, p. 944) consequently argues for the use of VEP turnout, which includes the number of voters in a jurisdiction who are eligible to vote (not disqualified due to mental incapacity, incarceration or immigration status, or another disqualifying reason), regardless of their registration status. The literature on turnout is demonstrably moving towards VEP turnout due to the compelling criticisms of RV turnout and VAP turnout (Blais, Massicotte & Dobrzynska 2003). However, for the purposes of the argument made in this paper, and because of the lack of data to measure VEP turnout in Lesotho, the definition of voter turnout adopted in this study is the RV turnout: the number of people who are on the voters’ roll who actually voted, against the total registration. The reason is that it is a form of turnout where there is data. Other types of turnouts may bring more accuracy challenges as such data not being readily available in Lesotho. As UNDP stresses, there is a need to collect and report data on the proportion of a particular target group, for instance, women and men who voted. This is because ‘without this data, it is not possible to know if there is a gender gap in turnout overall or for a particular geographic area or age group in any given country’ (UNDP 2015, p. 46). As a result, election management bodies can determine how to report turnout results in a meaningful and open manner while also protecting the secrecy of each individual voter at the voting centre, constituency, or regional level.

Importantly, civic and voter education are a precondition for enhancing massive and meaningful voter participation in the democratic electoral processes. It focuses on the citizen’s role as a voter (Nokshuwan et al. 2020, p. 35). It also serves as a panacea for, among other tribulations, low voter registration, spoilt ballot papers, election-related disputes, and electoral violence (Mudau 2022, p. 111; African Union Panel of the Wise 2010, pp. 1-2).

While the two are symbiotically related, they also have marked differences (Ibeanu & Orji 2014, p. 13). Civic education has three elements: civic knowledge, skills, and disposition. Civic knowledge refers to citizens’ understanding of how the political system works and the kind of rights and responsibilities that they have in relation to such a system. This involves the awareness of rights such as ‘the rights to freedom of expression and to vote and run for public office, and the responsibilities to respect the rule of law and the rights and interests of others’ (Rietbergen-McCracken 2012, p. 9). Civic skills are at a slightly higher cognitive level. They refer to citizens’ ‘ability to analyse, evaluate, take and defend positions on public issues, and to use their knowledge to participate in civic and political processes (e.g., to monitor government performance or mobilise other citizens around particular issues)’ (ibid.). Civic dispositions refer to ‘the citizen traits

necessary for a democracy (e.g., tolerance, public spiritedness, civility, critical mindedness and willingness to listen, negotiate, and compromise)' (ibid.).

Voter education is a sub-set of civic education and is narrower and more targeted. It imparts information about the electoral system. Most of the time, the content is about who is eligible to vote; where and how to register to vote; how voters can check the voters' roll to ensure that they have been duly included; what type of elections are being held; who the candidates and political parties are; where and when the election is taking place; how to complete ballot papers; and how to lodge electoral disputes (Nokshuwan et al. 2020, p. 36; Ogbu 2020, p. 29). Voter education provides a 'good time to inform voters and electoral stakeholders about changes in the law and to raise awareness about citizens' rights' (Evrensel 2010, p. 25).

Therefore, civic and voter education teaches 'citizens about the dynamics of democracy, their rights and duties and the skills and virtues necessary to live in a democratic society' (Barbosa 2014, p. 1). It must ensure that voters are ready, willing, and able to participate in electoral activities while reaching both disadvantaged social groups as well as mainstream voters (Ogbu 2020, p. 29). It is also important, as Ogbu emphasises, to achieve universal coverage of the electorate by accommodating 'differences in illiteracy rates, differences in languages, religion, cultures, and ethnic backgrounds in a country' (ibid.). Hence, poorly funded voter education, which was hurriedly provided within the space of three weeks, arguably had a negative impact on the turnout.

Factors that Influence Turnout: A Stockemerian Clustering

Literature on voter turnout diverges markedly regarding the factors that influence people's participation in the electoral processes. Different studies place a premium on variables such as specific countries, regions, and types of the elections. The list of variables is so wide as to be inexhaustive. Nevertheless, Stockemer (2017) has attempted to cluster the variables under three main heads: institutional, socio-economic, and circumstantial or election-specific variables.

