EISA gratefully acknowledges the generous financial support for this project from the Danish International Development Agency (DANIDA) and Swedish International Development Cooperation Agency (SIDA).

CONSOLIDATING DEMOCRATIC GOVERNANCE IN SOUTHERN AFRICA: LESOTHO

TUMELO TSIKOANE
Tefetso H. Mothibe
'Mamoeketsi E. N. Ntho
David Maleleka

EISA RESEARCH REPORT No 32
CONSOLIDATING DEMOCRATIC GOVERNANCE IN SOUTHERN AFRICA:
LESOTHO
CONSOLIDATING DEMOCRATIC GOVERNANCE IN SOUTHERN AFRICA: LESOTHO

TUMELO TSIKOANE
Tefetso H. Mothibe
‘Mamoeketsi E. N. Ntho
David Maleleka

2007
ACKNOWLEDGEMENTS

This research report is part of a wider regional research project run under the auspices and sponsorship of EISA. The Lesotho researchers are deeply indebted to EISA and Dr Khabele Matlosa, the project coordinator, for having entrusted them with the responsibility to execute the assignment. The team is further grateful to EISA for the logistical and financial support that made the execution of the assignment possible. The researchers would like to thank their research assistants – Mondie Kalake, Basiea Moholi, Mary Mokemane-Mabote and Lefulese Seeiso – for their remarkable dedication and commitment, as well as the interview respondents who despite their busy schedules gave freely of their time for our research purposes. We have all emerged from this exercise a lot more educated and wiser than ever imagined.
ABOUT THE AUTHORS

**David Maleleka** holds an MA in Economics and works as a senior economist in the Central Bank of Lesotho’s Research Department. Maleleka is a Lesotho consultant for the Open Society Initiative of Southern Africa based in South Africa, and is also a member of the Lesotho Wages Advisory Board which advises the Lesotho minister of labour on wage matters. Maleleka has served as an associate researcher for the Lesotho Trade and Poverty Programme housed in the Ministry of Trade and has participated in the Government of Lesotho/United Nations/Habitat study on ‘cities without slums’.

**Dr Tefetso Henry Mothibe** is a senior lecturer and head of the Historical Studies department at the National University of Lesotho. Mothibe has previously held key administrative positions at the university.

‘**Mamoeketsi Ntho** works in the Development Studies Department at the National University of Lesotho, focusing on policy interventions and the women’s agenda in Lesotho. Her teaching and research areas include gender and development, rural and urban development and research methods. Ntho is an associate researcher with Women and Law in Southern Africa and her wide experience in consultancy includes work on a number of programmes including ‘Mainstreaming gender into World Bank-funded transport programmes’ and ‘Women, the Law and HIV & AIDS’. Ntho is currently pursuing a PhD through the University of the Witwatersrand.

**Dr Tumelo Tsikoane** works in the Department of Development Studies at the National University of Lesotho. His areas of expertise include international development, social policy analysis and health issues in development. Tsikoane has undertaken consultancy work for a number of international development agencies and civil society organisations.
PREFACE

This research report is the culmination of a study undertaken by EISA focusing on the state of democratic governance in the Southern African region. The programme, implemented under the generic theme ‘Consolidating Democratic Governance in the SADC Region’, has evolved over a four-year period spanning 2003-2006. The research aims to investigate the state of democracy and governance in the Southern African Development Community (SADC) region, posing a key question as to whether or not the region has undergone democratic transition and, if so, posing a related question as to whether or not the region is firmly set on the road to democratic consolidation. The four key variables for the assessment of the state of democratic governance in this study are: representation and accountability; citizen participation; local governance; and economic management and corporate governance.

Beyond just investigating the state of transitions and the institutionalisation of democratic governance, the principal goal of this programme is to evaluate the progress that is being made in the area of democratic governance in the SADC region, to identify problems encountered by various countries and to suggest appropriate policy options for enhancing democratic governance. The specific objectives of the programme are to:

- strengthen mechanisms for data collection, providing a reliable situational analysis of the state of governance in the SADC region;
- formulate generalisable trends of democratisation in the SADC region on the basis of informed perceptions of key opinion-makers in the countries concerned;
- develop relevant and appropriate research methodologies in the governance field that would not only be useful to EISA but, indeed, to other relevant research and policy advocacy institutions in the SADC region and beyond; and
- provide up-to-date information on comparative analyses of the governance arena in the SADC region in respect of representation and accountability; citizen participation; local governance; and economic management and corporate governance.
The critical entry point of this regional research enterprise is recognition that the entire African continent, and the SADC region in particular, has made tremendous strides towards multiparty democratic governance. It is now widely accepted that the SADC region has undergone a democratic transition away from authoritarian rule of the past – marked in the main by one-person rule, one-party rule and even military juntas of the 1960s-1980s – towards embracing and institutionalising some form of democratic governance. To be sure, although the SADC region has evidently made commendable progress in this regard, the region still faces a plethora of democratic deficits that need serious attention if democratic consolidation is to occur and endure.

This research programme therefore addresses the double-edged governance dilemma, namely: challenges facing the SADC member states towards consolidating democratic governance and improving the quality of democracy on the one hand; and, on the other hand, the danger of complacency following recent positive political developments in the region, which could lead to new forms of authoritarianism, or in fact a reversal to old forms of authoritarianism. Thus, a situational analysis of the state and quality of democracy in each SADC member state is a useful barometer to gather scientific evidence and make an informed judgement as to whether or not democratic governance is consolidating, or whether, behind the facade of democratic rhetoric, there are possibilities for reversals or a relapse into new forms of authoritarian rule.

The study is predicated upon thematic areas organised into four broad clusters as follows:

**Cluster I: Representation and accountability**

- The executive branch
- The legislative branch
- The judiciary
- The public service
- The security establishment
- Parastatals (public enterprises)
- Local government and decentralisation
• Traditional institutions of governance
• Gender equality in public institutions
• Leadership and governance
• Political parties
• Autonomous public institutions (such as the human rights commission, the public protector or ombudsman, the independent media commission or authority, etc.)

Cluster II: Citizen participation

• Civil society organisations
• NGO legislation
• Human rights culture (social and economic rights and political rights)
• Political participation
• Voting behaviour
• Political culture
• Political representation
• Elections
• Election administration
• Electoral system
• Election management body
• Gender and political participation

Cluster III: Local governance

• Nature of decentralisation
• History of local government
• Relations between central and local government authorities
• Local governance legislation
• Local governance institutions
• Local government elections
• Local government capacity (finance, human resource, infrastructure)
• Gender issues in local governance
Cluster IV: Economic management and corporate governance

- Development strategy
- Economic policy (macroeconomic framework)
- Social policy (social welfare strategies)
- Poverty reduction strategies
- Corruption and anti-corruption strategies
- HIV/AIDS epidemic
- Budgeting
- External resource flows
- Public-private linkages
- Gender aspects of resource distribution

This first phase of the programme covered the following countries: Botswana, Lesotho, Malawi, Mauritius, Mozambique, Namibia, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

On behalf of EISA, I would like to extend our profound gratitude to SIDA in Harare, Zimbabwe as well as to the Embassy of Denmark in Pretoria, South Africa for their generous financial support, without which this programme would not have been successful. I am hugely indebted to Professor Susan Booysen of the University of the Witwatersrand, South Africa for reviewing all the manuscripts and providing useful feedback for improvement of the research reports.

We extend our utmost gratitude to the EISA research associates who worked tirelessly and with a deep sense of dedication and unflinching commitment. The country team leaders include Dr Zibani Maundeni (University of Botswana), Dr Tumelo Tsikoane (National University of Lesotho), Dr Nandini Patel (University of Malawi), Amedee Darga (Stra-Consult, Mauritius), Marcelo Mosse (Centre for Public Integrity, Mozambique), Phanuel Kaapama (University of Namibia), Bertha Chiroro (EISA, South Africa), Professor Daudi Mukangara (University of Dar es Salaam), Dr Patricia Jourbert (University of Swaziland), Professor Jotham Momba (University of Zambia) and Professor Llyod Sachikonye (University of Zimbabwe).
Thanks also go to EISA executive director Denis Kadima for his guidance throughout the programme implementation, as well as to Robyn Smith (field offices and programme support manager) for her splendid work in coordinating some of the programme activities, especially the mid-term review. In addition, I am most grateful for the work undertaken by my colleagues in the EISA Research Department who contributed enormously to the success of this programme: Patrick Masemola (research intern), Nkgakong Mokonyane (programme assistant), Sydney Letsholo (research assistant), Tebogo Sambo (library clerk), Beth Strachan (librarian), Dr Jackie Kalley (senior librarian), Victor Shale (researcher), Grant Masterson (researcher) and Bertha Chiroro (researcher). I would also like to thank Tim Hughes for the mutually beneficial collaboration between EISA and the South African Institute of International Affairs during programme implementation.

This series of research reports is dedicated to three colleagues who passed away during the course of the programme, namely Dr Joshua Mzizi of the University of Swaziland, Professor Alfred Chanda of the University of Zambia and Nixon Khembo of the University of Malawi. These researchers played an important role in the evolution of this programme at various stages of its implementation – may their souls rest in peace.

Dr Khabele Matlosa
Regional Programme Coordinator and Series Editor
March 2007
# CONTENTS

<table>
<thead>
<tr>
<th>List of acronyms</th>
<th>xv</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive summary</td>
<td>xvii</td>
</tr>
</tbody>
</table>

### 1. INTRODUCTION AND BACKGROUND 1

### 2. METHODOLOGY 3
- Training of enumerators 3
- Data collection and selection of areas 3

### 3. LITERATURE REVIEW 5

### 4. REPRESENTATION AND ACCOUNTABILITY 10
- Introduction 10
- The political system and transition 11
- Constitutional order and human rights 11
- Political parties and their effectiveness in parliament 17
- The electoral system and elections 19
- Organs of government and how they work 20
- Gender issues 27
- Conclusion 30

### 5. CITIZEN PARTICIPATION 32
- Citizens and governance 32
- Associational life 34
- Governance and development 36
- CSOs’ influence on policy 38
- Challenges for the non-state actors in governance 40
- Gender issues 41
- Conclusion 41

### 6. LOCAL GOVERNANCE 43
- Introduction and conceptual framework 43
- Legislative and institutional framework for local governance 44
- The functioning of local government structures 46
- The position and role of traditional leadership institutions 50
- Representation, accountability and citizen participation 56
- The gender issue in local government 59
- Conclusion 60

### 7. ECONOMIC MANAGEMENT AND CORPORATE GOVERNANCE 63
- Introduction 63
- Overview of macro and micro indicators 63
Government as a driver of development 67
Marketing and trade 67
Private sector development 67
Productive sector constraints 69
Efforts to improve macroeconomic management 70
Civil society engagement in development 72
Gender representation in economic management and corporate governance 73
Conclusion 73

8. CONCLUSIONS AND RECOMMENDATIONS 75

Postscript 84
Notes 93
References 99
About EISA 105
Other research reports in this series 109

LIST OF TABLES

Table 1: Results of the 2002 National Assembly elections using the MMP electoral model 12
Table 2: Party composition in National Assembly after the 2002 election 18
Table 3: Representation of women in strategic governance positions after the 2002 election in Lesotho 28
Table 4: Results of the 2007 elections with final seat allocation 85
Table 5: Women in strategic governance positions after the February 2007 elections 88
# LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABC</td>
<td>All Basotho Convention</td>
</tr>
<tr>
<td>ACP</td>
<td>Alliance of Congress Parties</td>
</tr>
<tr>
<td>AGOA</td>
<td>African Growth and Opportunities Act</td>
</tr>
<tr>
<td>BAC</td>
<td>Basotho African Congress</td>
</tr>
<tr>
<td>BCP</td>
<td>Basutoland Congress Party</td>
</tr>
<tr>
<td>BEDCO</td>
<td>Basotho Enterprises Development Corporation</td>
</tr>
<tr>
<td>BNP</td>
<td>Basotho National Party</td>
</tr>
<tr>
<td>CBO</td>
<td>Community-based organisation</td>
</tr>
<tr>
<td>C-CAP</td>
<td>Community Council Action Plan</td>
</tr>
<tr>
<td>CPA</td>
<td>Commonwealth Parliamentary Association</td>
</tr>
<tr>
<td>CSO</td>
<td>Civil society organisation</td>
</tr>
<tr>
<td>D-CAP</td>
<td>District Council Plan</td>
</tr>
<tr>
<td>DCEO</td>
<td>Directorate of Corruption and Economic Offences</td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
</tr>
<tr>
<td>FDI</td>
<td>Foreign direct investment</td>
</tr>
<tr>
<td>FIDA</td>
<td>Federation of Women Lawyers</td>
</tr>
<tr>
<td>FPTP</td>
<td>First-past-the-post</td>
</tr>
<tr>
<td>FTA</td>
<td>Free trade area</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross domestic product</td>
</tr>
<tr>
<td>GNI</td>
<td>Gross national income</td>
</tr>
<tr>
<td>IEC</td>
<td>Independent Electoral Commission</td>
</tr>
<tr>
<td>IMF</td>
<td>International Monetary Fund</td>
</tr>
<tr>
<td>IPA</td>
<td>Interim Political Authority</td>
</tr>
<tr>
<td>LCD</td>
<td>Lesotho Congress for Democracy</td>
</tr>
<tr>
<td>LCN</td>
<td>Lesotho Council of Non-Governmental</td>
</tr>
<tr>
<td>LHWP</td>
<td>Lesotho Highlands Water Project</td>
</tr>
<tr>
<td>LNDC</td>
<td>Lesotho National Development Corporation</td>
</tr>
<tr>
<td>LPC</td>
<td>Lesotho People’s Congress</td>
</tr>
<tr>
<td>LWP</td>
<td>Lesotho Workers’ Party</td>
</tr>
<tr>
<td>MCA</td>
<td>Millennium Challenge Account</td>
</tr>
<tr>
<td>MFP</td>
<td>Marematlou Freedom Party</td>
</tr>
<tr>
<td>MMP</td>
<td>Mixed member proportional</td>
</tr>
<tr>
<td>MP</td>
<td>Member of parliament</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-governmental organisation</td>
</tr>
<tr>
<td>NIP</td>
<td>National Independence Party</td>
</tr>
</tbody>
</table>
NPP  National Progressive Party
PAC  Public Accounts Committee
PFD  Popular Front for Democracy
PPP  Public-private partnership
PR  Proportional representation
PRC  Parliamentary Reform Committee
PRS  Poverty Reduction Strategy
PRSP  Poverty Reduction Strategy Paper
PTA  Preferential trade area
SACU  Southern African Customs Union
SADC  Southern African Development Community
TRC  Transformation Resource Centre
UN  United Nations
UNFPA  United Nations Fund for Population
US  United States
WLSA  Women and Law in Southern Africa
EXECUTIVE SUMMARY

This report presents the results of the Lesotho component of a regional research project run by EISA entitled ‘Consolidating Democratic Governance in the SADC Region’. The overall objective of the study was to gauge the extent to which democratic governance could safely be said to be consolidating in the Southern African Development Community (SADC) region in terms of the four clusters or issues in the governance debate, namely: representation and accountability; citizen participation; local governance; and economic management and corporate governance. The summary of the research findings in the chapters that follow is thus crafted around the four key clusters of the democratic governance debate, as this debate has unfolded and informed the discourse on governance since the 1990s.

The Lesotho study began in September 2005 with a training workshop held at the National University of Lesotho’s Institute of Southern African Studies. The data upon which the report is based was collected over a five-month period using a combination of three methods: desk research; document analysis; and expert opinion surveys. Data collection with the help of research assistants ended in mid-January 2006, and the first complete draft of the report started circulating in December 2006.

Unforeseen circumstances made it impossible to publish the manuscript before the February 2007 snap general elections in Lesotho, but a postscript outlining salient points about that election is included at the end of this report. Even though the ruling party was returned to power it would be hard to dispute that the elections have given rise to a new and untested political playing terrain in Lesotho. Some of the ways in which this new terrain plays itself out are highlighted in the postscript.

REPRESENTATION AND ACCOUNTABILITY

Since independence in 1966 Lesotho has had to contend with political instability, a result at least in part of an exclusionary electoral model. Following the fiercely disputed 1998 general elections which were won by the newly formed Lesotho Congress for Democracy (LCD) party, major political riots erupted countrywide. Concentrated in the capital city, these
riots virtually rendered the country ungovernable and saw massive destruction of property and widespread looting. The governments of South Africa and Botswana intervened militarily on behalf of SADC to restore order and protect the LCD government.

In order to reduce tension and provide a platform for conflict resolution and reconciliation, the LCD government with the help of SADC formed an all party forum called the Interim Political Authority (IPA). The main aim of the forum was to provide a political space for all parties to chart a way for peaceful elections, create a level playing field and minimise the possibility of parties rejecting or disputing election results. Indeed the disputing of election results had become a political habit in Lesotho since the first elections in 1965.

