



Situation Report

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Lesotho: On the path to democracy and stability?

Introduction

The Lesotho Congress for Democracy (LCD), led by Prime Minister Pakalitha Mosisili, scored a resounding victory over its inter-party rivals in the general elections held on 17 February 2007. Following the defection of a number of parliamentarians under the leadership of former cabinet minister, Tom Thabane, who formed a new party, the All Basotho Convention (ABC), the governing party had been left with a slender majority in parliament. The possibility of further defections to the ABC had raised fears within the LCD that they would not be able to win another majority in these elections. The governing LCD, with the advantage of incumbency, took a gamble by calling for early elections on 17 February rather than waiting for May 2007. In this way the LCD evidently hoped to deny the recently formed ABC the time to gain momentum and additional support.

Lesotho's legislature has 120 seats, 80 of which are contested through the majoritarian 'first past the post' (FPTP) system, and the remaining 40 distributed on the basis of 'proportional representation' (PR), according to party lists. In the case of the proportional representative system, each party draws up a list of potential legislative members and the electorate votes for the party list rather than for an individual candidate. The seats in the legislature are then allocated to a party based on the percentage of votes cast for it by the whole electorate. This system was introduced after it was found that the FPTP system had served to undermine the consolidation of democracy in Lesotho, and the source of much of the political conflict that previously afflicted the country.

Lesotho's current electoral system, which combines elements of FPTP and PR, so far has proved effective in creating an electoral mechanism that enhances conflict resolution and democratisation. Through the design of this "mixed member proportional representative system", Lesotho can be said to be among those nations leading the way on the continent when it comes to creating an electoral model with the distinct but interrelated goals of restoring peace and stability and entrenching democracy. This will be discussed in more detail later on in this report.

The outcome at the polls

The results of the 17 February elections gave the LCD 61 out of the 80 seats contested while the ABC got 17, making the latter the new official opposition. New polls will be held in the Makhaleng constituency because of the death of a candidate from the Alliance of Congress Parties (ACP), which took one constituency. Lesotho's Independent Electoral Commission (IEC), using the proportional representative system, awarded the National Independent Party 21 seats, the Lesotho Workers Party, an alliance partner of the ABC got 10 seats, the

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BNP 3 seats, and the ACP an additional 2 seats, while the Basotho Democratic National Party, the Basotholand Congress Party, the Basotho Batho Democratic Party and the Popular Front for Democracy were each awarded one seat.¹ A total of 14 parties and 93 independent candidates contested the poll, the fifth since the former British protectorate attained its independence in 1966.

Even though independent electoral observation missions have judged these elections as having provided for “the free expression of the electorate’s will”,² objections have been raised by some opposition parties about the registration process, access to the state media, party funding, payments of party agents and the timing of the elections. The opposition also raised allegations of vote buying by the ruling party and the use of government vehicles to ferry voters to the polls.

The outcome has also shown that the ABC, which campaigned on a broad-based, populist platform, emphasising the need to improve service delivery, lacked sufficient support from the rural electorate to win its first national contest. In the local elections in 2005 the LCD won three-quarters of the seats and this resounding victory also has to be attributed to the widespread rural support that the party enjoys.

The LCD’s electoral victory has renewed concerns that the response by some of the defeated parties could result in politically motivated violence in this mountainous kingdom. Major-General Justin Metsing Lekhanya, formerly chairman of the military council that ruled the country for five years and now leader of the Basotho National Party (BNP), threatened to protest his party’s failure to win a single constituency seat. He attributed his party’s dismal performance to election rigging and announced that his party planned protest marches through the streets of the capital, Maseru. According to political analysts, “the BNP’s leader still harbours the ambition of holding the highest political office in the land, but the election has severely dented his aspirations” (IRIN 2007). Following the previous general election in May 2002, the BNP held 21 parliamentary seats, making it the official opposition. A negative backlash caused by a violent rejection of the LCD victory at the polls would not be the first time that such an outcome has marred electoral contests in the country.