Under the first cluster – the institutional variable – there are four common variables: compulsory voting, the electoral system type, the election's importance, and the number of parties. On the first variable, studies demonstrate that countries where voting is mandatory tend to have a higher turnout than countries where voting is voluntary.

Another institutional variable impacting the turnout is the number of political parties contesting elections. Studies demonstrate that a plurality of political parties in an election has a positive impact on voter turnout 'because the more parties that compete and win seats, the more choices are available to

voters to vote sincerely' (Stockemer 2017, p.705). However, the plurality of parties is a double-edged sword: some studies show that as much as it positively impacts turnout, it may also have a negative impact as it contributes to voter apathy. More often than not, the proliferation of political parties in Lesotho is not necessarily in the voters' interest, nor does it always represent a diversity of choices.

The second cluster – socio-economic factors – has three main variables: development, population size and income inequality. Low-income citizens tend to be less politically engaged (Solt 2010; Lister 2007). Burns et al. (2001) postulate that material affluence tends to foster participation in political processes. Just as affluence impacts turnout at the macro level, so it impacts turnout at the micro level. The level of development, education and awareness of the citizenry also impacts the turnout. The literature and practice on voter turnout confirm that factors such as higher levels of education, level of interest in politics, perception of civic duty, and age may influence voter behaviour and are associated with higher voter turnout rates (Solijonov 2016, p. 40).

Therefore, the provision of civic and voter education is germane to voter turnout. The absence or insufficiency of civic and voter education programmes in any country dilutes the ethos of electoral democracy when there is low voter turnout. Therefore, civic and voter education is integral to the project of democratisation in general and electoral processes (Uhunmwuango & Aibieyi 2012, p. 239). It goes beyond the limits of knowledge interpretation: it spells a cognitive orientation bearing affective and evaluative orientations. As Lohani and Pandey (2021, p. 11) contend, it 'necessitates access to information that facilitates critical thinking, paving the way to informed choice'. De Kock and Schutte (1994, p. 28) argue that the conditions influencing voters' participation in an election are objective-technical and subjective-perceptual. The objective-technical variables are those factors that are the responsibility of the election organisers, and subjective-perceptual factors are those that are subjective to voters. They relate to the voters' perception of the need to vote.

The democratic electoral process is enhanced when individuals process complex information and engage actively in political activities (Onuigbo, Eme & Asadu 2018, p. 246). Consequently, cognitive mobilisation assists individuals in overcoming the bureaucratic obstacles associated with voting. Interestingly, Onuigbo, Eme and Asadu (2018, p. 248) highlight the importance of education for civic skills thus: 'the better educated [citizens] receive more gratification from electoral participation'. In equal measure, Kostandinova & Power (2007) contend that smaller countries tend to have higher turnout because of citizen homogeneity and geography, and relations between voters amongst themselves and between them and their representatives.

The third cluster relates to factors that affect a specific election. This may be related to the changes introduced during such an election, the day on which

the election was held, the weather, and other conditions. The election-specific circumstances may also be institutional or socio-economic. Such factors may help to explain the all-time low turnout in Lesotho. This is the convenient cluster used in this study to analyse the factors that are related to the Lesotho 2022 elections.

ELECTION-SPECIFIC FACTORS THAT IMPACTED TURNOUT IN THE 2022 ELECTION

Poor Civic and Voter Education

Civic and voter education has always been integral to electoral democracy in Lesotho. It is no coincidence, therefore, that section 66A of the Constitution expressly provides that one of the duties of the Independent Electoral Commission (IEC) is 'to promote knowledge of sound democratic electoral processes'. Promoting citizens' knowledge about the electoral process is a duty that the Constitution places squarely on the IEC – not on government, political parties, or civil society organisations. To operationalise the Constitution, section 135(d) of the National Assembly Elections Act, 2011 provides that '[f]or the purpose of carrying out its functions under the Constitution and this Act, the Commission shall ... promote the knowledge of sound electoral practices and processes through the media and other appropriate and effective means'. There is an increasing trend towards incorporating civic education in legal frameworks, such as constitutions and national legislation in Africa. This affirms the role and significance of civic and voter education in enlightening citizens (Mudau 2022, p. 111).

