

# A RESEARCH PUBLICATION



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## **Lesotho early elections 2015; Flying through turbulence: a case where landing becomes a postponed subject**

### **Introduction**

Lesotho has had a rough electoral history. It makes a good case for study as it has been through different tiers of stability, electoral changes and regional intervention. This paper will broadly focus on the period from 1993 to present with a major focus on the recently concluded elections. These came at the backdrop of an attempted coup in August 2014, prompting the intervention of SADC and the call for elections two years ahead of schedule. The 28 February 2015 elections were conducted under largely free and fair conditions, allowing the Basotho to freely select leadership of their choice. Out of a registered 1.2million voters, 46.6% turned out to cast their vote. This paper gives a background to electoral and political issues facing the kingdom of Lesotho. It then analyses their electoral system and framework in a bid to unpack how stability continues to dodge the country. This, will be related to Zimbabwean transition under the watch of SADC in a bid to analyze whether the intervention is sustainable.

### **Background: a focus on electoral history**

Upon attainment of independence in 1966, Lesotho held successful elections in 1965. They followed them up with another election in 1970. That was to be the last for 23 years. One party state followed until a coup in 1986. The military takeover facilitated for elections held in 1993 facing regional pressure from the Southern African Development Community (SADC). Since the return of Lesotho to multi-party politics in 1993, the country has held five rounds of elections (1993, 1998, 2002, 2007 and 2012). These elections have been held under different frameworks with revealing outcomes. The first two, held under a complete First Past the Post system and government controlled election unit, brought in effective one party state with total control of the legislature and government. Further, they were condemned by the opposition as

unrepresentative of the wishes of the people of Lesotho. A new system, introduced for the 2002 election, saw an increase in diversity as opposition parties were represented through a proportional selection method. However, instability continues to rock the small nation.

### **Assessing the electoral legal framework**

The elections 1993 and 1998 elections were held under the First-Past-The-Post electoral system. In a small country like Lesotho, this meant that a majority could easily be attained even when vote percentages did not reflect the same. An outcry from opposition parties ensued in both elections. The majoritarian system had arguably led to increased voter apathy. Winning parties would dominate parliament even with a 55% share of the actual vote.

A new electoral system was devised so as to ensure inclusivity and small party participation. This was the Mixed Member Proportional (MMP) system. The MMP system is a mixture of the First-Past-The-Post (FPTP) electoral system and Proportional Representation (PR) system, where the country's 120 seats are allocated along an 80:40 ratio between the FPTP and the PR components of the MMP. The system was first implemented in the 2002 elections. Kapa (2013) states that the MMP system allocates parliamentary seats based on an agreed formula (total votes/total seats = quota; total party votes/quota = party seats), which is applied in several stages until all seats have been allocated. Since its adoption, ten parties secured parliamentary seats in the 2002 election and 12 parties in the 2007 and 2012 elections."

This is the system that Lesotho held the recent election under.



Voters queue to cast their votes in Maseru, Lesotho, Saturday, Feb 28, 2015. (AP Photo) *The Associated Press*

### **The Election Management Body: a case of evolving credibility**

Between 1993 and 1998 the elections in Lesotho were conducted by a government department led by the Director of Elections. This meant a skewed system controlled by the ruling party. Facing stiff opposition, the government conceded to institution of a three member Independent electoral commission (IEC). The credibility of the IEC has continuously improved as elections came and went. However, they still have certain issues to smoothen up towards efficiency and effectiveness. The Coordinated Civil Society Regional Observer Mission<sup>1</sup> comprising the SADC Council of NGOs, SADC Lawyers Association (SADC-LA) and the Media Institute of Southern Africa (MISA), noted, among other issues;

- The IEC should thoroughly review and clean up the voters' roll to ensure the credibility of elections in Lesotho; during the February 2015 election, the IEC did not register people or closed off too early. This meant disenfranchisement as the constitution calls on them to have continuous registration.
- The IEC should develop its own human resource capacity rather than relying on the government for staff; the commission is only independent at the top level. It however needs continuous evolving towards complete independence
- Parliament should pass a law establishing an autonomous body specifically responsible for registration of political parties. In the interim, one of the commissioners of the IEC should be tasked to deal with this issue.