The IPA, among other things, reformed the electoral process by introducing a mixed member proportional (MMP) electoral system, which combined elements of the first-past-the-post (FPTP) and proportional representation (PR) systems. This arrangement was also associated with an increase in the number of seats in parliament, from 80 to 120, with 80 seats allocated in terms of FPTP and 40 in terms of PR.

Based on the new model, Lesotho held its fourth general election in May 2002. This was one of the most peaceful and successful elections ever held in Lesotho. The LCD was re-elected, winning 79 out of 80 FPTP seats. Owing to its overwhelming share of FPTP seats, the LCD did not qualify for any of the 40 PR seats which were allocated proportionately to the nine other parties contesting the election.

At the time of the research there were 10 parties represented in parliament and political stability and inclusive representation had been ushered in. Even though the MMP system has contributed enormously to the political stability that has prevailed since the 2002 elections and the research period for this study, there is little doubt that the country still faces huge deficits with respect to improved service delivery, vibrant community-based organisations, women’s empowerment, state-civil society relations and improved transparency – all of which are critical ingredients in terms of enhancing representation and accountability.
One of the key indicators of a consolidating democracy is the existence of a judicial system that can function without undue interference or influence of the executive. Although members of the judiciary who were consulted for the study maintained that the executive does not exercise undue influence on their work, it is noteworthy that the expert opinion survey casts some doubt on the independence of the judiciary.

Two issues stand out in this regard. First, the fact that the judiciary does not enjoy autonomy over the use of its administrative and financial resources worries many opinion-makers and analysts. Second, the fact that the judiciary is headed by the principal secretary who is a political appointee of the head of government (prime minister) renders the presumed independence problematic if not questionable.

**CITIZEN PARTICIPATION**

The consolidation of democratic governance requires the active participation of all citizens individually and collectively. Individually, Lesotho citizens participate through their votes in local and national elections, whose administration is vested in the Independent Electoral Commission. Notwithstanding this mechanism, however, the number of voters has been on the decrease since the 1993 general elections, becoming even worse during the first post-independence local elections of May 2005.

Collectively, civil society organisations (CSOs) in Lesotho have for a long time been stifled by political trends, although a variety of grassroots organisations existed during the long years of undemocratic rule. The ushering in of a democratic dispensation was in part due to the activities of organised civil society, particularly in the form of non-state actors. The Lesotho Council of Non-Governmental Organisations (LCN) was formed as an umbrella organisation that sought to provide a forum for the coordination of all non-governmental organisation activity in the country.

Civil society through the LCN has established a strong presence in national issues, not only through mediation and advice on issues of democratic consolidation but also in terms of coordinating the efforts of community organisations towards grassroots development in a wide variety of fields. To that extent Lesotho civil society has been dynamic and centrally
involved in democratic governance issues. Where the economic reach of the state has been short, the gap has been filled by this sector; and in situations where national politics went to extremes, this sector has provided valuable mediatory and conciliatory facilities in collaboration with local and international partners. The main challenge facing CSOs, however, remains their very limited capacity to influence the overall policy direction of the state. Despite these shortcomings CSOs have demonstrated the potential for success, as evidenced by examples cited in Chapter 5. They have complemented government in its efforts to promote social and economic development.

**LOCAL GOVERNANCE**

As a form of decentralised governance, the establishment of local councils in Lesotho dates back to the colonial period when the British established councils as part of their grand design of indirect rule. These councils were abolished by the Basotho National Party (BNP) government two years after independence for the alleged reasons of costs, obstruction to smooth channels of communication between the grassroots and central government, and fear of their having been infiltrated by the opposition, thus turning them into centres of dissention.

The current implementation of local government amounts to a revivalist phase of a long-standing developmental and/or political agenda. Successive post-independence governments in Lesotho talked about establishing local government but such promises were never put into action. Not surprisingly it took the LCD government seven years to implement what was not only a law enacted by parliament in 1997 but also a constitutional requirement.

The local government elections of 30 April 2005 were historic to the extent that they were the first to be held under conditions of democratic rule since independence. At the same time, this event was a bold step towards the consolidation of democratic governance in Lesotho. While the LCD government’s determination to have local councils in place appears irreversible at this point, the issue needs further research. Despite the cloud of uncertainty that hovered over the election period the Basotho exercised restraint, allowing polling to take place freely.
The implementation of local government in Lesotho has revealed several aspects of the country’s political landscape. These include:

- the visibility of women on the political plane – this is extremely important as women constitute a majority of the population;
- the structural and technical needs of local councils if the decentralised system is to be fully functional as a mechanism for poverty reduction and improved service delivery;
- the contradiction between using the MMP model for parliamentary elections while retaining FPTP for local government elections; and
- the lack of realism in expecting the ill-equipped and under-resourced councils to carry out the mammoth responsibilities of social provisioning and efficient service delivery when central government experimented with similar responsibility for more than 30 years, with little or nothing to show for it.

There is perhaps merit in the view that the LCD government did well by pushing forward with the election. If the country continued to procrastinate many of the aspects mentioned above and others that pertain to the practice of decentralised governance would not have surfaced. Local councils would not have come to appreciate the hard fact that power is not given on a silver platter but won through relentless struggles.

No wonder the main criticism discernible especially from the expert opinion survey is that as currently constituted, local councils in Lesotho are highly susceptible to manipulation by the ruling party. This need not surprise us, for decentralisation is essentially a political agenda.

**ECONOMIC MANAGEMENT AND CORPORATE GOVERNANCE**

Efforts to adhere to principles of sound economic management and corporate governance have been growing in tandem with the return of political democracy in Lesotho. One of the earliest pronouncements by the Basutoland Congress Party (BCP) leadership upon the assumption of power after winning the 1993 elections was a commitment to sound economic management and elevation of the private sector to the point where it could play a meaningful role in the economic affairs of Lesotho.
This commitment was made at a time when significant structural changes in the country’s economy were taking place: the share of migrant labour remittances to Lesotho’s overall gross national product was on the decline, while agricultural production was showing no signs of an upward trend. At the same time the significance of water as a main factor to Lesotho’s economy was beginning to make an indelible mark. Heavy reliance on clothing and textile products has been another important factor in the overall economic performance of the country over the past number of years. This resulted from Lesotho’s accession to the African Growth and Opportunities Act.

Although they have begun, efforts towards product and market diversification have not gone far. This is the first major challenge for sound economic management and corporate governance. The second challenge is that there is no clear channel for the majority of the rural poor to benefit from economic growth, and third, Lesotho’s economy does not compensate labour input sufficiently especially as regards labour-intensive activities.

**CONCLUSION**

The overall conclusion drawn from this study is that although gaps and deficits can still be identified – especially in the areas of equity in the distribution of national resources, greater commitment to gender equity and enhanced capacity for service delivery at various tiers of governance – the evidence collected and used for this study suggests significant improvements in all the clusters under consideration.

All this bodes well for the creation of an environment conducive to the attainment of the twin national goals of poverty reduction (improvement in the quality of lives of the people) and the national vision (known as Vision 2020). This document visualises Lesotho in the year 2020 as a country with a stable democracy inhabited by ‘a united and prosperous nation at peace with itself and its neighbours’ and anchored by ‘a healthy and well developed human resource base’, strong economy and well managed environment. The aspirations expressed in the Lesotho Vision 2020 underpin the very essence of democratic consolidation.
Lesotho gained political independence from Britain on 4 October 1966. Unlike many other African colonial states that had to wage an armed struggle for independence, Lesotho attained independence through negotiations. The country has kept ties with the colonial master and has also adopted the Westminster type of parliament. Lesotho is a unitary state with 10 administrative districts. The king, who is head of state, is seen as a living symbol of unity with no executive or legislative power, while the prime minister is head of government and has executive powers. Since 1993 Lesotho has embraced the principle of multiparty democratic rule and has held elections every five years. Currently there are more than 15 parties with 10 represented in parliament.

Lesotho is classified as a poor country and has not managed to make sustained headway in terms of economic growth over the past (almost) four decades. Its geo-political situation, particularly the fact that it is landlocked and surrounded by an economic giant, is invariably held accountable for this failure.

Lesotho’s economy is characterised by a very thin and ever shrinking agricultural base. Dominated by the retail sector, the economy is not only small but also incapable of absorbing significant numbers of school-leaving job seekers. Remittances from mineworkers employed in the South African mining industry have been plummeting in recent years. However, the economy has benefited significantly from the capital injection associated with the Lesotho Highlands Water Project whose primary goal is to export water to industrial estates in South Africa.

Structurally connected to South Africa and heavily dependent on donor handouts, Lesotho’s economy, like its politics, generally moves along with the international current. Even the return to democracy in 1993 after more than two decades of authoritarian rule and five years of military rule, was driven partly by external factors. But the democratic regime was to face daunting challenges following Lesotho’s crucial turn to democracy.· Included in the list of challenges was a commitment to sound economic
management, the nurturing of a corporate governance culture and the promotion of the private sector.

More recently Lesotho’s economy has benefited from some prudence in macroeconomic management, and for the period 1999-2004, gross domestic product (GDP) at market prices increased by 9.7% on average and gross national income (GNI) by an average of 9%. Despite this positive growth, however, poverty incidence remains relatively unchanged.

The transition to democracy in 1993 and efforts at consolidating it since then have to be understood in the context that since independence from Britain in 1966, the political history of Lesotho has been dominated by instability, controversy and conflict that has sometimes turned violent. This dynamic has included three coups d’état (in 1970, 1986 and 1994) and 23 years of Basotho National Party (BNP) and military authoritarian rule.

Following this introductory chapter, Chapter 2 discusses methodological issues and highlights some of the problems encountered along the way. Chapter 3 is a brief review of related literature, while Chapter 4 examines issues relating to representation and accountability. Citizen participation and local governance are the subjects of chapters 5 and 6 respectively. Chapter 7 focuses on issues of economic management and corporate governance. Chapter 8 wraps up with a number of relevant conclusions and recommendations. Finally, a postscript has been included, necessitated by the general election that took place in the intervening period between completion of the draft and publication of the manuscript.
2

METHODOLOGY

The methodological procedures for the overall project were outlined by EISA, providing both the broad and specific parameters for the execution of the study in each country. Taking a cue from EISA’s guidelines, this chapter describes the actual processes as they played themselves out in the specific context of Lesotho.

TRAINING OF ENUMERATORS

The research team met with the enumerators on 15 September 2005 to familiarise the enumerators with the ground rules and, more importantly, with the expert/elite instrument. This training session proved extremely useful for both the researchers and enumerators. It became apparent that a number of issues had been overlooked by the coordinators at the earlier methodology workshop held in Rosebank, Johannesburg and adjustments were made as deemed appropriate.

Two issues are worth mentioning: one was the length of the instrument and the other was the complexity and the demanding nature of the instrument. As part of this training exercise, the enumerators were sent out in pairs to field-test the instrument. They were given two hours to complete the assignment. The two trial respondents who were given Instrument B to complete complained that it was too long. Although both trial respondents cooperated fully by giving the questionnaire immediate attention (having been made aware that it was a ‘test case’) the number of unattended questions was cause for immediate concern. As we reflected on the outcome of the trials it became obvious that Instrument B required more than two hours to complete and that respondents filled in the questionnaire in instalments. In short, the twin issues of length and complexity adversely affected the return rate and the degree of completeness of the filled questionnaires.

DATA COLLECTION AND SELECTION OF AREAS

Data collection began in earnest on Monday 3 October 2005 with telephone calls to solicit cooperation from prospective respondents. Distribution of the instrument, in which both the enumerators and researchers were
involved, began a week later on 10 October 2005. One hundred questionnaires were distributed covering all the specified areas of expertise as outlined in the EISA manual.

Owing to the problems outlined above it proved extremely difficult to get back the completed questionnaires after they were distributed. Length and complexity were the two reasons constantly given by respondents for their delays in completing the questionnaire. Leaving space for elaboration seemed only to disprove the assumption that the open-ended part of the instrument would ensure that more detailed information on the governance situation is collected than from pre-coded questions. In the end a significant portion of the returned questionnaires had a worrying number of unanswered questions, especially where respondents were expected to ‘explain’ or ‘elaborate’.

For the obvious reason that the study was based primarily on desk research and document analysis, Maseru (both as a district and as the ‘seat of power’) became our central focal point. It is in Maseru that most documentation centres and depositories are located, and it is also here that prospective respondents to the elite survey would most likely be found.

When the decision was made by the coordinators to scale down the target to 25 respondents, our team had barely received 33.3% of the distributed questionnaires. It was from this stock that the 25 were selected based on the degree of completeness.

We endorse the suggestion by some of the respondents that every effort should be made to keep data collection instruments short. Where a long instrument is necessary, as was the case with the expert opinion survey in this study, consideration should be made to cluster questions according to the targeted respondents’ field of expertise; give people the opportunity to respond only to their areas of expertise or specialisation. This, our respondents argued, would have ensured a higher response rate by reducing significantly the amount of time needed to complete the questionnaire.
LITERATURE REVIEW

The literature on democratisation has made tremendous strides since the early 1990s when the first shocks of the third wave of democracies began to be felt across the globe. Such literature is now varied and convoluted. The same is true of the strands and trajectories of what has been dubbed the democracy debate. That the African continent has been affected by the reverberations of this ‘third wave’ and the shocks accompanying it is no longer in dispute. What remains debatable is whether or not this experience is irreversible. Part of the debate has to do with the fact, as Tom Lodge has aptly put it, that ‘starting democracy is easier than keeping it’. The challenge is therefore one of ensuring that the gains do not escape and slide backwards. In World Bank parlance, the task is one of ensuring that appropriate institutional mechanisms are in place to guard against such slippages. The absence of such mechanisms may permit the hard earned gains to lapse into new forms of authoritarianism.

It is no accident that the governance debate has become such an important aspect in the ever bourgeoning literature on democratisation processes. Evolving from the modest beginnings in the early 1990s where it was treated almost as being synonymous with ‘sound development management’, the concept ‘governance’ has mutated significantly over the years.

Initially governance according to the World Bank was concerned with public sector management, accountability (narrowly defined), the legal framework of development and transparency. But the definition of governance has been expanding almost in rhythm with the democracy debate across the North-South divide. Today each of the original dimensions of the concept has come to embrace a wide range of meanings even within the circles of the originators, including the World Bank itself. Thus in essence democratic governance entails some or all of the following attributes: openness; representativeness; accountability; transparency; equity in resource distribution; respect and observance of human rights; constitutional government; rule of law and separation of powers; politics of consensus rather than coercion; and regular, free and credible multiparty elections.
There is no question that there has been progress towards democratisation in Africa, albeit slowly. However, the varied nature of the democratisation project has hardly rendered the literature on the subject amenable to easy classification. Many analysts, including Diamond,9 Bratton and Van de Walle10 and Lumumba-Kasongo11 have thus preferred to cluster it into two broad categories: the transition (and related challenges); and the democracy-development nexus. The transition trajectory has in turn spawned several variants.12 One variant is what has come to characterise the notion of consolidation. Disagreements continue to rage over the precise meaning of the concept ‘consolidation’ as an aspect of democratic practice.13 As the framework paper guiding this study indicates, some scholars reduce consolidation to the frequency and regularity of holding successive and successful elections and the capability of such elections to produce a legitimate government.

The position of the Commission for Africa was unmistakable in this regard. According to the commission’s report: ‘[A] key element in the democratic process is the election.’14 Others like Huntington15 argue for going beyond the frequency and regularity calculus. For them what is critical is that a country has to experience a smooth ‘regime change’ and still enjoy political stability. Larry Diamond16 took the debate one step further by arguing that consolidation of democratic governance also presupposes enhanced civil society participation in the governance project. Democratic consolidation according to Diamond17 is about behavioural and institutional changes that normalise democratic politics and narrow its uncertainty. This normalisation, according to Matlosa, occurs only when democratic consolidation contributes to the improvement of the quality of life of the people in the areas of life expectancy, literacy, health services delivery, poverty eradication and employment creation.18

Notwithstanding the continuing disagreements, a quick look at the existing and rapidly expanding literature accentuates two points.19 One is predicated on the understanding that the sustainability of the democracy project depends on the building and/or the existence of appropriate institutions and structures. Put differently, the point is that a shift away from the centrality of individuals happens in concert with the development and consolidation of appropriate institutions.
This is the essence of the ‘institutional approach’, which tends to focus attention on

evaluating the performance of political practices and institutions and the degree to which they become ‘institutionalised’ or ‘habituated’ in the political system, as well as how the best procedures and institutions can be crafted through constitutional design’. 20

The second point relates to the political culture approach, which teases out public attitudes and values of the citizenry vis-à-vis democratic governance, culture and practice. This includes issues of local governance, of which a vital element is devolution of power and the provision of services to local units and layers of government. This has the potential to bring politicians and policy-makers closer to the ‘clients’ (or the citizens whom they are intended to serve) and to make services more effective. 21

Devolution of power can strengthen the ability of all citizens, especially the disadvantaged and the excluded, to participate in decision-making. However, the drawback is that the institutions at the local level are typically weak, thus limiting the possibilities of meaningful participatory democracy and development.