The downward spiral in voter turnout persists even though civic and voter education has been a longstanding activity of the IEC in every election. The IEC often adopts a dual approach: insourcing and outsourcing. It hires its own voter educators and outsources voter education to civil society organisations (Letsie 2013, p. 68). Civil society organisations contribute to shaping democracy as they assist in encouraging massive electoral participation (Katusiimeh 2003, p. 8). In keeping with its practice, in the 2022 elections the IEC implemented this dual approach to civic and voter education. It deployed its own 446 voter educators and contracted 16 civil society organisations to undertake civic and voter education responsibilities.¹

1 The organisations were: Development for Peace Education, Disabled and HIV/AIDS Organization, Women and Law in Southern Africa, Monna ka Khomo, Lesotho National Council of Women, Christian Council of Lesotho, Lesotho Association of Non-Formal Education, Lesotho Youth Federation, Bacha ba re Bacha Youth Forum, Migrant Workers Association of Lesotho, Patriotic Vision in Action, Transformation Resource Centre, Catholic Commission for Justice and Peace, Lesotho National Federation of Organisation of the Disabled, Campaign for Education Forum, Lesotho Federation of Women Lawyers.

The effectiveness of the IEC's civic and voter education methods is always under immense scrutiny. To assess the effectiveness of its civic and voter education programmes, the IEC commissioned a study after the 2017 elections (IEC 2021). The report finds that voter education efforts are generally ineffective. One key finding in the study is that IEC public outreach tends to weigh heavily in favour of time-limited electoral education against long-term civic education. While the study did not explore the differential effects of either emphasis, it is generally agreed that civic education has a more enduring effect on changing political behaviour (IEC 2021, p. 9). Despite this self-critique, the IEC continued with the same civic and voter education approach in the run-up to the 2022 elections. Its approach was still predominantly limited to electoral education. Resources largely inform the approach of the IEC. Ordinarily, voter education is covered in the election budget, often made available to the IEC during the election year. The provision of civic and voter education has always been hampered by inadequate resources (Lesotho Times 2011).

The lack of political will in funnelling adequate resources to the IEC may be a reason for its reluctance to directly assume its constitutional and legal responsibility for conducting civic and voter education. The amount of money allocated to voter education in the 2022 election was M28 million, expected to facilitate voter turnout within three weeks. The delay in the start of the voter education programmes is the result of the government's late allocation of funds to the IEC. This compromised the timely implementation of voter education outreach activities. Voter education commenced in earnest three weeks before the election. These sixteen organisations were expected to cover the entire country in three weeks. As the EU Election Observation Mission to Lesotho (2022, p. 13) noted: 'the late allocation of funds to the IEC by the government compromised the timely implementation of voter education outreach activities, which had to be reduced from three months to three weeks prior to election day' Most critics have considered voter education for these elections as insufficient and inadequate, given the legal uncertainties and recent changes to some constituency boundaries.

The education of voters in Lesotho has been criticised for being principally electoral, without adequately imparting civic education knowledge. The conflation of these two forms of education often undermines efforts to mobilise citizens to participate in the electoral process.

Political Fragmentation

Political fragmentation and the constant proliferation of political parties are defining features of the political landscape in Lesotho (Matlosa & Shale 2011; Aerni-Flessner 2022). Political fragmentation is a contentious phenomenon: there

is always a divergence of views on whether it impacts voter turnout positively or negatively. Admittedly, the plurality of political parties attests to the ability of a democracy to tolerate different views and freedoms, such as freedom of association (Repucci & Slipowitz 2022; Ezrow 2007). It affords the electorate broad policy choices and generates agitation among the voters to vote for their preferred choices. The flip side is that it can also contribute to a decline in voter interest in political processes. According to Solijonov (2016, p. 36), 'too many options can confuse voters and make it difficult for them to judge whether their vote will have the desired impact on the election outcome'. This is even more true when the plurality of political parties does not necessarily represent the substantive diversity of policy options, as in Lesotho. As Booysen (2015, p. 432) notes: '[l]ittle separates Lesotho's parties ideologically'. Two main factors have encouraged the proliferation of political parties in Lesotho: economic appurtenances associated with occupying public office, and adopting the MMP electoral model after the 2002 elections.