### **What doesn't work? The mixed electoral system or the coalitions created thereof?**

The introduction of the MMP system brought confidence in the electoral system in Lesotho. Inclusivity had been achieved. Kapa (2013), posits that "this system has gone a long way in making Parliament more inclusive and representative, thus leading to political stability in the country." It appears Kapa might have spoken too early. Political stability came under heavy test in August 2014 when there was an attempted coup against the coalition government of Prime Minister

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<sup>1</sup> The Coordinated Civil Society Regional Observer Mission, preliminary joint statement on the national assembly elections in the kingdom of Lesotho on 28 February 2015

Thomas Thabane. It took SADC intervention to facilitate his return and call for a fresh election through the Maseru Facilitation Declaration in October 2014<sup>2</sup>.

The MMP system, while appreciated as bringing inclusivity and improved participation of smaller parties, has the effect of ushering in coalition governments in multi party systems. Their working relationship in Lesotho has not been effective. This is what brought the 2014 crisis. There should be clear rules as to who forms government and how. It becomes difficult therefore, to clearly praise the MMP system in Lesotho. Rather, doing so, entails blaming the coalition system emerging from the elections in the last two elections.

The system should allow the party that has won majority in the First Past the Post framework to assume leadership of government while maintaining plurality in parliament. While plurality was achieved, stability and mature democracy might still be a far cry. Lesotho has experienced coups under different electoral systems.

The security arm of the country seems to be a constant threat to peace and stability in the country. Security sector reform in Lesotho is paramount. The Maseru Facilitation declaration cites the following as needing reform;

- Section 146 of the Constitution of the Kingdom of Lesotho, which entrusts the maintenance of internal security and the defence of Lesotho to the Defence Force, and making its Commander responsible for the Defence Force's administration and discipline;
- Section 147 of the Constitution of the Kingdom of Lesotho, which makes the Lesotho Mounted Police Force responsible for the maintenance of law and order in Lesotho and making its Commissioner responsible for the administration and discipline of the Service.

### **The role of Southern African Development Community (SADC)**

The regional body has been well involved in the Lesotho problems especially beginning with the 1994 military intervention code named Operation Boleas. The intervention was led by South Africa. Elections in 1998 also resulted in rioting. South Africa sent troops but without the sanctioning of SADC. The 2014 attempted coup also saw SADC intervening through South African facilitation under the leadership of South African Vice President Ramaphosa. The region has done way to quell down any government that is not a result of democratic elections. Their interventions in Madagascar, DRC, Zimbabwe and recently Lesotho show consistency towards achieving electoral democracy in the region.

### **A case of twins, fraternal twins**

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<sup>2</sup> The Maseru Facilitation Declaration, Cyril Ramaphosa, 22 October 2014, <http://allafrica.com/stories/201410231898.html>

Zimbabwe and Lesotho have both been through the tutelage of SADC after being crisis ridden. Their results speak differently but point the same direction. SADC intervention has brought stability to both countries when necessary. The long run of their interventions for sustainable democracy is still questionable. Zimbabwe seems to be regressing democratically. Lesotho has regressed on three occasions since the first intervention in 1994. This calls into question the sustainability of SADC led reform. However, it does not necessarily discredit it wholly. What remains pertinent is the ability of nations to institute local reform and see it through without regressing. It should not always begin and end with elections to select new government, but sustainable plans for institutionalization of democratic systems and transition mechanisms.

## **Conclusion**

The Lesotho election has come and gone. The results thereof might be an expression of the will of the people. They have gone through storm midair. However, it remains to be seen if they have landed. Democratic elections are a means to an end, not the end.

## **References**

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2. Francis K. Mako, 2004, Electoral reform and Political stability in Lesotho, Af JCR
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***By Collen Chibango***

T: 0864 408 9854 / 0864 4093550

 Election Resource Centre Zimbabwe   erczimbabwe  [www.erczim.org](http://www.erczim.org)