Nevertheless, despite the recent threats by some opposition parties following their electoral defeat, it seems unlikely that we will now see the sort of politically motivated violence that has marked Lesotho’s checkered political history. The expected avoidance of political violence can be attributed to the effectiveness of the conflict resolution mechanisms designed to address the contentious issue of selecting political leadership in this country, introduced into the electoral system following the South African-led military intervention by the Southern African Development Community (SADC) in 1998. As part of this sub-regional organisation’s peace-building initiative in this country, security sector reform was implemented and institutions capable of preserving the peace were strengthened to consolidate the process of democratisation.

The SADC peace-building initiative followed the Lesotho general elections of 1998, which led to civil unrest followed by the chaotic deployment of an intervention force made up of troops from South Africa and Botswana, under the auspices of the SADC. This action, code-named ‘Operation BOLEAS’, eventually quashed an incipient mutiny and accompanying dissent, but 75 lives were lost in the process, including those of a dozen South Africa soldiers, and the capital’s commercial quarter was devastated. South Africa and Botswana were part of a troika, with Zimbabwe, on a mission to rescue Prime Minister Pakalitha Mosisili’s government, at the latter’s request.

Many media reports had created the impression that Lesotho was a country in a state of peace and harmony, subsequently thrown into chaos as a result of the South Africa-led military intervention. According to Southall and Petlane (1995), however, the politics of post independence Lesotho had been

characterised by, “ongoing struggles between the dominating influence of the military, the monarchy, and political parties, against the background of economic impoverishment and dependence on South Africa”. Since 1970 Lesotho had suffered a number of unconstitutional political developments including coups d’état (van Nieuwkerk 1999: 14). Developments following the 1998 election must be seen and interpreted against this background. The SADC’s involvement. However, stemmed in part from a 1994 SADC initiative under the leadership of Botswana, South Africa, and Zimbabwe to reverse a constitutional coup carried out by Letsie III, the Basotho National Party (BNP) and sections of the Lesotho Defence Force (LDF).

During September 1998, the political situation in the Kingdom of Lesotho had become totally unstable. Dissatisfaction and allegations of rigging during the May 1998 election, the political situation deteriorated rapidly to a state of anarchy and paralysis (Maokoa, 1998: 67). Actions by members of various political groupings placed the Government of Lesotho in a position where it was unable to govern. This led to an uprising in the Lesotho Defence Force (LDF) by dissident members who seized arms and ammunition, and expelled or imprisoned their command cadre. Government vehicles were hi-jacked, the broadcasting station was closed down and senior defence force officers were forced to take refuge in South Africa. The Royal Lesotho Mounted Police was unable to maintain law and order because of intimidation and there were distinct indications that a coup was imminent. The citizens of Lesotho were thus held hostage by unruly and looting elements (Neethling, 1999: 38).

In this situation of crisis, the Lesotho Prime Minister Pakalitha Mosisili sent desperate written appeals to the SADC for military intervention to restore normalcy and the authority of his government. Originally four countries were requested to participate – Botswana, Mozambique, South Africa and Zimbabwe – but in the event only South Africa and Botswana were physically able to help (Maokoa, 1998: 70).

During the SADC summit in Mauritius held on the 13 and 14 of September 1998, the Lesotho crisis was discussed. At a subsequent meeting in Gaborone on the 15th which included the ministers of defence of South Africa and Botswana (Zimbabwe apologised for not attending), South Africa and Botswana were instructed to plan a military intervention in Lesotho under the auspices of the SADC and in accordance with SADC agreements. The planning started on 16 September and the operation was to commence on 18 September 1998. Meanwhile, repeated efforts were made by emissaries from South African and Botswana governments to negotiate a settlement with the dissidents, but these proved fruitless (van Nieuwkerk, 1999: 14).

The South African President’s Office, acting under the authority of the Acting President Mangosuthu Buthelezi, instructed the SANDF to conduct contingency planning on 16 September 1998. Authority was also granted for the Botswana Defence Force to enter South Africa with their equipment to participate in the operation as a combined task force (CFT).³ Acting President Buthelezi explained the purpose of the intervention as:

...to neutralise a brewing military coup which would have prevented the majority party, the opposition and the monarchy from performing their respective constitutional roles. And would have been an equal threat to them all (Business Day, 1998).