A peculiarly interesting feature regarding the democratisation and/or governance debate in Africa is the sturdiness underlying the newly recognised traditional political institutions. Unlike the 1970s and 1980s which saw the heyday of radical Marxism in Africa portraying traditional political institutions as relics of the past condemned to death by forces of modern capitalism, the 21st century is witnessing a forceful foregrounding of these institutions. How they are recognised and accommodated in national political systems differs from country to country. The central question for this study is whether this noticeable acknowledgement necessarily contributes to the various dimensions of democratic consolidation as outlined above.

In the specific context of Lesotho it would be hard, or even unrealistic, to broach a meaningful discussion of governance issues in the 21st century without reference first to 1993, and second to 1998. Both these years signify
key turning points in the country’s arduous journey to democracy and, beyond that, possibly democratic consolidation. On the one hand, 1993 was the year in which, to paraphrase Matlosa, the small kingdom shook off military authoritarianism and began to institutionalise multiparty democracy.\textsuperscript{22} On the other hand, 1998 represents a year in which the society in Lesotho made a determined commitment to attain political stability. Indeed, major policy documents such as Vision 2020, the Poverty Reduction Strategy and the Public Service Reform Initiative directly or indirectly take 1998 as a point of departure. The reason is simple, yet crucial: 1998 represents a watershed in the national political landscape of Lesotho, especially when measured against the four clusters of issues underpinning this inquiry.

Lesotho seems to have found in the mixed member proportional (MMP) electoral system, a form of ‘magic bullet’ for the political ills of the past. Undoubtedly the model has contributed enormously to the improvement of political stability; however, the country still faces huge deficits with respect to improved service delivery, the vibrancy of community-based organisations (CBOs), the empowerment of women, state-civil society relations, improved transparency and adherence to accountability, all of which constitute indicators of democratic consolidation.

These deficits become even more glaring when measured against the definition of democracy which informs this study, namely:

\begin{quote}
\begin{itemize}
  \item a political system that allows citizens to freely choose their government over time through fair elections;
  \item a system which accords them adequate participation in national affairs and;
  \item a system in which the national affairs are run in a transparent and accountable manner and, above all;
  \item a system in which there is a fair distribution of the national wealth.\textsuperscript{23}
\end{itemize}
\end{quote}

The challenges facing the newly established local government structures in Lesotho are multifaceted, not least of which are effectiveness and efficiency in the delivery of services. At the core of the service delivery issue is to make services work for the poor and eventually let services contribute to the overall reduction of poverty levels. Clearly the poverty
situation in Lesotho is overwhelming and it is a challenge to find a way out of the maze. It is significant that implementation of local government in Lesotho is premised on government’s ‘recognition that human development is about the people and expanding their choices to lead lives they want’. Other challenges are, but are by no means limited to:

- the need to curb urbanisation;
- strengthening local economic development;
- holistic comprehension of a complementary relationship between central and local structures;
- ability/capacity to comprehend issues beyond local boundaries; and
- the need to have a functioning and robust private sector whose effectiveness can be felt at micro, meso and macro levels of governance.

While the contribution of this study may be minimal in relation to the bourgeoning literature on governance in general, it will by no means be a small contribution to the understanding of the way in which democratic consolidation promises to play itself out in the specific context of Lesotho, especially when cast against the backdrop of the newly implemented local government system that is intended to deepen democracy by enabling local communities to determine their own development.
INTRODUCTION
This chapter examines issues pertaining to representation and accountability through the prism of five elements, namely:

- the political system and transition to a democratic system of governance;
- constitutional order and human rights;
- the political parties, how they work, and their effectiveness in parliament and as organs of government;
- the electoral system; and
- gender issues.

Representation and accountability are key aspects of democratic governance and it is the responsibility of citizens through their political parties and civil society organisations (CSOs) to hold governments accountable. Representation of all citizens in decision-making concerning matters that affect their lives is an aspect of democratisation that has yet to be realised in the majority of developing countries. Even in countries where democracy can safely be said to be consolidating, the issue of representation remains elusive in terms of translation into practice.

Part of the argument of this chapter is that although Lesotho has achieved multiparty representation, other groups of society such as farmers, women, the youth and people with disability continue to be highly under-represented in critical decision-making structures of governance such as parliament. Furthermore, evidence shows that while change of the electoral model may have been an important step towards advancing democratisation, it is certainly not a guarantee for democratic governance. For example, the twin problems of one-party dominance and prevalence of political intolerance continue to be a prominent feature of Lesotho’s political landscape. The MMP electoral model must be accompanied by commitment to democracy by all relevant institutions including political parties and CSOs. Civil education for citizens about their rights and responsibilities in enhancing democracy is critical.
Lesotho gained its political independence from Britain on 4 October 1966. Unlike those states which had to resort to armed struggle to acquire freedom, Lesotho attained its independence by way of negotiations. Lesotho is a unitary state with 10 administrative districts. It has kept ties with the colonial master and has maintained the Westminster type of parliament. Based on this model, the country operates as a constitutional parliamentary monarchy with the king as head of state. The king is also seen as a living symbol of unity; he has no executive or legislative power. The prime minister is the head of government and he/she has executive powers. Lesotho embraces the principle of multiparty democratic rule with periodic free and fair elections held every five years. More than 15 parties contested elections in 2002: 10 of these managed to secure at least one seat in parliament.

Post-independence elections in Lesotho have historically been fiercely contested, culminating in the 1998 elections which – though expected to be a consolidating poll following the 1993 re-democratisation move – resulted in mayhem, bloodshed and wanton destruction of property never before seen in Lesotho.

The 2002 elections provided an opportunity, in many ways, for Lesotho to start afresh. Out of the voter registration figure of 83%, 60% turned out to vote – no mean feat in a country where travel is often very difficult. As the postscript suggests, the All Basotho Convention’s (ABC) entry into the electoral race elevated the contest to higher levels.

THE POLITICAL SYSTEM AND TRANSITION

Although the political system has changed over time the country has maintained a Westminster type of parliament. Lesotho held its first democratic election under this model based on a multiparty democracy. Since independence the number of political parties has grown from three in 1966 to around 19 for the 2002 election. The electoral model has changed from first-past-the-post (FPTP) to MMP. This was a result of electoral disputes following the 1998 election. Electoral disputes, as the discussion in this chapter shows, have marred Lesotho’s political history since independence. The climax of such disputes was the riots and protests by the opposition parties contesting the election results in 1998.
Although FPTP is regarded as the simplest electoral model, in the case of Lesotho it became associated with the instability that characterised the country’s political landscape since independence. This is because the FPTP model is essentially exclusionary. For example, although the main opposition party obtained 22.59% of the vote in 1993 it did not get a single seat in the National Assembly, while in 1998 it got one seat for 24.5% of the vote. Under the MMP system, however, the main opposition BNP received 21 seats, and even the smallest parties (those that scored less than 1% of the total vote) have been accommodated. Table 1 illustrates the MMP 2002 results.

Table 1
Results of the 2002 National Assembly elections using the MMP electoral model

<table>
<thead>
<tr>
<th>Party</th>
<th>Percentage of votes</th>
<th>Number of seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lesotho Congress for Democracy (LCD)</td>
<td>54.9</td>
<td>79</td>
</tr>
<tr>
<td>Basotho National Party (BNP)</td>
<td>22.4</td>
<td>21</td>
</tr>
<tr>
<td>Lesotho People’s Democracy (LPC)</td>
<td>5.8</td>
<td>5</td>
</tr>
<tr>
<td>National Independence Party (NIP)</td>
<td>5.5</td>
<td>5</td>
</tr>
<tr>
<td>Basutoland African Congress (BAC)</td>
<td>2.9</td>
<td>3</td>
</tr>
<tr>
<td>Basutoland Congress Party (BCP)</td>
<td>2.7</td>
<td>3</td>
</tr>
<tr>
<td>Lesotho Workers’ Party (LWP)</td>
<td>1.4</td>
<td>1</td>
</tr>
<tr>
<td>Marematlou Freedom Party (MFP)</td>
<td>1.2</td>
<td>1</td>
</tr>
<tr>
<td>Popular Front for Democracy (PFD)</td>
<td>1.1</td>
<td>1</td>
</tr>
<tr>
<td>National Progressive Party (NPP)</td>
<td>0.7</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td></td>
<td>120</td>
</tr>
</tbody>
</table>

Source: Africanelections.tripod.com/ls.html

After the political instability of 1998 caused largely by the electoral model in use, the necessity to institutionalise ways to manage electoral processes became even more imperative, culminating in the creation of the Interim Political Authority (IPA) which was given the mandate to review the electoral structure in the country.
Since the FPTP electoral system had come to be viewed as fundamentally flawed by being exclusionary, the IPA was tasked with designing an electoral system which would ensure that the opposition would be represented in parliament based on the numerical strength of the votes they receive. The new system would, however, maintain some aspects of FPTP: 80 seats would still be elected using the majority system, while an additional 40 seats would be filled on a proportional basis by the ‘best losers’.

The number of seats in the National Assembly has thus increased from 60 in 1966 to 120 in 2002. This shift should not be understood only in quantitative terms but also for its qualitative value. It has allowed for the introduction of some meaningful debates from the opposition, and for those who thought this to be only a compromise. For one thing the new electoral model has ushered in a tangible degree of political stability. The model has allowed liberal inclusiveness in parliament which, if strengthened, has the potential of contributing to the consolidation of democracy in Lesotho. According to Kadima, both the region and the world at large can learn from Lesotho’s political and electoral journey. One notable aspect of this journey is that the establishment of the IPA was largely a home-grown and -driven process.

The state of democracy in Lesotho can safely be said to have shifted from a state of fragility starting in the early 1990s to that of gradual consolidation in the period after the 2002 election. Evidence garnered from the elite survey that was conducted for this project suggests varying perceptions regarding the state of democracy in Lesotho: some believe that the country is stable and that democracy is consolidating, while others feel that the country is a stabilising democracy. Quite a few respondents regard the country as only in transition to democracy. None of the respondents sense stagnation or regression.

A brief outline of the political developments indicates the political journey that Lesotho has traversed to reach the current state of relative stability.

- **1966-1970**: The first post-independence democratic rule from the colonial regime during which the Basotho National Party (BNP) formed
the government. Even as early as this, elections were disputed by the Basotho Congress Party (BCP). With the benefit of hindsight it is possible to attribute this to the FPTP electoral model.

- **1970-1986**: The BCP won the 1970 elections by 49.85% but the BNP was not ready to relinquish power. Prime Minister Leabua Jonathan declared a state of emergency, suspended the constitution and ruled by decree. This situation led to political instability, including the creation of a guerrilla wing (the Lesotho Liberation Army) by the BCP.

- **1986-1993**: The military regime replaced the BNP government through a coup and used orders to suppress political parties. It was in the early stages of this period that the Lesotho Highlands Water Treaty between Lesotho and South Africa was signed.

- **1993-1998**: Military rule gave way to a democratic rule that was characterised by instability caused by dissatisfaction with the FPTP electoral model. This rule was, however, interrupted by a palace coup in 1994. The coup was condemned by the Basotho and the international community alike.

- **1998-2002**: The 1998 election results were disputed strongly and were marred by violence that resulted in the intervention of Southern African Development Community (SADC) forces, which led to more riots and killings. The crisis which ensued led to the creation of the IPA, which was mandated with devising a new, more inclusive electoral model capable of allowing representation from other political parties.

- **2002-2006**: This is the era that has witnessed democratic parliamentary rule based on the MMP electoral model. Two important elements of the electoral process have been introduced, namely transparency and regular consultation between political parties and the Independent Electoral Commission (IEC).

According to Kadima the 2002 election results were not significantly different from those of 1998, yet they were accepted by most parties because political parties and candidates had been given the opportunity to attend regular meetings with the IEC to discuss and agree on how to proceed with preparations for the elections.28
Calls for the introduction of a multiparty, inclusive political system internationally as well as from the African Union and SADC helped to expose the weaknesses of the FPTP model as applied in Lesotho. In addition to permitting one political party to ‘take it all’, this model contributed to the emergence of weak regimes as it undermined the role of opposition parties in influencing and shaping the political landscape.

The acceptance and perceptions of the credibility of the MMP model are reflected in the expert opinion survey, which indicated a widespread opinion that there have been credible elections. The system has allowed political pluralism as many parties are now represented in parliament. Indeed, judging from the calmness marking the period between 2002 and the upcoming round of general elections in 2007, the country appears to have graduated from the era of incessant political instability, justifying Lesotho’s classification as a stabilising democracy.

Several positive attributes for a stabilising democracy in Lesotho can be cited. One of these relates to the creation of appropriate institutions and frameworks of which the IEC, the Office of the Ombudsman, and the Directorate of Corruption and Economic Offences (DCEO) are good examples. Quite a number of other authorities and commissions have been established, all of which are indicative of a move towards a culture of democratic governance. However, these institutions are yet to be used effectively by the electorate.

Some elite respondents believe, however, that the creation of the DCEO is an insufficient step towards the eradication of corruption, especially when it concerns highly placed people such as cabinet ministers. This situation brings into question the nature and maturity of Lesotho’s democracy. Some members of parliament (MPs) indicated that the maturity of the system is constrained in that the opposition political parties have limited powers to influence laws and policies, except where they may have skills and knowledge valued by the ruling party. Another perception held by respondents is that the opposition lacks the capacity to play its watchdog role effectively. All this may impact negatively on the eventual consolidation of democracy in Lesotho. However, the fact that government has initiated a process of parliamentary reform that is intended to address,
among others, the parliamentary committee system, is an encouraging indication of a sense of commitment to broadening democratic principles.

According to Lesotho’s long-term national vision known as Vision 2020, the country is committed to nurturing a democratic culture. It is envisioned that by 2020 ‘Lesotho shall be a stable democracy, a united and prosperous nation at peace with itself and its neighbours. It shall have a healthy and well-developed human resource base. Its economy will be strong, its environment well managed and its technology well established’. 29

Though in theory this vision represents a shared value, in practice there is little evidence showing a deliberate effort by various players to achieving this. One elite respondent for this study who is the leader of an opposition party said that the ruling Lesotho Congress for Democracy (LCD) was not really committed to multiparty democracy, as shown by the fact that the cabinet comprises only LCD nominees.

CONSTITUTIONAL ORDER AND HUMAN RIGHTS

The government in Lesotho derives power from the constitution and its operations are guided by the constitution. There have, however, been instances when the constitution was not only flouted but actually suspended. Such was the case in 1970 when then prime minister, Leabua Jonathan, suspended the constitution and suppressed political activity. Another occurrence was in 1986 when the military took over government, effectively suspending the constitution and ruling by decree.

These lapses notwithstanding, the Lesotho constitution guarantees civil liberties including political rights and participation irrespective of race, creed, religion and gender. Further, it guarantees equality before the law, and there is nobody who is above the law. Whether these guarantees are respected in practice is another matter. 30

Lesotho is a constitutional monarchy, making it possible for the king not to appear in the courts of law, without putting him above the law. As head of state the king is seen as a symbol of national unity and as custodian of the constitution. He is expected to reign, not to rule. Being a constitutional monarch the king takes an oath to abstain from involving the monarchy
in politics. In this way the king’s role is limited even where he may want to intervene on behalf of the nation.\textsuperscript{31}

According to one MP who was interviewed, the Lesotho constitution is written in such a way that it is open to change. For him there are both positives and negatives to this: negative in that this feature may be misused, and positive in that the constitution can be amended on behalf of the minority and disadvantaged groups. There have been cases where the ‘flexibility’ and omissions in the constitution have been taken advantage of. For example, the constitutional duration of parliament is five years but the leader of the ruling party can be elected for as many terms as he/she is prepared to run for election; and the constitution does not set a limit on the number of terms one person may serve as head of government.

**POLITICAL PARTIES AND THEIR EFFECTIVENESS IN PARLIAMENT**

As mentioned, general elections for the current (2006) legislature were held under the MMP electoral model whereby 80 members were elected from constituencies based on the FPTP model and an additional 40 members were allocated from proportional representation (PR) party lists based on the statistical performance of the party in the general elections. Under PR, the executive committees of the various political parties nominate 40 names and submit the lists to the IEC. As indicated in Table 2 (\textit{p 18}), the MMP model enabled 10 out of 19 parties to be represented in the National Assembly, though the ruling party still holds 90\% of the FPTP seats or a two-thirds majority in parliament.