The system is more inclusive of smaller parties than the pure majoritarian system the country used since independence. As Malephane (2019, p. 7) observes:

the introduction of the mixed member proportional electoral system was expected to improve the representation of voters in Parliament, in citizens' eyes it seems to have led to political fragmentation and made it very difficult to have one party winning the seat majority required to form a government.

The plurality of political parties in Lesotho is therefore viewed negatively rather than positively by the electorate. This contributes to the apathy of voters about electoral processes in general and elections in particular. According to the Afrobarometer Round 9 Survey in Lesotho (Afrobarometer 2022, p. 38), 57% of people in Lesotho believe that '[p]olitical parties create division and confusion; it is, therefore, unnecessary to have many political parties in Lesotho'.

Citizens do not believe that having many political parties presents them with policy choices. Intriguingly, trust in elections has also diminished: 45% of citizens believe that '[s]ince elections sometimes produce bad results, we should adopt other methods for choosing this country's leaders' (Afrobarometer 2022, p. 38). Studies on Lesotho also do not regard the proliferation of political parties as contributing to the development of democracy in the country. Matlosa and Shale (2006, p. 147) contend that the proliferation of political parties has created a weak and fragmented party system in Lesotho. In like manner, Monyake (2021, p. 272) notes that 'where political parties are ideologically identical and their

policy disagreements cosmetic, as is the case in Lesotho, proliferation can erode both citizens' confidence in multi-party politics and their willingness to vote'.

In 2022, the number of political parties registered to contest the election soared. The country saw an 85% increase in the number of registered political parties between 2017 and 2022. This unprecedented jump in the number of registered political parties caused an uproar in society. People associated it with the economic appurtenances of leaders rather than the country's interest. *The Economist* (2022) called the phenomenon 'a growth industry'. *The Economist* further noted that despite the depressed state of the country's economy, '[t]here is one booming sector, though: political parties. It is one of the only growth areas [because] the only available means of survival is to be close to the state'. This association of political parties with self-aggrandisement, rather than the country's development, discourages voters.

The conduct of political parties and party systems may contribute to democratic performance and consolidation (Goeke 2016, p. 294). However, between 2015 and 2017, Lesotho experienced political upheavals that obviously affected voters' willingness to participate. Weisfelder (2015, p. 51) argues that these political upheavals were not ideological or policy-driven but precipitated by the desire for 'access to power, succession to party leadership, and personal rivalries'. Political strife and a persistently unstable coalition government charged the national atmosphere in the build-up to the 2022 elections ('Nyane 2022). Lesotho has a chequered history of intra-party conflicts, fragile and unstable coalition governments, and military intervention intended to maintain order or sustain the elected government (Weisfelder 2015, p. 50). Lesotho's coalition politics began after the 2012 elections ('Nyane 2022). Since then, no coalition government has been able to complete a five-year term ('Nyane 2022).

It must be noted that political parties in Lesotho may be partly responsible for growing voter apathy because of the creation of a tense and hostile political environment marred by political crises, unstable governments, and the frequency of snap elections. Lesotho is often seen as the hotbed of political instability in the Southern African Development Community (SADC) region. This points to jostling for access to power, without considering the possibility of inadvertent voter disenfranchisement in the process. Political participation is 'determined, influenced and shaped by the type of government in a polity' (Uhunmwangho & Aibieyi 2012, p. 241). Also, Uzunmwangho and Aibieyi (ibid.) argue that 'popular political education and participation [are] limited by the nature and realities of governance'. This means that the state of governance may largely influence citizens' perception of politics and conceivably transcend their participation in the democratic electoral processes from this lens.