The completion of military preparations and proper orders, together with the resumption of negotiations on 20 September 1998, resulted in Buthelezi deciding to launch the intervention only on 22 September 1998, after a final breakdown of negotiations between Lesotho’s ruling LCD and opposition parties. In the early hours of that day, 600 South African soldiers moved into Lesotho’s borders. Thus began the SADC operation in an effort to deal with the deteriorating security situation in the mountain kingdom of Lesotho.

After the civil unrest in Lesotho in 1998 had been ended, an Interim Political Authority (IPA) was set up by the SADC to review the country's electoral code and recommend changes to it. The IPA, which was established in November 1998, was comprised of two members from each of the twelve parties contesting the election in the year in which this body was created. This interim government was also important in the sense that it helped prepare the country for meaningful elections and a process that would eventually turn power over to the acknowledged winners. With the advantage of hindsight it can also be argued that the IPA also served as a body in which critical and contentious political policy decision relating to the electoral framework, demilitarisation and the re-establishment of functioning economic and legal institutions could be discussed and implemented in an inclusive process. The model used by the SADC illustrated how interim institutions based on joint decision-making encourage transitions that advance both conflict resolution and democratisation.

There is a substantial body of literature that analyses the relationship of institutional design and electoral systems choice in particular on the potential for conflict. Some of these studies have demonstrated that, "electoral systems- the rules and procedures under which votes are translated into seats in parliament or the selection of executive are critical variables in determining whether elections can simultaneously serve the purpose of democratisation and conflict management" (Sisk and Reynolds, 1999).

The outcome of the conflict resolution initiatives introduced by the SADC following the civil unrest that engulfed this small mountainous kingdom in 1998, appear to have been critical in sustaining peace and providing the basis for a long-term process of democratisation in Lesotho.

It can be argued that, having realised that previous conflict in the political arena in this country emanated from disputed elections, the SADC created a transitional authority following the 1998 debacle tasked with introducing an electoral system designed to advance the two distinct but interrelated goals of restoring peace and democratisation. After numerous delays owing to a combination of political infighting and slow voter registration, the election was finally held on 25 May 2002. The Lesotho Congress for Democracy (LCD) was the landslide winner of the legislative election, ruling out any need for a coalition government. The LCD won 55% of the vote in a turnout of 68% and thus easily retained its parliamentary majority. All neutral observers endorsed the polls as free and fair. The BNP, which came second with 22% of the vote, disputed the legitimacy of the results and launched a legal challenge. This continued without success through 2003 before being finally quashed in 2004, after which the ballot papers were destroyed. There was no civil unrest in the aftermath of the election and surveys indicated that support for democratic institutions increased.

Therefore, the elections that followed the civil unrest in May 2002 and more recently in February 2007 are all the more significant given their connection to these deeper and long-term processes. In this regard Lesotho's experience in conflict resolution can be seen as a positive example of how electoral reform can be central to consolidating the transition from conflict to democratic peace.

What the Lesotho case study has demonstrated effectively is that majoritarian systems can perpetuate the perception amongst the polite of exclusion, and that what is needed in such a situation, are electoral systems that promote fairness and equity, such as proportional representative systems. The problems confronting the majoritarian system are well known. In this regard, according to Arthur Lewis (1965):

the surest way to kill the idea of democracy in society is to adopt the Anglo-American electoral system of first past the post...where cleavage is a problem one needs a system which will give minorities adequate representation, discouraging parochialism and force moderation on the political parties.

The majoritarian system raises the stakes of competition. Principally this is because, as political groupings endeavour to maximize their support, a divisive and often violent form of political mobilisation becomes an easy option to adopt. The political parties that emerge from these majoritarian systems, according to Terrence Lyons (2002) “are thus more likely to be the mouth pieces of communal cleavages than the originators of national programmes and strategies”.