Table 2 illustrates clearly that most parties benefited from the MMP system. According to this model the more seats a party wins in the constituency election, the fewer seats it qualifies for in the proportional contest, and in this case the LCD could not obtain any seat from the PR component. Notably, however, this has had a negative impact on the election of women since the LCD put most of its women candidates on the PR list while most of its constituency candidates were men. Conversely, the main opposition parties such as the BNP, Lesotho People’s Congress (LPC) and Basotho African Congress (BAC) had placed fewer female candidates on the PR list and more on the constituency vote where most of them performed badly. The decisions taken in this regard need further investigation.
The BNP is recognised as the official opposition party. It is one of the oldest parties and has been involved in government since 1966, leading observers to assume that the BNP could bring some of its experience into the current parliamentary debates. However, the mere presence of opposition parties in parliament does not guarantee the desired impact or outcome. For instance, the BNP is often accused of failing to play its expected role.\textsuperscript{32} A considerable number of respondents in the elite group consulted for this study confirm this perception, stating that the opposition does not have a strong influence on government. This is in line with an EISA study which found that the role of the opposition parties is limited due to, for instance, MPs’ lack of capacity.\textsuperscript{33} Being in parliament is not enough; other factors need attention if the opposition is to play its watchdog role. The absence of institutional arrangements for the effective functioning of parliament, such as portfolio committees, is one such factor.

The role of the other smaller parties is not as significant and their members are often accused by the public of having entered politics for selfish reasons.

### Table 2

<table>
<thead>
<tr>
<th>Party Name</th>
<th>Number of seats</th>
<th>Electoral model</th>
</tr>
</thead>
<tbody>
<tr>
<td>LCD</td>
<td>79</td>
<td>FPTP</td>
</tr>
<tr>
<td>BNP</td>
<td>21</td>
<td>PR</td>
</tr>
<tr>
<td>LPC</td>
<td>5</td>
<td>1 FPTP and 4 PR</td>
</tr>
<tr>
<td>BCP</td>
<td>3</td>
<td>PR</td>
</tr>
<tr>
<td>BAC</td>
<td>3</td>
<td>PR</td>
</tr>
<tr>
<td>PFD</td>
<td>1</td>
<td>PR</td>
</tr>
<tr>
<td>MFP</td>
<td>1</td>
<td>PR</td>
</tr>
<tr>
<td>LWP</td>
<td>1</td>
<td>PR</td>
</tr>
<tr>
<td>NPP</td>
<td>1</td>
<td>PR</td>
</tr>
<tr>
<td>NIP</td>
<td>5</td>
<td>PR</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>120</strong></td>
<td></td>
</tr>
</tbody>
</table>

*Source: Developed by the author*
and they are accused of not doing anything different from the ruling party. Inasmuch as this may be true, it must be noted that the LCD still commands a huge majority in the National Assembly, which may make it difficult for smaller parties to be heard. In addition the ruling party does not allow candidates from the opposition to be cabinet members. As such the opposition generally has limited access to the decisions made by government. However, in-fighting within the opposition parties is limiting their effectiveness and taking their focus away from national issues.

**THE ELECTORAL SYSTEM AND ELECTIONS**

As already noted Lesotho followed the FPTP electoral model from independence in 1966 until 2002. Owing to the ‘winner-takes-all’ principle this electoral system was blamed for the creation of a virtual one-party state, since opposition parties were excluded from parliament even if they had significant following. This model led to various disputes, riots and coups.

In response to this problem the electoral model was changed prior to the 2002 general elections to an MMP model. Not only has the MMP model increased the number of seats, it has also changed the composition of parliament as more parties are now represented. There is consensus among the expert respondents regarding use of the MMP electoral model, with the experts stating that the pre-election environment and voting day processes and procedures allowed for a credible electoral contest and a legitimate election outcome.

As already alluded to, the creation of the IEC has greatly enhanced the management of electoral disputes. This should by no means be taken to imply that electoral disputes have disappeared, although it is expected that such disputes will over time decline in frequency and intensity. The IEC’s acceptance and palpable success within a relatively short space of time can be explained by the fact that its composition and functions are a collective effort on the part of all political parties. It should also be noted that some expert respondents believe that the institutional mechanisms for handling electoral disputes are unsatisfactory. Most disputes are in fact in relation to the voters’ rolls and the ruling party’s misuse of public funds to buy votes from the poor.
Even though Lesotho’s 2002 election was praised for its transparency and inclusiveness, voter turnout in Lesotho has been declining over time from 81.9% in 1970 to 72.3% in 1993, 71.8% in 1998 and 68.1% in 2002. This declining trend suggests that a significant number of people are left out or exclude themselves from the process, and it calls for a systematic analysis of the reasons why people choose not to participate in elections or factors that discourage them from doing so. There are many unanswered questions regarding the sustainability of the principle of representation.

ORGANS OF GOVERNMENT AND HOW THEY WORK

The Lesotho constitution, especially chapters VI and VIII, provides for a clear division of powers and responsibilities between the executive, legislature and judiciary. Furthermore, there is a distinction of powers between the head of state and head of government. The king, who is head of state, is not elected but designated by the College of Chiefs in accordance with the customary law of Lesotho. Such designation takes place upon the death of his predecessor or in the event of a vacancy in that office.

Section 87(2) of the constitution provides that the head of government is appointed by the king on the advice of the Council of State. According to this provision the head of government is an MP who commands the confidence of the majority of the members of the National Assembly. As the head of government is elected from the party with a majority of votes, those parties with minority votes may be marginalised, but in principle the head of government must represent the will of all. The head of government is bound by the constitution to inform the head of state on matters of national interest; the government is said to be His Majesty’s Government.

Section 86 of the constitution provides that the executive authority of Lesotho is vested in the king subject to the provisions of the constitution, and shall be exercised by him through officers or authorities of the government of Lesotho. The king, upon the advice of the prime minister, appoints ministers from among MPs from the National Assembly or Senate to form cabinet. The constitution provides that the executive should
be shadowed by parliament in order that they may give full attention to matters affecting the whole nation. The cabinet is responsible for all government policies and the day to day running of the affairs of the state. The cabinet advises the king and is collectively responsible to the two houses of parliament for any advice to the king by or under general authority of the cabinet, and for all things done by or under the authority of any minister in the executive.\textsuperscript{36}

The constitution also provides that a person has to be an MP either from the National Assembly or the Senate before he/she could be appointed as a minister of government. Thus in theory any MP, including members of the opposition, stands the chance of being appointed a government minister. In practice, however, prime ministers have traditionally nominated ministers from the ruling party, with just a handful having been appointed as Senate nominees. One result of this ‘reward’ approach has been that appointed ministers do not always necessarily possess the skills and competencies required for the areas they are assigned to. Since most cabinet members are from the ruling party, and also since the ruling party has a two-thirds majority in National Assembly, almost all decisions made by the executive are accepted without question by the majority of the legislature.

The appointment of ministers as Senate nominees has become a fairly common practice in Lesotho since 2002, although it has not been without controversy. On the one hand critics have been quick to argue that this practice encourages the problem of MPs being accountable less to the electorate and more to the prime minister who appointed them as ministers. On the other hand its proponents justify this practice in terms of ‘the requisite skills and competencies’ argument, stating that people should be appointed into various ministerial portfolios on the basis of technical ability rather than purely as a reward for standing for election at the constituency. A related problem has been that the Senate has been used by the ruling party as a strategy for fast tracking its candidates for certain constituencies.

The current (2006) cabinet is made up of 23 members, five of whom are assistant ministers. Some of these ministers were channelled to cabinet after being sworn in as Senate members from positions of no party loyalty.
However, experience has shown that some of them end up standing for election under the banner of the ruling party. This calls into question the effectiveness of the role of the legislature in shadowing the executive and suggests that the executive is too powerful and hence limits the function of the legislature. In addition, the fact that the current ruling party does not allow members of other political parties to be in cabinet suggests that there is lack of a culture of political pluralism and tolerance when it comes to the exercise of top-level political power. It should be noted, however, that it is common practice the world over for the majority party to monopolise executive power. The severely limited mechanisms of citizen participation in policy formulation in Lesotho means that the executive branch of government and ministers are not held accountable for inefficiency and the maladministration of public funds.

The other government organ is the legislature, which consists of two houses – the National Assembly and the Senate. According to Makoa, ‘the most prominent feature of Lesotho’s democracy is bicameralism’. The existence of the parliament of the Kingdom of Lesotho is pursuant to section 54 of the constitution as amended. Currently the National Assembly consists of 120 MPs, 80 of whom come from the plurality vote from single-seat constituencies and 40 from PR. The upper chamber or Senate is made up of 33 nominated Senators, 22 of whom are principal chiefs. The functions of the legislature in Lesotho are to:

- pass laws (legislative responsibility/power);
- approve the national budget;
- scrutinise expenditure of allocated funds;
- exercise oversight on the executive; and
- debate major issues that concern the nation.

The power of parliament to make laws is exercised by bills passed by both houses of parliament and assented to by the king. The legislature engages in thorough debates on bills, but since it is dominated by one party some bills may be passed even if all the opposition parties are against them. It is also important to note that the two houses do not necessarily enjoy equal powers, as legislative powers rest almost exclusively with the National Assembly.
Administratively, each of the two houses has its own clerk. The clerk and his/her staff are officers in the public service and he/she is not an elected officer but a permanent official of the civil service who is transferable to any other government ministry or department. The clerk is responsible for the administration of the house. Typically the clerk has a dichotomous responsibility. As head of administration, he/she answers to the executive through the government secretary. In his/her procedural position he/she answers to the speaker of parliament. The Senate has a president. The speaker is elected by the National Assembly while the Senate’s president is elected by the senators. In practice consultations between members of the two houses do take place. In principle the speaker is not expected to exhibit political behaviour. The 2006 speaker was a woman, possibly indicating some level of commitment to ensuring women’s representation in decision-making positions.

The legislature has limited autonomy over decisions emanating from cabinet (which comprises ruling party nominees) as most MPs feel obliged to support such decisions. However, although the executive has the prerogative to determine policies, parliament has the mandate to revise such policies and hold ministers accountable by asking them questions relating to the performance of their ministries. The evidence from the expert survey regarding the level of scrutiny of the executive by parliament is interesting. Some respondents believe that the legislature has enough powers to scrutinise the executive. Be that as it may, it seems arguable that though parliamentarians have access to scrutinise the budget, they may not change much of what is proposed. They do, however, have the mandate to hold ministers to account for the public expenditure of their ministries.

According to the constitution, bills can be introduced to parliament by government or a private citizen; however, the latter case is not common probably due to lack of information among the public. The following is the process through which bills are discussed and debated:

There will be a first reading where there is no debate, in the second reading Members debate principles of the bill, while the committee stage allows Members to debate clause by clause.
clause. The committee stage is followed by the report stage where Members can make amendments to the clauses. In the third reading Members are allowed to debate and vote on the Bill after which it will then be passed to Senate. In the Senate the Bill undergoes the same process as in the National Assembly.40

When parliament is in session parliamentary debates are broadcast daily on the national radio station – Radio Lesotho. The transcripts of the proceedings are kept in the Hansard, which is also produced on a daily basis as a public record. There is no regular slot on national television for parliamentary debates. Interestingly, according to the elite opinion survey respondents, parliamentary debates are not informative and do not address citizens’ needs.

The National Assembly deliberates on a White Paper or proposed legislation, while the Senate scrutinises the draft legislation after it has passed through the Lower House and before it reaches the office of the king for royal assent. In this way the Senate, at least in theory, plays the ‘watch dog’ role of protecting people’s interests. This means that the Senate has to keep an eye on the activities of the Lower House to ensure that the laws that are finally made by parliament do not affect the people negatively.41 This kind of power has the potential to enhance democratic governance, especially under conditions of one-party virtual dictatorship. The Senate revises and/or reviews what the National Assembly initiates. Its role is complementary and works through the revision process, the passing of motions on governance, asking questions to ministers and recommending disallowances of subsidiary legislation laid on the table (if necessary).

Chiefs are essentially traditional leaders, as the discussion in Chapter 6 shows. Through the constitution the system has allowed them some space in government. Though these leaders are not expected to stand for election, some of them have deviated from this norm and have even formed political parties and are in parliament as politicians. Even in their position as senators, chiefs do not and cannot initiate legislation but are expected to scrutinise laws made by the legislature. Chieftainship has thus retained a place in the legislative system, largely as the Senate.42
There have been claims by the opposition that all 120 MPs are not treated equally. MPs that come to parliament through the MMP mode are denied certain benefits and privileges. These include constituency allowances (or an equivalent) and nomination to certain positions.\textsuperscript{43} Furthermore, even though the constitution allows members to cross the floor to join other political parties, this option is not available to MMP MPs. Floor-crossing has not been common in Lesotho, but when it happens it entrenches conflict and hostility. Much time is wasted on debating the legality or legitimacy of such an act. Such was the case in 1997 following Ntsu Mokhehle’s split from the BCP to form the LCD.

The dominance of the LCD in parliament makes it difficult for the opposition to play its role effectively as debates become overshadowed by the dominant party’s views. As illustrated by the EISA report of 2004, the LCD holds about two-thirds of parliamentary seats and thus ‘can make decisions without consulting the opposition’.\textsuperscript{44} This impacts negatively on parliamentary debates and creates weak opposition. It has been noted that MPs are not accountable to the electorate due to a lack of institutionalised mechanisms to allow for citizen participation in the legislative process.

The electorate cannot recall an MP if they are no longer satisfied with his/her performance. They have to wait for the next round of elections before such a recall can be exercised. This suggests that MPs can get detached from the electorate. It is, however, encouraging that the ongoing parliamentary reform process is proposing a mechanism that will compel MPs to be accountable.\textsuperscript{45} Nevertheless, evidence from the elite opinion survey suggests that generally MPs do not maintain contact with the electorate, a practice that does not augur well for a stabilising democracy.

Not only are MPs accused of lack of accountability by the electorate, they are also blamed for corruption.\textsuperscript{46} Some of the elite surveyed for the study believe that some MPs are perceived to be influencing the employment of their cronies and relatives. However, since the establishment of the DCEO as a mechanism to deal with corruption in public institutions, the number of public officers charged with corruption relating to public funds has been growing steadily.
The Lesotho parliament has for a long time operated with five house or domestic committees, namely the Business, House, Standing Orders, Staff and Privileges committees. These committees deal mainly with housekeeping issues. According to the Parliamentary Reform Committee (PRC) report there has been only one effective portfolio committee, namely, the Public Accounts Committee (PAC). The PAC’s role has been to examine the public accounts by showing the appropriation of sums granted by parliament to meet the public expenditure and such other accounts as laid on the table of the house. The PAC has been actively undertaking scrutiny of bills that come to parliament, in particular analysis of public expenditure and proposed budgets. According to the PRC report, the PAC is regarded as being relatively effective, but it is severely limited because the order which established it prohibits the PAC from demanding ministers to account for the expenditure of public funds. A recently formed HIV/AIDS Committee is expected to deal with the scourge facing the nation.

In an attempt to address the inherent weaknesses of the parliamentary committee system, parliament has initiated a reform process headed by an opposition party member whose professional background is law. This may also indicate a possible government shift in thinking on the role of expertise offered by opposition political parties. The PRC was established in 2004 to, among others, review the current committee system including the establishment and rationalisation of portfolio committees vis-à-vis accountability, transparency, inclusiveness and responsiveness, and to carry out an assessment of the merits and demerits of bicameralism in a democratic system. It is believed that this process reflects the current complexion of the institution in terms of representation, gender and other interests of the house. The reform process is designed to enhance parliament’s capacity to deliver effectively on its constitutional mandate. The reform programme is meant to create a foundation that will form the bedrock for sustainable democratic practices in Lesotho and empower parliament as a custodian of values and principles of democracy to fulfil the mandate of oversight and representation.

The PRC is divided into three sub-committees dealing with the parliamentary committee system, parliamentary practices and procedures,
and conditions of service. There is, however, an under-representation of women in these subcommittees due to the low numbers of women in parliament. For instance, all members of the committee dealing with the parliamentary sub-committee system are men, the parliamentary services committee has one woman, while the parliamentary procedures and regulations committee has three women and six men.

Lesotho is a member of the Commonwealth Parliamentary Association (CPA) and benefits from the workshops and forums organised for CPA members. Furthermore, during national elections the CPA, like many other organisations, sends representatives to observe and evaluate the election processes. Some members of the Lesotho parliament are also members of ACP committees which hold regular forums to share experiences. According to some elite respondents the ongoing parliamentary reform process has benefited from some of these initiatives.