Institutionalist Variables

Scholars of the institutionalist theory contend that contextual or institutional factors impact voter turnout. The basic premise for this theory is that 'voting is a political act, and turnout depends not only on social and economic factors but also on how elections and politics more broadly are structured' (Blais & Dobrzynska 1998). Hence, institutional variables have a bearing on incentivising or disincentivising people to vote. For purposes of the argument being made in this study, two institutional factors directly affected the 2022 elections: the electoral laws and the registration. Electoral laws influence turnover in two fundamental respects. Firstly, the turnout increases when the laws permit diaspora voting. Secondly, voter turnout improves in situations where there is compulsory voting. According to Stockemer (2017, p. 698), the strong consensus in the literature shows 'that turnout is higher under compulsory voting if the election is important, and if it is held in a small country'.

Regarding diaspora voting, Lesotho does not permit eligible voters outside the country to vote. In terms of the Constitution, the right to vote is a universal right, guaranteed to every citizen. However, the National Assembly Electoral Act of 2011 only permits people inside the country to cast their votes on election day. The only people allowed to vote externally are government officials deployed to foreign missions and their families (National Assembly Electoral Act, section 73). This is the case even though many Basotho live in neighbouring South Africa for work, business or study purposes. Others are living in South Africa irregularly. Lesotho has a long and unique history of its productive workforce being migrant workers in South Africa. For instance, in 2015, the South African government announced that citizens of Lesotho who were working, studying or running a business in South Africa without proper documentation would have the opportunity to regularise their status for up to four years. It was estimated that 400 000 Basotho might be affected (Aerni-Flessner 2016). This number, measured against the 515 018 people who voted in the 2022 elections, suggests that about 80% of eligible voters in Lesotho are not in the country and are probably unable to vote on election day.

As part of the reforms rendered invalid by the courts, Parliament passed the National Assembly Electoral (Amendment) Act, 2022, which introduced diaspora voting. However, the law could not be implemented in the 2022 elections because it was rendered invalid by the courts. The exclusion of diaspora voters is not necessarily specific to the 2022 elections; people outside the country on election day have not been allowed to vote in any elections. But, in 2022 there was a high expectation that diaspora voting would be legalised as part of the broad-based

reforms. To the chagrin of many, the reforms were aborted, which dampened voters' interest in the electoral process.

Another institutionalist factor that has a bearing on turnout is voter registration. The registration of voters in Lesotho seems to be an intractable problem. The main problem is that the roll is not clean; there is a high probability that it is inflated. According to the study commissioned by the IEC (2021, p. 36), the problem of a bloated voters' roll is estimated to have started with the 2012 elections, where the voters' roll exceeded the population register of eligible voters by more than 100%. The report notes that the voters' roll cannot exceed the population register of eligible voters: the maximum it can reach is 100% of the population register of eligible voters. However, it is equally impossible for the voters' roll to surpass 100% of the eligible voters as contained in the national census. Even in developed countries where the accuracy of the two registers is high, it is hard to attain 100% parity between the census register of eligible voters and the voters' roll. Consequently, the study notes that:

It is therefore precise that Lesotho's voters roll has some defects. However such defects are not intentional and are caused by a number of factors ... The plausible reasons behind these overestimates include: lack of resources to clean voters roll; lack of consensus between political parties on whether voters roll should be cleaned; or difficult terrain in the country which has made continuous cleaning of voters roll more difficult although on paper it is claimed that the country's voters roll is open one with continuous registration.

(IEC 2021, pp. 39-40)

In addition, relying on the voters' roll to measure voter turnout often results in an inaccurate measurement. The problem of inaccurate voters' rolls is common in Lesotho. In 1998, when the post-election conflict turned violent and resulted in loss of life, the voters' roll was one of the causes of the conflict. Even during the 2022 elections, there were still complaints about the voters' roll (Ngoepe 2022). The problem of a bloated voter's roll is not unique to the 2022 elections but became more pronounced in these elections. Several political parties complained about the voters' roll. The RFP accurately charged that '[t]he voters' roll that the IEC made public on its website is riddled with clerical errors, inconsistencies, duplicates and other egregious errors. It is unusable for a credible, free and fair election, and must be thoroughly revised before any voting takes place' (Ngoepe 2022). The problem of an inaccurate voters' roll was also noted by the EU Observer Mission, which stated that '[t]he accuracy of the voter register has been questioned by many interlocutors, pointing at the inclusion of names of deceased persons