In the FPTP system that governed the electoral system in Lesotho prior to 2002 a winner take all aspect prevailed. The votes cast for the loser were considered to be ‘wasted’ in the sense that they did not serve as an effective instrument for expressing the voters’ will, and having this will reflected in the formation of the legislature. As happened in the past in this country where multiple parties contested the same constituency it was possible for the successful candidate to win the seat with the minority of the votes cast. This led to the criticism that the majoritarian system was essentially unfair as far as genuine representation was concerned. Such an electoral method, “generally favours larger political groupings at the expense of smaller ones, and it also diminishes the value of voting process by disenfranchising a substantial proportion of the voters; otherwise known as the deviation from proportionality” (Murithi, 2000). This resulted in the agreement that the general election of 25 May 2002, after the expiry of the IPA’s mandate, would be based on a system that retained the existing 80 first-past-the-post constituency seats, supplemented by an additional 40 compensatory seats allocated on a proportional basis.

According to Lesotho’s constitution, the leader of the majority party in the National Assembly automatically becomes prime minister. The SADC correctly believed that this would create a more representative parliament in Lesotho, which would include minority parties, thus preventing the recurrence of the sort of protests that occurred after the 1998 elections and begin the process of democratic consolidation.

Even with the great strides made by the people of Lesotho with the assistance of the SADC, some of the overall structural problems in Lesotho’s political system remain unresolved, and may still cause future political instability. Furthermore the mixed member proportional system of elections may weaken the parliamentary system and allow for frequent changes of government. Even though this system provides for the inclusion of minor parties and marginalised groups, it may also further reinforce the fragmented nature of Lesotho’s politics, as parliamentary seats are distributed more thinly across the political spectrum. This factor may lead to the governing party to focusing more on forming and building coalitions and not spending more time on policy formulations and the difficult work of actually governing.

The threat of future political instability in Lesotho can only be removed if a concerted effort is made by both internal and external political actors to understand the need for a change in this country’s political culture. Given the political climate over the past year or so, this task could be almost impossible to achieve in the short term, because the run-up to the election has been marked by continued feuding within as well as between the leading parties. Personal exchanges of a virulent and public nature have been the stock-in-trade of leading members of the Lesotho political class since the resumption of democratic competition. This trend shows no signs of abating. Until the cycle is broken, a return to the past undemocratic dispensation that prevailed in Lesotho is not impossible. Such a turn of events will reverse the progress towards good governance and democracy that have been achieved to date.

In the post 2007 election period, a resort to legally sanctioned means of protesting the outcome at the poll by aggrieved political parties and an acceptance of such a process would be one indicator that democratic traditions are taking hold in Lesotho. Such a positive turn of events will not go unnoticed by the Southern African Development Community (SADC) as these elections were not just important for this country but also for this regional body.

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- 1 These results have been gathered from Lesotho's Independent Electoral Commissions official website. The results can be viewed at <http://www.iec.org.ls/home/>.
- 2 "Civil society monitors from southern Africa have declared that Lesotho's elections allowed the Basotho people to express their will freely, in spite of problems with voters rolls and media coverage. A mission from the Electoral Institute of Southern Africa, led by Sir Ketumile Masire, former president of Botswana, issued an interim statement on the elections. The mission included representatives of electoral commissions, civil society organisations and academic institutions from Botswana, the Democratic Republic of Congo, Mozambique, Namibia, South Africa, Zambia and Zimbabwe. The mission noted that ahead of the elections, Lesotho faced "an increase in suspected politically motivated killings and assassination attempts which created insecurity within the nation." (*Civil Society Monitors Endorse Election*, allAfrica.com. February 19, 2007)
- 3 This summary on the background to the intervention is based primarily on a briefing in Parliament jointly to The Joint Standing Committee on Defence and The Portfolio Committee on Foreign Affairs covering the background to and conduct of the SANDF involvement in the military intervention in Lesotho, presented on the 2 of November 1998. Internet site <http://www.mil.za/SANDF/Current%20Ops/Boleas/Boleas-2.htm>, March 1999.