GENDER ISSUES
Basotho women have always been more educated than most women in other African countries, and as such gender inequality has not been a development policy issue. It was for this reason that the policy-making machine in Lesotho was bold enough to claim that ‘Lesotho does not suffer from extreme gender inequality or abuse’. Proceeding from this perspective, the Lesotho Gender and Development Policy document argues that gender is not about women’s issues, and the paper highlights that ‘it is only at very senior levels that one finds a disproportionate number of men: in lower and middle ranking positions women predominate over men in many departments’. But the Lesotho Gender and Development Policy goes on to state that ‘although Basotho women have a relatively high literacy rate and many of them are de facto heads of households, these do not open avenues for power, leadership and decision making for them in all spheres of life including politics’. The totality of these variations would seem to indicate that government is yet to take its gender policy more seriously than is the case at present.

Other than lack of commitment to gender policy there is no convincing reason for cabinet to have taken more than five years before approving the proposed Married Persons Equality Bill. Several explanations have
been proffered for women’s under-representation in decision-making and political positions in Lesotho. According to Sadie, Letuka et al argue that:

legal minority status of women in Lesotho has perpetuated gender inequalities. Lack of legal capacity not only prevents women from acquiring loans, etc. for financing their campaigns, limiting their options to run for elections, but also inhibits their social status and makes it difficult to solicit political support.  

Table 3 depicts the under-representation of women in strategic positions after the 2002 election in Lesotho. It shows that not even the MMP electoral system, which is praised for its inclusiveness, has been able to change women’s position in strategic governance positions. This situation can be attributed to a lack of political will from political parties themselves. According to Letuka et al:

[In Lesotho, women’s representation on party executives ranges from none to 66%, with the largest opposition party,}

<table>
<thead>
<tr>
<th>Position</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
<th>% of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>MPs: National Assembly</td>
<td>13</td>
<td>107</td>
<td>120</td>
<td>11</td>
</tr>
<tr>
<td>MPs Senators</td>
<td>13</td>
<td>20</td>
<td>33</td>
<td>39</td>
</tr>
<tr>
<td>Cabinet</td>
<td>4</td>
<td>13</td>
<td>17</td>
<td>24</td>
</tr>
<tr>
<td>and 2 assistants ministers</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal secretaries</td>
<td>5</td>
<td>9</td>
<td>14</td>
<td>36</td>
</tr>
<tr>
<td>Deputy principal secretaries</td>
<td>3</td>
<td>11</td>
<td>14</td>
<td>21</td>
</tr>
<tr>
<td>Ambassadors</td>
<td>2</td>
<td>8</td>
<td>10</td>
<td>20</td>
</tr>
</tbody>
</table>

BNP having 38.4% women in the executive. However, gender equality on these executive committees is constrained by the fact that many women serve only as ex officio members of such committees in the role as chairpersons of the women’s leagues, which are represented in almost all parties. Their lack of voting rights means that they do not have a voice to present women’s concerns, and accordingly influence decisions at the highest levels.54

Taking the argument further, Makoa observes that:

not until 1992 was a woman elected to serve in the BCP’s executive committee. Women who served [on] the executive committee before did so as ex-officio members by virtue of the presidency of the women’s league.55

Though the BNP made some changes after 1970 to accommodate women and youth leagues it did not develop any constitutional reforms to address the needs of these subordinate structures. According to Makoa, the BNP had no special political programme for women even though the party is dubbed a women’s organisation.56 It may therefore not come as a surprise that none of the parties to take power have ever seen gender inequality as a development priority. Makoa argues further that after assuming state power in 1965, the BNP never developed any special programme for women, nor did it try in any way to transform the whole system of codified gender relations. In the end the national laws, norms, customs and institutions buttressing these relations remained intact.

Owing to women’s low overall numbers in parliament, they are not only outnumbered by men in parliamentary debates but also on parliamentary committees. More interesting for this study anyway, is that even when women are elected or nominated into positions of power they are heavily concentrated in the more ‘feminine’ portfolios such as AIDS and education.

The government’s commitment to the institutionalisation of gender equality is shared by an overwhelming number of experts who were consulted for this study. They claim that the composition of key govern-
ment organs reflects commitment to gender equality by government. It is interesting to note that this claim was made despite the fact that out of ‘120 seats, just 13 are occupied by women’. More statistics reflect this anomaly. In the Upper House, out of 33 members only 11 are women, while out of the 28 members of the PRC only four are women. Mapetla also observed that 50% of women senators are in parliament acting on behalf of their husbands or sons.

According to some of the consulted experts, the under-representation of women in parliament is a result of the party machinery which has not yet embraced the principle of gender equity and representation. Parties fail to nominate or appoint women for contested positions in the party at constituency level, and there is no law binding parties to include women for the PR seats. According to one political party leader who responded to the elite instrument used for this study, women are not popular enough in political circles to be political leaders and need to show more commitment if they are to be nominated by party structures.

However, the need for the increased representation of women in key positions seems to be gaining official recognition. The prime minister’s public statements are replete with calls for this increase. One main gesture reflecting this initiative in Lesotho is the appointment of a woman as speaker of the National Assembly. A number of other women have been appointed in other sectors such as in the police service, but these women are not nominated through party structures which are the avenue for women to get into parliament. A quota system of 30% women’s representation has been applied in local government elections where slightly more than 53% of women were elected as local government councillors (see Chapter 6 of this report for further discussion on this issue). What remains to be seen is the extent to which these women and others nominated to key positions are up to the task, or whether their presence is a token gesture.

**CONCLUSION**

It has taken Lesotho’s political system more than three decades to change from a one-party parliamentary system to a functioning multiparty democracy. Applauded by many for the introduction of an electoral model
capable of bringing stability, Lesotho can justifiably be described as a stabilising democracy. This is notwithstanding the fact there are legitimate complaints about a lack of political maturity, which for the purposes of this chapter was equated to a deficiency in terms of accommodation of the opposition parties’ views, interests and contributions to the national debate.

Even though the new electoral model has contributed hugely in terms of marshalling relative political stability, it has yet to eliminate the phenomenon of one-party dominance in parliament. For example, in 2003 the LCD government flexed its muscle against the convincing views of opposition parties and secured the possibility for changing the Local Government Election Act of 1997, making it depart from the newly adopted model for national elections. Besides, the cabinet is dominated by ruling party nominees.

Contrary to expectations and recommendations of regional and international bodies, of which Lesotho is a member, politics in Lesotho continues to be marked by a serious under-representation of women both in parliament and in party political structures. Evidence of this under-representation is strong and widespread; even the 2005 parliamentary reform initiatives could not camouflage it. Further, although citizens do have access to MPs citizens’ participation in the legislature and their possibilities of influencing cabinet decisions are so limited as to be almost non-existent. In addition, civil society’s chances of holding MPs’ accountable are severely circumscribed partly due to internal fragmentation and partly due to dependence on external funding.

Similarly, since cabinet is dominated by members of the ruling party and since the ruling party has a two-thirds majority in the National Assembly, almost all decisions made by the executive are accepted virtually without scrutiny by the majority of the legislature. The limited opportunity for the legislature to shadow the executive and the failure of the opposition to play its role effectively remain great challenges for the consolidation of democracy in Lesotho. Several positive credentials for democracy, such as the IEC and the PRC, have, however, ushered in some hope that there is a commitment to consolidate constitutionalism and democracy in the mountain kingdom.
CITIZEN PARTICIPATION

The consolidation of democratic governance in any country requires the active participation of all citizens, both individually and collectively. A democratically governed country will benefit its citizens by ensuring that, among others: all citizens are treated equally; the needs of ordinary citizens are met; there is open debate, persuasion and compromise; basic freedoms are guaranteed; and societal renewal is allowed.

This chapter looks at the extent to which democratic governance can be said to be consolidating in Lesotho through the prism of citizen participation. It argues that citizens, individually and collectively through their many CSOs, have played and continue to play a dynamic and central role in the governance process.

CITIZENS AND GOVERNANCE

In terms of the individual, citizen participation in governance takes place at different levels and takes the following five forms:

Citizens and elections
The purpose of elections at the national level is two-fold. First, it is to choose the head of government and the broad policy that the government will pursue. Second, it is to choose members of the representative legislature or parliament, who will decide on legislation and scrutinise the work of the government on the people’s behalf. Outlining the purpose of elections in a democracy, Mayo asserts that ‘from the point of view of the individual voter, elections are the means by which he (she) takes his (her) share in political power by voting for the representative of his (her) choice’.59

Participation in elections in Lesotho involves registering and voting by all citizens who are 18 years of age and over. To date, Lesotho has held four post-independence general elections with the winning parties capturing a minimum of 55% of the popular vote since 1993.60 Since then, however, the number of people voting in elections has been on the decrease and worsened during the first post-independence local elections of April 2005.
Citizen–MP/government links
Since independence, politicians and civil servants have used lipitso (public gatherings) as a means of bridging the gap between society and government. The pitso (pl. lipitso), traditionally a public assembly attended by all initiated adult males, was called by the chief to discuss and decide on national matters. According to Thompson ‘it was an instrument of communication – both downward from the government to the people and upward from the people to the government’. It was characterised by considerable freedom of speech whereby people expressed their views on national matters and did so freely and openly without fear of punishment. Since independence, MPs and the government alike have continued to use lipitso to explain the roles and responsibilities of parliament and government policies, to solicit citizens’ views and to mobilise their participation in national politics. Women participate freely in these lipitso as equals with their male counterparts. The two major national policy documents – National Vision 2020 and the Poverty Reduction Strategy – are products of extensive and intensive citizen participation, mainly through the lipitso.

Citizen–local authority links
Before, during and after colonial rule and up until April 2005, chiefs represented the longest and the only surviving unelected institution of local authority in Lesotho. A Sesotho proverb, Morena ke morena ka batho (a chief is a chief by the consent of the people) underscores not only the role citizens play(ed) in the continued existence of this institution, but also its democratic foundations. The local government elections of 2005 ushered in for the first time since independence, elected local institutions in the form of community and district councils. These councillors have to date used lipitso extensively as vehicles for soliciting citizen input into community and district development projects in their areas.

Political parties as vehicles for citizen participation
For as long as they have existed, Lesotho’s political parties have acted as vehicles for citizen participation in governance issues. From their initial formation in the 1950s, political parties in Lesotho mobilised citizens against colonial rule, fighting for and eventually achieving independence. In the 1965, 1993, 1998 and 2002 general elections, political parties mobilised
citizens to elect democratic governments. However, political parties have also been largely responsible for the political instability that has characterised Lesotho’s post-independence political history. In the aftermath of the 1998 general elections, opposition parties including the BNP, BCP, Marematlou Freedom Party (MFP) and other smaller parties alleged fraud in these elections and mounted a sustained protest that saw hundreds of their supporters camped outside the Royal Palace gates in Maseru demanding the dissolution of government by the king. As the protest intensified, government lost control of both the state administration and the army, and had to call in the assistance of SADC forces in the form of the South African National Defence Force and the Botswana Defence Force. What followed was large-scale violence, looting and the burning of businesses and private dwellings in Maseru and other towns for several days.\(^6^2\)

**Lobbying and advocacy as vehicles for citizen participation**

Lobbying and advocacy constitute other important tools that citizens use to get the executive and legislature to address positively issues that affect their lives from community to national level. Citizens lobby their elected (community, district councillors) and unelected (chiefs) representatives in the local government structures, as well as their elected (MPs) and unelected (senators) representatives at national level. The provision through parliamentary standing orders that permits people to lobby MPs and present petitions on particular issues by individual and groups, attests to the acceptance of lobbying as a vehicle for citizen participation. Makoa concurs that ‘… MPs are accessible as individuals and can be contacted and lobbied as necessary’. He notes, however, that ‘… lobbying of MPs or contacts between MPs and civil society organizations is not a formally established practice in Lesotho’\(^6^3\).

**ASSOCIATIONAL LIFE**

Associational life among Basotho is as old as the formation of the nation itself. The *letsema* system (work parties) is probably the best known and documented form.\(^6^4\) However, citizens have almost invariably formed a variety of grassroots, voluntary and non-profit organised non-state formations consisting of people and groups of people who are engaged in their own activities in pursuit of private interests, profit, leisure or the promotion of public interests.
Collectively these formations constitute the CSOs, also known as non-governmental organisations (NGOs). These organisations, which number approximately 79 nationally, include trade unions, professional associations, women’s groups, human rights and development organisations, self-help groups, religious bodies and grassroots organisations of any kind.

The report on Lesotho’s implementation of the commitments of the 1995 World Summit for Social Development is emphatic that for the state to be more efficient both in development and governance processes, it needs CSOs. This is because CSOs provide a means for people to work together to promote common interests, to work independently of government, and to exercise checks on excesses committed by government.65

The growth and development of CSOs in Lesotho is closely allied to the political developments in the country. For the period 1970–1992, which marked the heyday of undemocratic rule by both the BNP government and the military regimes, the relationship between the state and civil society was characterised by the politicisation and suppression of the latter by the former.

Following the suspension of the constitution in 1970 when Prime Minister Jonathan annulled the first post-independence elections which he had lost and ruled by decree until he was deposed by the military in 1986, the state moved towards control of community organisations as a way of mobilising political support, as well as creating structures within communities that would check elements seen by the state as hostile to it. These organisations received state patronage and support. These were, for example, the youth organisations during the late 1970s and early 1980s, and women’s organisations which sought primarily to uplift women through cooperative-style activities and initiatives. Those organisations that were less accommodating did not receive state patronage and support and were frequently harassed. These were, for example, the labour organisations which in the early 1970s, throughout the 1980s and including the early 1990s, became most vocal in their criticism of the BNP and the military regimes. The former was criticised for its lack of legitimacy while the latter was criticised for its pro-apartheid South African government and business stance and their exploitation of Basotho workers in South Africa.66
The 1993 re-democratisation which came about in part because of the efforts of CSOs, brought in its wake much civil society activity. The Lesotho Council of Non-Governmental Organisations (LCN) which had been formed in 1990 was reactivated as an umbrella organisation that sought to provide not only a forum for the coordination of all non-state actors in the country but also provided, for the first time, a national rallying point for all disparate community and interest groups, while at the same time not detracting from the specific focal points of individual organisations. The absence of NGO legislation in the country has not decreased participation in CSOs; on the contrary, a significant number of people are involved in CSOs. One study found that 29% of Basotho are members of such organisations, compared to only 5% of South Africans.67

GOVERNANCE AND DEVELOPMENT

Through the LCN, CSOs, before and since re-democratisation, have established a strong presence in national issues, both at the level of mediation and advice in governance as well as coordination of especially CBO efforts towards grassroots development in a wide variety of fields.

The LCN was involved in national politics even before 1993, providing what was generally accepted as a neutral, non-political point of view (and action) in issues of governance.68 Contributions to national governance made by the LCN and the larger community it represents, include the following: it organised and facilitated various forums where national issues were deliberated, such as the workshop that dealt with the draft constitution before it was adopted in 1993; the controversial Lesotho terra irridente; and the possible incorporation of Lesotho into South Africa following the demise of apartheid.69

The LCN played a critical if not decisive role where political parties were weak by rescuing the Mokhehle’s government during the 1994 Royal coup d’état. While the final resolution was sponsored by a coalition of national and international communities, the leading local efforts were coordinated by the LCN and religious leaders. The LCN was able to rally together Mokhehle’s supporters and democratically inclined sections of the population who would not necessarily have supported the BCP per se to persuade the king and his supporters to back down. Matlosa and Sello
also confirm the CSOs’ role in contributing to Lesotho’s historic return to democracy in 1993.\textsuperscript{70}

The LCN played a critical role in civic and voter education in preparation for the 1993, 1998 and 2002 general elections and the 2005 local government elections. Each of these polls was significant in its own way: the 1993 poll was about re-establishing democracy after 23 years of authoritarianism; the 2002 election was about re-legitimising the state after the 1998 political crisis and carried the added complication of the new electoral model; while the 2005 poll marked the first post-independence local government elections.

Some CSOs have, at the individual level, actively monitored the protection of human rights and the maintenance of the rule of law. The only registered organisation whose mission was specifically to monitor the protection of human rights and thereby improve the observance of the rule of law, was the Lesotho Human Rights Alert Group. Its independence and impartiality were, however, twice seriously compromised in 1994. At the height of the political turmoil of that year when there was a breakdown of law and order as a result of the police and prison warders’ strike and fighting between factions within the army, the organisation brought an application seeking the immediate release from custody of remand prisoners who, as a result of the prison warders’ strike, had not been brought to court for their trials or remands.\textsuperscript{71}

The final straw for this organisation’s independence as a human rights watchdog came in August 1994 when its president became chairman of a Provisional Council of State that was formed following the illegal removal of a democratically elected government of the BCP.