and reported data errors in the voter register'. Hence, it is highly probable that the RV turnout of 38% is a result of an error-riddled voters' roll. It is likely that the voters' roll has exaggerated the number of eligible voters. This not only impacts the measurement of the turnout; it also affects the credibility of the elections in the eyes of voters.

Another institutionalist factor that negatively affected the turnout was the late re-demarcation of constituencies. In the run-up to the elections, there was a legal battle about the demarcation of constituencies. The IEC had demarcated constituencies in terms of the Constituency Delimitation Order of 2022 (Legal Notice No. 37 of 2022). The demarcation increased the number of urban constituencies, reducing the rural ones. The then-ruling Democratic Congress (DC), which deemed the rural constituencies its stronghold, rejected the demarcation as gerrymandering (*The Post*, 2022). The matter was contested in the High Court (*Democratic Congress and Another v Independent Electoral Commission and Other* (2022)). The High Court, sitting in its constitutional jurisdiction, decided the case on 8 August 2022, exactly two months before the election, which was scheduled for 7 October 2022. The court invalidated the Constituency Delimitation Order (2022) in respect of twenty out of eighty constituencies. The effect was that the IEC had to re-demarcate twenty of the country's eighty constituencies. The decision sent shockwaves across the country. There was doubt about whether the IEC could re-demarcate the twenty defective constituencies without affecting all the others (Rickard 2022). There was a significant concern that if the IEC had to redo the demarcation of all eighty constituencies, the election would have to be postponed. While the IEC announced later that it had successfully regularised the twenty defective constituencies, the problems associated with the last-minute changes did not end: they manifested again on election day. As the EU Observer Mission (2022) notes, '[a] late change in the constituency delimitation of 20 constituencies also posed a challenge to registered voters whose constituency and polling stations changed'. This late change confused many voters as they were no longer sure where they should cast their votes. This factor also impacted negatively on the turnout.

Another institutional variable is the type of electoral system. Countries that use proportional representation electoral models tend to have improved voter turnout. However, this theoretical proposition may not necessarily be true in relation to Lesotho. In 2002, Lesotho changed its electoral system from the constituency-based model to a hybrid system, the mixed member proportional (MMP) system. As demonstrated in Table 1, voter turnout dropped exponentially from 66.7% in the previous election (1998) to 49% in 2002. In the 2022 elections, the country was still using the MMP electoral system. The extent to which the electoral system impacts turnout is still unclear. Nevertheless, the electoral system

is often derided for being 'difficult' for the voters to understand and for the election management body(IEC) to administer.

In 2007 and 2022, the IEC could not allocate proportional representation seats. In the aftermath of the 2022 elections, IEC had to approach the High Court for a self-review of the 'mistake' it made in allocating proportional representation seats (*Independent Electoral Commission V Speaker of the National Assembly* Const. No. 0022/2022). Furthermore, another discouraging aspect of the electoral system is that political players occasionally abuse the electoral to attain political ends. In 2007, the political parties manipulated the electoral system through decoy pre-election alliances, which plunged the country into a long, drawn-out political conflict.

Furthermore, the importance of an election is an important variable for turnout (Stockemer 2017). In elections where the stakes are high or carry a certain importance, such as transitioning from one era to another, turnout tends to be high. The 1993 elections are a typical example. The elections which saw the country transit from the military junta to electoral politics, had the highest turnout of 72.3% since the country returned to electoral politics. Similarly, the 2012 elections, which ushered in the era of coalition politics, marginally reversed the previous election (2002) voter turnout, which had dipped below 50%. While the 2007 elections had a 49% voter turnout, the 2012 elections saw a marginal improvement, and the voter turnout was 50%.