The Law Society of Lesotho has from time to time brought cases to court to challenge laws or acts of government that have tended to undermine the rule of law. For example, the society successfully challenged the appointment of a substantive holder of office in the Director of Public Prosecution’s office as an acting judge of the High Court.\textsuperscript{72} The Law Society also successfully challenged an improperly promulgated state of emergency in 1989.\textsuperscript{73}
Other prominent democracy and human rights organisations include the Christian Council of Lesotho, the Transformation Resource Centre, the Federation of Women Lawyers (FIDA), and Women and Law in Southern Africa (WLSA). The first two are ecumenical NGOs committed to working for justice, peace, democracy, good governance, research, human rights and participatory development. The last two are NGOs that undertake important research into and conduct awareness campaigns around issues pertaining to women’s rights in particular.

It is also in the area of grassroots development that CSOs have and continue to play a critical role. In order for the Basotho to meet their economic and social needs, many indigenous CBOs have been formed. Their philosophy is based on the Sesotho motto of *tsoha u iketsetse* (get up and do it yourself). These include burial societies, money lending clubs, religious and social groups, sports groups, traditional and cultural groups, and women’s voluntary organisations. The most popular of these are the burial societies and money lending clubs whose main object is to pool financial and human resources. These organisations have for a long time served as important tools for social and economic transformation in poor societies in Lesotho and have been a strong force, helping those on the fringes of development, especially women and the poor.\(^7^4\)

**CSOs’ INFLUENCE ON POLICY**

The long history of mutual suspicion between CSOs and the Lesotho governments, past and present, together with the lack of capacity of most CSOs, have resulted in their limited influence on government policy. This has, however, changed as a result of donor pressure on donor-supported projects where donors have demanded the active involvement of CSOs.

The preparation of the Poverty Reduction Strategy (PRS) which was financed by the World Bank, the national vision (Lesotho Vision 2020) which was financed by the World Bank and the International Monetary Fund (IMF), and the Millennium Challenge Account (MCA) which is financed by the United States (US) government, have all required not only CSO involvement but even CSO membership of the technical working groups involved in the processes leading to the finalisation of these documents.\(^7^5\) Sinnathamby of the NGO CARE International confirms that
'there is a lot of support for our work at policy level and we are often involved in joint planning meetings with government departments'. In addition, the fact that Lesotho has entered into a number of agreements at the regional, continental and international levels that require the involvement of CSOs in both policy formulation and initiatives to promote economic growth, has forced the government to work with the CSOs.

If government is planning major development projects that will have an impact on a large number of people, public consultation will occur at different levels, namely through lipitso, electronic and print media, workshops, seminars, public forums, conferences and national dialogues. Citizens’ rights to free expression and assembly are enshrined in sections 14 and 15 of the constitution and these provisions extend to the media. These freedoms are generally respected, and several independent newspapers and radio stations (a phenomenon of the post-1993 period) freely criticise the government.

However, there is as yet no privately owned television station. At the same time there is no policy that regulates the media, except a draft policy which was completed in 1997. According to Foko, despite the absence of a policy, there has been little interference by the government in the media. Many of the elite respondents agree that free expression is respected, and they judge the environment in which the media operates to be free and independent.

There are, however, no institutions with permanent mandates to facilitate consultation on policy development largely as a result of ‘… a lot of disconnect between government and civil society in terms of discussion and dialogue’. Cooperation and partnership between the government and CSOs in Lesotho can best be described as a forced marriage of convenience. What is also clear is that some agencies, especially those with international clout, have no difficulty meeting with government. Sinnathamby of CARE International confirmed this when he said: ‘Recently, people in government have been very receptive, especially at the higher and district levels … There is a lot of support for our work at policy level and we are often involved in joint planning meetings with government departments.'
CHALLENGES FOR THE NON-STATE ACTORS IN GOVERNANCE

Although CSOs have played an important role in complementing governments in their efforts to promote social and economic development, especially democracy and human rights since the early 1990s, they still face a number of challenges. First, most CBOs are not registered and in many cases there is no legal enforcement of the contracts that they may enter into in case of default, making the organisations’ long-term viability questionable; they also lack organisational and management skills. The proliferation of CBOs has resulted in fragmentation, duplication of efforts and lack of coordination of activities, as well as creating a loophole which large commercial firms are exploiting by taking over these grassroots initiatives and commercialising them. Most insurance companies now operate small burial schemes.80

Second, while most of the programmes initiated by the CSOs in the areas of governance and development succeed because of familiarity with local conditions and direct contact with local communities, they are, however, often developed in isolation and with a lack of detailed understanding of the livelihood contexts and capabilities of the target groups. There also appear to be few links to policy or a broader development strategy.81

Third, and perhaps most important, are the institutional gaps which hinder the effectiveness and sustainability of the CSOs. Some of these are:

- lack of financial resources and capacity;
- poor planning;
- limited synergy on activities offered by them and those offered by government;
- lack of capacity to carry out policy-related research;
- inability to play a coordinating function;
- weak organisational and management skills;
- lack of sustainability of their activities beyond the project phase and associated tutelage provided by expatriate personnel; and
- lack of mobilisation of human and material resources and the establishment of various partnerships between government, civil society and the private sector at both national and international levels.
The challenges that CSOs face need to be understood within the national context. Their strength fluctuates quite significantly: while CSOs had the muscle to contribute effectively, for example reversing the Palace Coup in 1993, they have not been able to stop government from dragging its feet (and finally reneging) on signing the proposed memorandum of understanding intended to streamline the working relationship between government and CSOs in Lesotho. This has remained in abeyance since 2003.

GENDER ISSUES
Unequal gender relations are a common feature of Lesotho’s political and judicial systems. Women are disadvantaged by the combined effects of a Roman-Dutch legal system, customary laws and a patriarchal system of inheritance. A Mosotho woman is a perpetual minor, usually under the guardianship of a male family member (husband, eldest son, father, brother, uncle, etc.). To enter any contractual agreement, a woman needs to be assisted or obtain consent of at least one of these patriarchal ‘guardians’.

CSOs have played a significant role in seeking to change the above mentioned status of women in the country. The Community Legal Resource and Active Centre, FIDA and the WLSA whose mandate is to empower women and improve their legal status through lobbying, advocacy and research, have endeavoured to promote the legal status of women through a variety of strategies.

CONCLUSION
This chapter has investigated elements of democratic consolidation with respect to citizen participation and the role of CSOs in Lesotho. It has been affirmed that citizen participation in national governance issues in Lesotho has strong historical antecedents and foundations. In terms of CSO participation in policy formulation or influence therein, it is fair to say that progress has been made although much remains to be done, especially if CSOs are to measure up to what is expected of them vis-à-vis good governance practices and democratic consolidation in the country. Even though citizens have exercised their democratic right to vote freely for their representatives in national elections since the restoration of
democracy in 1993, they are yet to empower their associations to the point where they will possess enough influence to be able to compel the state to be accountable to its citizens. A notable matter of concern for democratic consolidation, which is admittedly not peculiar to Lesotho, is the constantly low or even declining voter turnout for virtually all the national elections held since the country’s return to democratic and constitutional rule in the early 1990s.

It has also been established that through their many organisations, citizens have played an active role in governance. In a country that has a troubled post-colonial history of political divisions which resulted in violence, CSOs – on their own or in collaboration with allied international agencies – have provided valuable mediatory and conciliatory functions. In a country that lacks strong opposition political parties, opposition to authoritarianism has been spearheaded by the CSOs. In a country where the economic and social needs of society have not been adequately addressed by the state, CSOs have played complementary roles in efforts to alleviate the suffering of the poorest of the poor, especially women and children in the rural areas. In a country where deficits in democratic consolidation are still discernible, CSOs have played active advocacy and lobbying roles for improvement. It is, however, in the areas of influencing policy and budget priorities that the CSOs have made little progress.
INTRODUCTION AND CONCEPTUAL FRAMEWORK
At the heyday of radical (African) Marxism, traditional structures were portrayed as relics of archaic modes of production that were bound to be eradicated by the powerful forces of capitalist relations. Few were daring enough to foresee these structures continuing to attract so much scholarly attention in the 21st century. Contrary to this projection of a bleak future, questions of the relevance of traditional institutions/authorities in the era of neo-liberal democratic rule are now entering policy dialogue more than they ever before. Part of the explanation for this resurrection lies in the governance debate in Southern Africa. The vigour of the debate in post-apartheid South Africa has also contributed.

In the mid to late 1990s, two starkly opposing positions on the role and place of traditional authorities in the context of increasing acceptance of liberal democracy as a political system of choice became discernible in both scholarly and policy-oriented writings. One position straddling scholarly and policy boundaries held that being an embodiment of culture, catalysts of unity and symbols of the very Africanness of Africa, traditional authorities must be retained and strengthened as they could play a key role in supporting government’s efforts in improving the quality of life of the people. Standing as it were at the extreme end of this spectrum, the other position advocated the dissolution of these institutions for reasons of either non-compatibility with the norms of democratic governance or that they were creatures of colonial legacy. In practice, however, there have been marked variations in terms of how local governance has played itself out throughout the continent. These variations provide the context for analysing the establishment of democratically elected local government structures in Lesotho.

Brevity does not permit an extended comment on any of these two dimensions, suffice it to say that the introduction, or re-introduction in some cases, of multiparty democracy and decentralisation throughout the continent in the 1990s brought with it the subject of traditional authorities or leadership and placed it firmly on the forefront of national debates.
The question of traditional authorities’ resilience has been at the centre of these debates. Even though the debate about resilience of traditional authorities itself is not new, what is new is the force of its recrudescence in the post-1990s’ era. This revival has added new dimensions to the debate, including questions of the legitimisation of traditional structures, their place, role and relevance in liberal democracy, their identity amidst the gamut of ‘new social movements’, democracy and citizenship, to mention a few strands of the debate.\textsuperscript{90}

**LEGISLATIVE AND INSTITUTIONAL FRAMEWORK FOR LOCAL GOVERNANCE**

The rationale for establishing local government in Lesotho is generally understood to emanate from section 106 of the constitution, which mandates parliament to ‘establish such local authorities as it deems necessary to enable urban and rural communities to determine their affairs and to develop themselves … [and] perform such functions as may be conferred by an Act of Parliament’. The constitution further states that ‘[a]ny enactment which provides for the establishment of local authority and in force immediately before the coming into operation of this Constitution shall continue in force subject to repeal or modification by Parliament’.\textsuperscript{91}

Both Leabua Jonathan’s authoritarian regime and the military government that followed it had experimented with one or other form of local government authority. The two best known examples are the village development committees and village councils. The former were a creation of the BNP government and were renamed development councils during the military era. The two main differences between these structures and local government as currently constituted are worth noting. One is that the former were not democratically elected but appointed at the behest of the ruling elite. The other is that none of the structures derived its legitimacy from the national constitution. The common denominator in both cases is the fact that each government type experimented with local authorities with the intention of strengthening the power of chiefs at different levels of governance.\textsuperscript{92}

The local government elections of 30 April 2005 were thus the first to be held in Lesotho not only since the return of democratic rule in the early
1990s, but also since independence in 1966. It is therefore apposite for an analysis of this nature to devote some time to highlighting the circumstances surrounding those elections.

The historical local government elections were held amidst uncertainty, especially in the period immediately preceding the polling. Several issues stood at the centre of this uncertainty, such as: the demarcation of electoral divisions; updating of the voters’ roll; quotas for women; voter education; electoral system; non-availability of an election timetable; and postponement of the elections. Given the significance of many of these issues – especially relative to the culture of non-acceptance of elections, a feature that has characterised the political landscape in Lesotho since independence – it is remarkable that the stakeholders were able to exercise restraint, enabling the polling to take place under conditions of general peacefulness. Unprecedented in the recent political history of the country, this ability to hold back represented a great achievement in terms of consensus building and communication among the critical stakeholders. Cognisant of this self-control, the Commonwealth election observer team commended ‘the overall conduct of the polling day activities, which were carried out in a peaceful atmosphere and in a transparent manner, in accordance with the law’.93

In all there were 1,290 electoral divisions countrywide. The full complement of the Lesotho local government system consists of one municipality, 10 district councils and 129 community councils. Thus the district council signifies the apex of the political and administrative machinery of this new dispensation. Each district council is serviced by a district council secretary who is answerable to the district administrator. There is a district administrator for each district including Maseru, which in addition to a district council also has a municipality headed by a mayor. Unlike district administrators who are political appointees, the mayor is elected into office.94

Opinions on the local government elections are varied and contradictory. For instance, while acknowledging that for good reasons the elections had to be held, one local newsletter said that for a country the size of Lesotho, characterised by a plethora of inhibiting attributes (a small, mobile, absent
and diminishing population, lacking established national political stability, a still suspicious and yet to be appeased chieftaincy, a weak bureaucracy, financial weakness and a frail economy) the local government described above seems rather bloated, both theoretically and practically.95

**THE FUNCTIONING OF LOCAL GOVERNMENT STRUCTURES**

Experience shows that there is no one universal or standard model for local government. In Lesotho the tiers that were to comprise the local government system were initially set out in the White Paper on the Establishment of Democratic Local Government, the blueprint for the Local Government Act of 1997. This legislation was later revised in 2004 when the Local Government (Amendment) Act was adopted. In terms of the (Amendment) Act, a three-tier local government structure (district councils, community councils and the Maseru municipal council) would be established.96

On the one hand, section 2(2) of the Local Government (Amendment) Act of 2004 bestows the powers on community councils to make by-laws:

> or to adopt with such modifications as circumstances may require, from time to time, such by-laws not inconsistent with the provisions of this Act, as may be authorized or required by this Act, or may appear to the Council to be necessary for the exercise of its powers and discharge of its duties under this Act, and to amend, vary or rescind any by-law so made.

On the other hand, section 42(2) of the Amendment Act entitles the council to make by-laws relating to:

- land and property, including the regulation and management of places for public recreation;
- public health and sanitation;
- itinerant vendors, including supervision of licenses, regulation or prohibition of the sale of any article in any specified place;
- thoroughfares, including the cleaning, watering and lighting of streets and the use of and the regulation of traffic in streets and thoroughfares including the weight and speed and pre-
vention or restriction of the use of vehicles upon any bridge, road or street in any place where such use may be attended with danger to the public, or may be likely to damage such bridge, road or street;

- the prevention, abatement, supervision and regulation of obstructions, encroachments, projections, and other interference;
- the abatement of nuisance, including the regulation and control of loud speakers, amplifiers and other instruments automatically or mechanically producing or reproducing sound; and
- the payment of any allowance to Councillors. 97

It is not possible to unpack these areas of responsibility and to comment at length on each of them here, suffice it to say that each area is fraught with practical complications. For instance, regulating matters pertaining to land sets local government structures against chiefly authority. Similarly, thoroughfares and arterial roads fall in the ambit of the Ministry of Works, while traffic regulations are set by the Department of Traffic and Transport. No local government structures possess the capacity to oversee these departments.

The central government will continue to be responsible for formulating the principal laws and major policies. Rudiments of mechanisms or formulas to be used to allocate resources emerge from reading the finer print of the act in terms of which district councils will receive resources from the central government through one or a combination of the following routes:

- Special appropriation made by the Minister to the councils.
- Revenue appropriated or made order to the Council by the National Assembly, whether by resolution or otherwise. 98

District councils will then decide on how much to allocate to community councils. Otherwise it is envisaged that at both the district and community levels, councils will generate funds from:

- fines and penalties imposed under the authority of the Local Government (Amendment) Act;
rates, taxes, duties, fees and other charges levied under the Act;
money realised from sales, leases or other transactions of the Council;
revenue realised from any property vested in the Council or through administration of utility services;
finances accruing from property inherited by the Council in pursuance of any repealed enactment; and
donations, gifts, grants accruing to the Council in the course of the exercise of its power, duties and functions.99

The fact that the act does not specify the offences for which fines and penalties may be imposed has given rise to widespread popular perceptions that decentralisation is nothing but an indirect strategy on the part of the LCD to rid the population of its resources, including land and animal stocks.100

A closer look at the total package of responsibilities suggests an inordinately huge social delivery mandate placed before these nascent and heavily under-resourced local institutions. It is not a matter of conjecture that local government in Lesotho is happening amidst appallingly deteriorating socio-economic conditions. Moreover it is inconceivable that the local government structures are expected, among others, to:

- control natural resources and manage environmental protection;
- be in charge of and direct public health services including care for mothers, young children, the aged as well as the integration of people with disabilities;
- be responsible for land and site allocation;
- be responsible for the control and management of range/grazing lands;
- be responsible for the control of building sites and permits;
- be responsible for the allocation of burial sites or cemeteries;
- take charge of mortuaries as well as the burial of destitute persons and unclaimed bodies; and
- be in charge of forestry preservation and improvement of areas earmarked for forestation within their respective local community areas.
The imbalance between expectations and reality becomes even more glaring when these responsibilities are measured against the capacity of the structures. Furthermore, it is generally believed – and the elite survey confirmed this – that these duties and responsibilities are too presumptuous when measured against the unascertained competencies of the newly elected councils.