The 2022 elections were highly competitive but not necessarily a landmark. The earthmoving debut of the Revolution for Prosperity(RFP), hardly seven months before the 2022 elections, suggested that the election would be competitive and ramp up voter turnout. However, the election's outcome was the opposite: voter turnout was at its lowest. Although the election broke the domination of the two political parties in the recent electoral history of the country – the All Basotho Convention(ABC) and the Democratic Congress (DC) – it was just a normal election which continued the pattern of coalition politics in the country.

CONCLUSION AND RECOMMENDATIONS

This article set out to analyse the election-specific variables that could explain the unprecedented decrease in voter turnout in the 2022 elections in Lesotho. The study finds that the variables impacting voter turnout are generally diverse and inexhaustive. However, it is possible to explain the decrease in voter turnout in terms of election-specific factors. The paper has identified the factors that, although they have only occurred in the 2022 elections, may have impacted negatively on the turnout. The first variable is electoral education. The study finds that electoral education in Lesotho was provided for only three weeks by sixteen

non-governmental organisations. The voter mobilisation campaigns were poorly funded and poorly designed. It was impossible for voter education campaigns to cover the length and breadth of the country in three weeks. Another defect of voter education was that it is too narrow and is limited to electoral education. This kind of approach fails to locate elections within a broader democratic scheme. It is improbable that a population that is not involved in all other democratic processes can suddenly be mobilised to participate in elections.

There is a causal relationship between informed citizenry and turning out to vote on election day (Kuzio 2011). Hence, it is recommended that the country must have longer-term democracy education programmes run by civil society formations but regulated by the IEC. The Constitution places a duty on the IEC to ensure sound democratic education. Section 66A(f) of the Constitution and section 135(d) of the National Assembly Electoral Act, 2011 mandates the IEC to promote civic and voter education. Generally, election management bodies may be assigned a formal mandate to participate in legal reforms (Bakken 2014, p. 13). The eight principles for the relationship of election management bodies with stakeholders when engaging in electoral reform are: inclusiveness, transparency, responsiveness, independence, impartiality, communication, information sharing, and equality (Bakken 2014, p. 20).

Similarly, Lesotho's election management body is given a formal mandate to engage in legal reform. Section 135 of the National Assembly Electoral Act stipulates that the IEC shall have the powers to 'continuously review legislation and other matters relating to elections and referenda and to make appropriate recommendations'. This includes establishing a much more robust and workable legal regime for civic education in general and voter education in particular. In this context, cognisant of the IEC's structural shortcomings resulting from incapacity and insufficient financial resources, the IEC should recommend the provision of appropriate support from the government. This should include the timely release of funds to allow for the rollout of civic and voter programmes to be continued and intensified during periods of heightened electoral activity.

Another factor was political fragmentation. Political parties must also consider their role in shaping democracy in Lesotho. In the run-up to the 2022 elections, the country saw an exponential number of political parties registering to contest the elections. Sixty-five political parties were registered. The public and scholars do not approve of this proliferation of political parties in Lesotho. The prevailing view is that it weakens the political party system in the country and creates the perception that forming a political party is a means of achieving financial advantages. It therefore discourages voters from participating in elections. While the country may not necessarily prohibit the formation of parties, as that would be undemocratic, it may benefit democracy if the requirements

for the registration of politics were made more stringent. Only worthy political parties should survive the rigorous registration and cancellation requirements. This would reassure voters about the country's party system. The aborted national reforms had already recommended strict requirements for registering and cancelling political parties. It may be worthwhile to pursue that recommendation.

The frequency and number of elections are mainly the result of jostling for power among elites and their interests, posing 'the greatest threat to the democratic project' (Fombad 2016, p. 290). Thus, avoiding frequent snap elections may reduce voter fatigue and encourage participation during normal periodic elections.

The article further establishes that special institutionalist variables negatively affected voter turnout in 2022. These are bloated voter registration, flip-flopping on diaspora voting, and the late re-demarcation of two constituencies. Institutional variables affecting voter turnout are matters that may easily be addressed by proper laws and preparation for elections. Sudden and last-minute problems with elections, such as constituency changes, negatively impact voter turnout.

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