Even though it is arguably too early to permit a meaningful forecast as regards their future effectiveness, four elements stand out from the foregoing list of expected functions and duties of local authorities. First, many of these functions encroach on what was previously the preserve of chiefs. Second, the line separating the domains for central government and local government is vague – a situation which can easily spark conflict at two levels: between the community council and chiefs; and between the community council and elected MPs. Third, with only a few exceptions, most matters in which local authorities have the power to make by-laws seem to presume an urban setting. They say nothing about life in the rural areas where the majority of Lesotho’s population lives. To a large extent this list reads like a reproduction of the ‘common problems’ facing the Maseru municipality (‘Masepala’) in its ongoing battle with itinerant and resilient street vendors.101

The new local government system is becoming operational during a time of deteriorating conditions and hence poor social service delivery. In his foreword to the national vision, Prime Minister Mosisili refers to it as an ‘unprecedented deterioration … [that] has ushered in a crisis in the social and moral fabric of our society’. The crisis is marked by a high unemployment rate, deepening poverty levels, rampant stock theft, armed robbery, increasing corruption and nepotism. All this ‘is a desperate situation that calls for desperate measures’.102

It is indeed something of a contradiction to push the responsibility for social development and provision of public services to a fledgling local structure when central government’s attempts at fulfilling similar tasks produced little or nothing after more than 30 years. In addition, one official document stated that some of these ‘structures will be established where Government has never existed before’.103
THE POSITION AND ROLE OF TRADITIONAL LEADERSHIP INSTITUTIONS
As the foregoing section suggests, the nature of the relationship between the central and local governments remains murky, and some observers argue that one consequence of this has been arrested development.104 Indeed lack of development is evident. Despite almost 40 years of experimentation with all manner of rural development projects across the country, Lesotho remains one of the least developed members of SADC. The land tenure system in Lesotho is such that chiefs are customarily responsible for land allocation especially in the rural areas. The decline in agricultural production is thus usually attributed to the archaic laws on land allocation that are out of step with modern demands.105

In the context of Lesotho, chiefs are the most visible and active form of traditional authority and leadership. Even though their existence predates the colonial period, their position as a force to reckon with was strengthened during the colonial era. Their significance came to prominence in 1903 when the Basutoland National Council (BNC) was established. Even though they may have been ‘junior partners’106 to the British colonial administration, chiefs were the most organised social formation in Lesotho until the early years of the nationalist movement in the 1950s and 1960s. It should come as less of a surprise that the strength of nationalist groupings depended in part on the strength of their ties with chiefs.107

According to the Chieftainship Act of 1968 the word ‘chief’ does not include the king, and refers only to a principal chief, ward chief, chief and headman, as well as any other traditional leader whose status is acknowledged by Order No. 29 of 1970, and whose succession to office needs the approval of the king acting in accordance with the advice of the minister responsible for chieftainship affairs.108

While chiefs may be expected to perform any other responsibilities assigned to them from time to time by their immediate superiors, their principal duty is to maintain law and order by preventing crime. Section 7 of the Chieftainship (Amendment) Act spells out this responsibility clearly: ‘It is the duty of every Chief to interpose for the purpose of preventing, and to the best of his ability to prevent, the commission of any offence by any person within his area of authority’.109 In that sense chiefs have the power
to arrest or cause to be arrested any person within the area of his/her jurisdiction designing to commit an offence.

Sections 45, 103 and 104 of the constitution are pertinent to understanding the powers given to traditional authorities in the form of chiefs. Section 45 deals with issues of succession to the throne. These issues fall squarely under the purview of the College of Chiefs, which:

may at any time designate, in accordance with the customary law of Lesotho, the person (or the persons, in order of prior right) who are entitled to succeed to the office of King upon the death of holder of, or the occurrence of any vacancy in, that office and if on such death or vacancy, there is any person who has previously been designated ... and who is capable under the customary law of Lesotho of succeeding to that office, that person (or if there is more than one such person, that one of them who has been designated as having the first right to succeed to the office) shall become King.\(^{110}\)

It is partly in this regard that chieftainship as an institution is seen both as a uniting factor and a custodian of culture. The constitution in Schedule 2, section 103 spells out who the 22 principal chiefs (as listed) are, while section 104 outlines both the character and content of the College of Chiefs.

As outlined in Chapter 4 of this report, Lesotho operates a bicameral parliamentary system made up of the National Assembly (Lower House) and the Senate (Upper House). In terms of the constitution ‘the Senate shall consist of the twenty-two Principal Chiefs and eleven Senators nominated by the King acting in accordance with the advice of the Council of State’.

When the Senate is not in session, chiefs, as with MPs, are expected to avail themselves for leadership and advice on issues of governance to the people they lead, even though in practice this may not necessarily always happen. Asked whether traditional leaders consult their people morena Mathealira Seeiso, who is one of the longest serving principal chiefs and holds the position with a passion, responded with an emphatic ‘Yes.’
According to him, unlike politicians, chiefs cannot rule effectively without consulting their people. His view of consultation was two-pronged: meeting people to inform them of the latest governance issues emanating from parliament; and meeting people in order to address their needs. Each of these dimensions requires close and regular contact between the leader and his/her people.\textsuperscript{111}

This view contrasts starkly with other responses from the same category of the expert survey, which rated MPs’ contact with the electorate as being a mixture of ‘non-existent’ and ‘quite often’.

According to morena Mathealira Seeiso there is no easy, straightforward answer to the question as to whether a non-performing traditional leader can be removed from office. This is because one has to begin by defining ‘non-performance’. Thus he preferred to interpret non-performance to denote either dereliction of duty or absenteeism (from office) even when Senate is not in session \textit{sine die}. It is under circumstances such as these that a traditional leader (principal chief in the case of morena Mathealira Seeiso) can be removed from office for non-performance.

On the other hand, removal from office by way of suspension for non-performance is the whole point of the 1993 Amendment enacted by the military council. The power to remove from office according to this act lies with the minister responsible for chieftainship affairs. Typical of the laws passed in military style, the relevant part of the amendment is revealing:

\begin{quote}
Notwithstanding the provisions of this or any other law, the Minister may, with the approval of the Military Council signified (sic) in writing by the Chairman of the Military Council and Council of Ministers, suspend from office without pay any chief for a period not exceeding 6 months if it is in the public interest to do so.\textsuperscript{112}
\end{quote}

Subsection 2 thereof entitled the minister to suspend such a chief without giving a hearing to him/her or any representation on his/her behalf. This law was subsequently rendered obsolete by the coming into operation of the new 1993 Constitution which enshrines a right to fair hearing.
No individual traditional leader runs his/her own budget. As is the case with all line ministries, the common practice for the ministry under which chieftainship affairs fall, is to provide its various sections with predetermined budget ceilings. Once these ceilings have been given it becomes the duty of the director of chieftainship to make submissions that fall within the parameters of the ceilings. This means that both the director and individual traditional leaders have virtually no power or opportunity to influence the decisions at higher levels of the budget-making chain. In the end, the approved budget goes to the relevant office at the district level. Traditional leaders’ budgetary allocations are part of the relevant district officer’s overall budget.

Since independence, matters pertaining to chieftainship in Lesotho have been shifted among various ministries and departments. At independence, chiefs ‘belonged’ to the Ministry of Interior. A few years later they became housed in the Ministry of Home Affairs. Today they fall under the Ministry of Local Government. Previously the district budget fell under the district secretary’s office, while under the newly implemented local government system their budget will fall under the district administrator’s office.

Thus, the role of a chief as traditional leader has been steadily marginalised and reduced to the status of an ‘outsider’ or ‘onlooker’ sitting on the fringes of the decision-making processes as far as budgeting is concerned.

The relationship between traditional leaders and central government is clear to the extent that it is articulated in section 22 of the Chieftainship (Amendment) Act of 1968. However, the newly implemented local government system is more likely to raise rubble than not, especially in situations where the performance of councillors – be they independent or political party candidates – becomes so impressive as to overshadow that of traditional local chiefs. Moreover, the fact that local government electoral divisions do not necessarily follow the established wards and principal chiefs’ boundaries upon which the 1968 act was predicated, speaks volumes to the possibility of one stepping on the other’s corn.

The possibility of such situations is not far-fetched and could occur in the future when the number of independent candidates running for local
government office has increased, when opposition parties have become better organised and ready to mount effective competition for local government elections, or when material rewards to run for local government elections have become good enough to attract skilled personnel capable of leading the initiative to do business differently.

In Lesotho principal chiefs are not allowed to stand for national elections. To be able to do so they would have to resign from their positions. Their constitutional role as outlined in section 45 obliges them to be non-partisan in national politics as they are expected to act as an extension of the unitary function or image of the position of the king. Other categories below that of principal chiefs are free to stand for election (including national election) and to take up paid employment.

Except for the principal chiefs, who are constrained by the constitution, other categories of traditional leaders have the capacity to influence elections at the local level. Village and area chiefs (including the gazetted chiefs – that is, those with formal government recognition of their existence by law) have aligned themselves with one or other political party. The first prime minister of the country, Leabua Jonathan, was a chief as were a few others in subsequent cabinets. Historically the relationship between the institution of chieftainship and the BCP has been one of hostility and mutual suspicion.

Traditional leaders do not and cannot participate in the selection of government officials, except when they are already members of the cabinet. Similarly, they are unlikely to have direct access to and use state resources to support the candidates of a particular party. For the reasons mentioned above, as individuals traditional leaders are unlikely to have direct access to and use of state resources to support candidates of a particular party. In any case, selection of government officials now rests with the Public Service Commission.

Little empirical research has been done with a view to document systematically how the tension between traditional leaders and the newly elected local councils is unfolding. This is an area requiring further research.
The notion that decentralisation will give the electorate greater control over the development process has become something of a cliché within Ministry of Local Government circles.\textsuperscript{113}

In line with this platitude, the objectives of decentralisation are outlined and canvassed as being to:

- deepen and widen public access to the structures of government;
- bring services closer to the people thereby improving service delivery;
- promote popular participation in decision-making, planning and implementation of development programmes; and
- promote equitable development in all parts of the country through the distribution of human, institutional and infrastructural resources.

In view of the fact, first, that according to the envisaged scheme of operation the coordination of central-local government relations rests with the minister in charge of local government,\textsuperscript{114} and second, that the councils will have to rely on policies, laws and allocations from central government to achieve any of the above objectives, it is evident that the councils have neither the power nor the resources (at least in the short- to medium-term) to undertake any of the stated objectives.

Thus it would not be an exaggeration to characterise the nature of the local government project in Lesotho as a gamble with a high degree of unpredictability; more so when the project is measured against the position of chiefs as the only structure recognised by the national constitution. The presence of chiefs as traditional leaders, especially in rural areas, is indispensable.

It is too early to make any meaningful forecasts. At any rate, this experiment is happening in a country capable of defying tested political theories and models. What can be asserted with a degree of confidence is that like many other programmes, implementation of local government in Lesotho has been carried out in response to external (donor) influence more than to fulfil any long overdue commitment to governance.
This section deals with three related questions, namely: how representative are local government structures in Lesotho; how accountable are local authorities (and to whom); and to what extent does their form allow for popular (citizen) participation in national affairs?

The set-up in Lesotho does not provide for an elected regional assembly; the district council is the apex of the local government administrative and political structure. MPs are one channel through which citizens at the local level are able to make their views heard at the national level of governance. However, there is still much that needs clarification in terms of the separation of roles and responsibilities between MPs and the newly elected councillors.

The Office of the Ombudsman is another channel. Even though it is only present at the national level, the functions of this office do filter through to the local level. The Ombudsman derives its powers from the constitution: section 135(2)(b) states that under exceptions and conditions prescribed by parliament, the investigative powers of the Office of the Ombudsman shall equally apply to ‘any local government authority and the members and officers of a local government authority’. Thus, the set-up is such that district councils, MPs and the Office of the Ombudsman should complement one another in governance matters.

In terms of financial accountability, both policy-making and the budget remain the preserve of central government. As already noted, the envisaged situation is that the councils should be able to raise their own revenue in the long run. The 2006/07 budget was the first since the implementation of local government in Lesotho, and the Ministry of Local Government has been allocated a total of M272.2 million – about US$37.3 million – (the Lesotho currency, the maloti, is pegged to South African rand at a ratio of 1:1). Only M16 million – about US$2.2 million – of this was channelled for local councils as part of what will become the District Development Fund for use by local authorities.

Two issues stand out in this regard. One is that the councils representing electoral divisions in mountainous countries are already disadvantaged.
because the prevailing allocation method is based on a formula using area and population density as benchmarks; and mountainous electoral divisions are typically sparsely populated yet more difficult to manage. The other is that for the 2006/07 financial year the local authorities’ budget came as part of the Ministry of Local Government head budget, a condition likely to remain until the councils are able to fundraise independently for their activities. It remains to be seen whether in future fiscal years the budgets for local authorities would be separate from those of traditional departments under the parent ministry, and how in such an eventuality the chain of accountability would play itself out.

Local government elections in Lesotho differ from the national elections in at least four major ways. First, national elections follow the MMP system while for local government elections the FPTP electoral model is used. Second, local government elections require by law that 30% of the seats be reserved for women, yet there is no similar requirement for national elections. Third, it is required by law that candidates for local government elections declare their assets before assuming responsibility, yet parliament rejected a proposal requiring MPs to do likewise. Fourth, the local government elections were held in 2005, which means that they will follow a different timetable to that of national elections.

Implementation of the local government system in Lesotho is intricately intertwined with two structural frameworks, namely, the Poverty Reduction Strategy (PRS) which in turn is predicated upon the unfolding Public Sector Improvement Programme. While each of these projects has its logic, it is worth noting that the latter programme focuses on three areas: improving financial management and accountability; improving public service management; and the decentralisation of service delivery. According to Ahal, the task facing development partners in Lesotho is how best to establish the mutually supporting linkages between the implementation of local government structures and these two projects in ways that enhance the overall goal of poverty reduction.

There are two other related and central questions. First, to what extent can the local government structures as currently instituted in Lesotho be said to be broadly representative? Any attempt to answer this question
would need to be cognisant that both the principles and theory that inform implementation of local government are sound and based on the tenets of decentralisation, which include:

- enhancing a participatory, bottom-up approach to development;
- promoting localised decision-making (akin to the principle of subsidiarity in the case of the European Union); and
- deepening or consolidating democratic governance.

These are lofty principles whose expected outcomes would greatly enhance service delivery for local communities and contribute to poverty reduction. However, problems arise when it comes to translating them into practice. For example, the local government system as currently constituted in Lesotho can hardly be broadly representative, especially in a country where the fairness of the FPTP electoral model has been questioned and has been the cause of political instability.

The second question relates to the avenues of effective citizen participation in local government matters. Since Chapter 5 of this research report touches on some aspects of this question, the analysis here will be limited to the envisaged planning systems linking the Community Council Action Plan (C-CAP) to the District Council Action Plan (D-CAP).

According to Ahal three levels of planning are envisaged, each of which uses locally tested community-based planning approaches. The first is the Electoral Division Plan. Expanded and multisectoral in nature, this plan contains prioritised needs of the electoral division. This becomes the agenda of the councillor representing the electoral division on the Community Council assisted by the local area chief. The second is the C-CAP where Electoral Division Plan priorities are renegotiated to produce implementable priorities for the community as a collective. The third leg of this planning process is the D-CAP. This comprises a blend of C-CAPs which, with the technical assistance of the District Planning Unit disaggregates the prioritised lists from each C-CAP by sector. It is at this level that two interwoven processes take place.

First, a direct linkage between the local government priorities and national
concerns becomes visible. In this way ordinary citizens at the local level will become active players in the national planning cycle. Second, the D-CAPs and C-CAPs become instruments of PRS implementation at the national level. It is, however, important to ‘ensure that the Councils play the governance role (taking decisions about developmental priorities of their communities) and act as coordinators and supervisors of the developmental grants that accrue to them, based on approved CC and DC Action Plans. The actual implementation must be done by user groups and communities themselves’.\textsuperscript{119} Alternatively this could be done through selected service providers, be they private, non-governmental or governmental.

In contrast to conventional planning this multilayered planning process ensures a higher degree of citizen participation and ownership of the plan that ultimately gets approved by the central government and is implemented by the district council as the apex of the local government structure.

**THE GENDER ISSUE IN LOCAL GOVERNMENT**

Gender is a cross-cutting issue in this study. The discussion here is limited to the extent that gender became part of the controversy surrounding the holding of the May 2005 local elections in Lesotho.

One distinctive gender dimension of local government in Lesotho is the fact that one-third (\(33\%\)) of the seats were by law reserved for women, a move that was intended to empower women. Although the issue of one-third reserved seats for women gave rise to a disturbing controversy, it turned out that the total number of women candidates exceeded that of men by a factor of 16. Consequently, in almost 94\% of the councils women councillors exceeded the 30\% reservation target. In the end 53\% of the local councillors are women – a figure far above the indicative target set for African women as elected office bearers.\textsuperscript{120} This visibility of women on the political plane has the potential to change the political landscape in Lesotho since more than 80\% of Lesotho’s population, of which women are in the majority, live in rural areas. Yet at the same time it is here, to borrow again from the document quoted earlier, ‘where Government has never existed before’.\textsuperscript{121}
The advent of local government will highlight the reality of women as key roleplayers in development. *Work for Justice* observed aptly that:

Elected women councilors will hold their rightful position in decision-making. With [their] aptitudes, skills and literacy levels being different from men, their representation has implications on the content and methods of post-election sensitization, capacity building programmes for councilors and on the general functioning of Local Government.¹²²

The underlying argument in the foregoing extract is that it would be best to judge women’s performance less as women and more as councillors in their own right.

The climax of the controversy brought about by the 30% reserved seats for women was a law suit by one aggrieved intending candidate – Molefi Tšepe – on grounds that by being denied the opportunity to stand for election he had been discriminated against. However, the case was thrown out of court since the IEC had conducted the process in accordance not only with provisions of the law (Local Government Elections (Amendment) Act 2004) but also with the aim of fulfilling the provisions of SADC guidelines and other international instruments focusing on the empowerment of women, to which Lesotho is a signatory.¹²³

**CONCLUSION**

The traditional leadership system in Lesotho predates the advent of colonial rule; it is the local council variant of local governance which owes its existence to the colonial period. The first local (district) councils were established in terms of Local Government Proclamation No. 52 of 1959, which provided the framework for their constitution, organisation, proceedings, financing and powers to make by-laws. This proclamation fitted neatly within the British colonial design for a decentralised system of governance that was meant to ensure that colonies met their own administrative costs, even if only partially. This generation of councils was, however, short-lived as the BNP government abolished them two years after independence for alleged reasons of costs, obstruction to smooth channels of communication between central government and the grass-
roots, as well as the contrived fear that the councils had become centres of
dissent as a result of bad influence from the main political rivals. Since
the return of democratic and constitutional rule in the early 1990s, the
question of establishing democratic local structures resurfaced in tandem
with the overall resurgence of the debate about the role and place of
traditional leadership and authorities in the context of neo-liberal
democratic governance. In Lesotho, the early 1990s also marked the period
of the redrafting of the national constitution.

The extent to which the establishment of local government in Lesotho is
enshrined in the constitution is not any clearer than the oft cited clause
106(1) of the constitution. Beyond that details are left to the act that
establishes the councils. What is adequately clear though is that the act
was passed in pursuit, at least in part, of this provision, setting the tone
for the White Paper on which the act was crafted. Equally noteworthy is
the fact that it took government almost 10 years to implement this
‘constitutional requirement’.

Thus the current phase of local government implementation amounts to
no more than a resurrection of a long-standing governance issue. At the
same time the local government elections of 30 April 2005 were the first to
be held in the country since independence. Despite the long wait, these
elections were held under a cloud of uncertainty, especially in the period
immediately preceding the polling. At the heart of this uncertainty were
such issues as the demarcation of electoral divisions, updating of the voters’
roll, quotas for women, voter education, the electoral system used, the
non-availability of the election timetable and the postponement of the
elections. However, the ruling LCD party and the Minister of Local
Government Pontso ‘Matumelo Sekatle ignored the criticism and calls for
postponements and pushed ahead with the election. The reasons for this
unwavering resolve await further exploration through research.

Implementation of local government in Lesotho will surely reveal a number
of unintended consequences. Those that are already clear include:

• the structural and technical needs of local communities for the
decentralised system to be fully functional;
• the seriousness of the contradiction to expect the technically ill-equipped and under-resourced councils to carry the ‘responsibility for social development and provision of public services’ when central government with all resources at its disposal had little to show in this regard after some 30 years. Government’s own admission that these structures are expected to deliver services in places where ‘government never existed before’ magnifies this contradiction; and

• the murkiness surrounding the position and role of chiefs in the new dispensation renders the implementation of the project problematic. Furthermore, the fact that chiefs are not elected into their positions makes them inimical to the concept and practice of democratic governance.
INTRODUCTION
This chapter is intended to highlight major elements of corporate governance within the Lesotho political economy. It highlights micro- and macroeconomic developments with emphasis on their alignment to various government polices, including the PRS and Vision 2020. It further discusses government involvement in the economy, and draws a distinction between government’s crowding out effect and private sector involvement in the productive sectors. Finally it discusses how civil society participation has contributed to prudence in governance.

Lesotho started from a low economic base, with GDP (at factor cost) estimated at only M55.6 million for the financial year 1967/68, while GNI was estimated at M62.4 million for the same period. Lesotho is classified as a least developed country and is disadvantaged particularly in terms of trade by its geographical location: the country is landlocked, completely surrounded by South Africa, thus compromising its external access and making its economic base heavily dependent on South Africa. The economy depends on limited agricultural produce, a low manufacturing base, and remittances from mineworkers in South Africa, but has benefited from the capital injection of the Lesotho Highlands Water Project signed in 1986, to export water to industrial estates in South Africa. So far two phases – 1A (1991-98) and 1B (1990-2003) – of the project have been completed. A secondary benefit of Phase 1 of the project has been a network of paved roads in areas where previously transportation and mobility were severely limited due to the rough roads, tracks and bridle paths.

OVERVIEW OF MACRO AND MICRO INDICATORS
The establishment of district councils prior to independence in 1966 augured well for inclusive and participatory governance in the country. However, the economy relied on a thin resource base, which constituted mainly the export of wool and mohair, representing 38.4% of total exports in 1968. Another contributor to national income was Lesotho migrant mineworkers, estimated at 150,000 Basotho miners during the period 1936-
1957. The number of migrant mine workers has, however, decreased over time as a result of the aggressive retrenchment policies by the mining companies in South Africa. Most mining companies have experienced a decline in profitability as operational drilling costs increased, and the increase in costs was not compensated by an increase in the sales price of gold. The Central Bank of Lesotho estimated that for the quarter ending June 2006, there were only 50,640 migrant mineworkers.\textsuperscript{125}

The economy has, however, benefited from the signing of the Lesotho Highlands Water Project between South Africa and Lesotho in 1986; and subsequent to the launch of the project, the country experienced improvement in welfare due to the financial compensation paid to affected communities – some were built new houses, while others were relocated to serviced areas. It is, however, noted that the project has reduced the grazing area for cattle, which is the main source of livelihood for communities in the mountainous areas.

However, the benefits and improvement in welfare associated with the project have not resulted in a decline in the overall level of poverty in Lesotho. The United Nations (UN) \textit{Human Development Report} stated that human development rose from 0.317 in 1970 to 0.432 in 1992, with Lesotho ranked number 137 in the world in 2003. But the Human Development Index shows that Lesotho has remained relatively stagnant since 1975 (1975, 0.477; 1980, 0.517; 1985, 0.542; 1990, 0.565; 1995, 0.558; 2001, 0.510).\textsuperscript{126} The level of inequality as measured by the Gini coefficient indicates high inequality in the economy at 0.60 in 1986/87, 0.66 in 1994/95 and 0.63 in 2004.

For the period 1980-1994, the economy experienced mixed signals with a real GDP average growth of 4.5\%. This was an improvement given the 1987 GDP growth of 1.5\%, which was a result of a decline in exports and gross fixed capital formation. The economy has in the recent past benefited from sound macroeconomic management. GDP at producer prices increased by an average of 9.7\% and GNI by an average of 9.0\% for the period 1999-2004, in part attributable to IMF-related structural adjustment programmes implemented prior to 1999. However, despite the positive growth the poverty incidence has remained relatively unchanged over the period.\textsuperscript{127}
The implementation of the IMF-supported Enhanced Structural Adjustment Programme failed to harness some of the downturn of 1990-94. The programme was aimed at sustaining growth, expanding employment and improving living standards. Implementation was, however, weak and as a result gains in stabilisation were ineffective, exacerbated by retrenchments in the mining sector and declines in remittances. Since 1999, GDP growth started to decelerate to less than 2.0% a year. The sluggish growth coupled with a slow down in GNI meant that government had to look for supplementary economic sectors to drive growth. This initiative would be important for the government’s comprehensive approach to poverty reduction.\textsuperscript{128}

In 2001, Lesotho was among a number of countries that qualified for preferential export market access to the US under that country’s African Growth and Opportunities Act (AGOA). This boosted the manufacturing of textiles and clothing exports; however, exchange rate fluctuations have adversely affected the competitiveness of the sector. Estimates indicate that exports declined by 36.5% of GNI in 2003 alone due to exchange rate fluctuations.\textsuperscript{129} In 2001/02 the sector average was 15% of GDP, and increased further by 2003 to contribute 16% of GDP.

The primary sector, which comprises agriculture, mining and quarrying, is a major contributor to GDP, accounting for an estimated 16.8% of GDP in 2003 – a drop from 17.4% in 2002. The performance of the sector has not been encouraging given that it is the largest employer with more than 70% of the labour force.\textsuperscript{130} The growth of the primary sector is therefore vital for poverty alleviation initiatives.

**GOVERNMENT AS A DRIVER OF DEVELOPMENT**

Little was done to develop the country during the colonial era. Upon the assumption of independence in 1966 the government therefore had to intensify efforts in building a sound economic base. The greatest challenge to this development was the unfavourable terrain – Lesotho is a mountainous country making infrastructure development difficult. The Lesotho economy relied heavily on agricultural output compared to other sectors. This was reflected in the involvement of government in the agricultural sector in an effort to enhance development.\textsuperscript{131}
In the 1970s the only marketing channels for Lesotho’s main crop and livestock commodities were the Produce Marketing Corporation and Livestock Marketing Corporation, which were operated as state-owned institutions. The Produce Marketing Corporation in particular was responsible for marketing the country’s major food crops. Both corporations collapsed, however, in the late 1970s following a severe internal crisis and were taken over by a new government department.\textsuperscript{132}

The launching of the Cooperative Crop Production Programme in 1976 marked the beginning of the government’s direct participation in agriculture. The programme was aimed at achieving self-sufficiency in basic food grains such as wheat and maize, as well as creating local employment opportunities.\textsuperscript{133}

The practical execution of this programme had economic and financial implications because the full costs, as well as all risks and losses of the cropping operations were borne by government, while the landholders, cultivators and farmers contributed nothing but their land. The programme therefore attracted many landholders who could attain substantial incomes without having to bear the risk, expenditure or even the labour commitment involved in the production process.\textsuperscript{134}

Since agriculture was characterised by subsistence and low productivity farming, the government set up individual area (geographically targeted) based projects which were financed by foreign aid. These projects were run under independent management and were separate from the government process; however, they were not problem-free. Such projects often focused on self-maintenance and ignored the needs of the intended beneficiaries in the rural communities.

The Cooperative Crop Production Programme was terminated in 1972, and within a short time thereafter there was very little to show for it: in some instances the farm machinery was broken and the locals did not settle their debts (‘locals who participated in the project credit programme were sometimes unable or refused to settle their debts’).\textsuperscript{135} This behaviour frustrated government intervention in economic activities intended to benefit the poor.
MARKETING AND TRADE
In pre-colonial days, markets in Southern Africa were fragile as trade facilitation was virtually non-existent. However, the diffusion of Western culture and economic principles in the 19th century drastically changed the culture of Basotho in relation to patterns of trade. Traders and missionaries introduced a market system, but this was accompanied by minimal investment, thus leading to low productive capacity in Lesotho. The formation of the Southern African Customs Union (SACU) in 1910, and the subsequent review of the SACU agreement in 1969 and 2002 assisted in providing the free movement of goods and services among its members.

Lesotho is a charter member of the World Trade Organisation and this has assisted in harnessing some of the benefits that accrue due to international involvement. It is also a member of a number of regional trade arrangements, the most important of which is, as mentioned, SACU. The second most important regional arrangement is its membership of SADC. Lesotho is also a member of the Cotonou Convention that replaced Lomé IV, and which offers the African, Caribbean and Pacific countries preferential trade and aid links with the European Union, and Lesotho is, as mentioned, a beneficiary of AGOA. Under the auspices of SACU, negotiations are under way for a SACU-US free trade area (FTA) and European Free Trade Association, a SACU-India FTA, a SACU-China FTA or preferential trade area (PTA) and the SACU-MERCOSUR (Southern Common Market) PTA arrangements.

PRIVATE SECTOR DEVELOPMENT
The government does not have an explicit policy on the development of the private sector. There are, however, government-funded institutions with primary responsibility to give business advice on private sector development. Most Basotho who venture into business are concentrated in the small-scale and micro level subcategory. These businesses concentrate on crafts, woodwork, leather, shoe repair, etc. and usually employ between two to 10 people, but since they are micro in nature they cannot be the main drivers of the economy.

The small-scale businesses have been guided by the Basotho Enterprises Development Corporation (BEDCO) which was formed as a subsidiary of
the Lesotho National Development Corporation (LNDC) in 1975. BEDCO was established by an act of parliament in 1980, thus making it autonomous from the LNDC, although the two have maintained close collaboration. These institutions operate as government financed subsidiaries, with their boards of management dominated by government employees. This is an indicator of government control in such institutions. Businesses with a higher capitalisation (M250,000 and more) get assistance from the LNDC which was established to attract foreign direct investment (FDI) and improve local enterprises. The LNDC did record some success in terms of FDI but its activities with local entrepreneurs were marred with inconsistencies and inefficiencies, resulting in business mismanagement and bankruptcies. The administration of equity financing and venture capital could not be self-sustaining, leading to a suspension of the activity.\textsuperscript{137}

Renewed efforts in private sector development were initiated by the government in April 2005 with the launch of a national stakeholder workshop aimed at eliminating structural and institutional impediments to private sector growth. The workshop was supported technically by the World Bank, and discussions centred around four pillars, namely the:

- identification of the administrative and regulatory barriers to business operation in Lesotho;
- provision of good immigration and customs services;
- development of human and physical infrastructure; and
- retention of existing investors in the textile and apparel sector and diversification of the export base.\textsuperscript{138}

Since the launch of the project, government has started addressing some of the identified impediments through relevant government ministries. Subsequent to the meeting, a private sector development strategy was launched that will be used to implement the framework developed in the identified sectors, namely the textile, horticulture, sandstone mining and tourism industries. Since the project is a work in progress and its aims are yet to be realised, BEDCO and the LNDC still predominate, though they have fallen out of favour with many private businesses due to the limitations already highlighted.
The government has also embarked on public-private partnerships (PPPs) as a parallel strategy for development. Though this has not been statutorily declared as a policy of government there are indications of a willingness to follow this route, as government sought the assistance of the World Bank’s International Financial Cooperation to build the Ministry of Health and Social Welfare headquarters, and the main referral hospital in the country using this partnership. Other infrastructure development contracts have also been awarded based on the PPPs. The strain that the initiative may have on government finances may, however, impact negatively on the implementation of the strategy.

Private sector development in Lesotho is rudimentary and government will have to guarantee many of the loans for business ventures that the private sector would want to carry out. An indicator of the problem was observed when government defied its policy to borrow on concessionary loans. Government borrows on concessional terms in order to reduce its debt burden and maintain debt service sustainability. However, government resumed borrowing on commercial terms with a loan agreement from the International Financial Corporation. This is a worrying development because historical analysis of fiscal performance shows clearly that periods of fiscal strain were mainly due to the commercialisation of government borrowing.\(^{139}\)

The challenges of private sector development have been outlined as mainly structural. Lesotho has, however, recently reduced its company tax rate from 35% to 25%, which is now lower than the South African rate of 29%. In an effort to resuscitate the export sector there is zero tax on extra-SACU exports. This was to cushion the shock experienced during the phasing out of the multi-fibre agreement on 1 January 2005. Income tax is considered high in Lesotho, and in response some food items consumed mainly by the poor are zero rated.\(^{140}\)

**PRODUCTIVE SECTOR CONSTRAINTS**

It was highlighted earlier that Lesotho’s agricultural sector was dominated by state-run marketing facilities. These facilities were introduced to act as vents for dumping surplus domestic production and to add value to the product through first-stage processing.\(^{141}\) Some of the state-run marketing
facilities established included the Lesotho Milling Company, Co-op Lesotho, National Abattoir and Feedlot Complex and Lesotho Dairy Products. These companies had success stories in processing and marketing domestic production, however, they all experienced problems in securing sufficient domestic supply to meet their needs. There were problems with importing raw materials and some started operating below their capability.\textsuperscript{142}

Most of these companies experienced operational problems fuelled by government intervention. In some instances civil servants who lacked the necessary commercial background were seconded from the umbrella government ministry to manage the companies, and government intervention in the operation of these companies led to inadequate budgeting, delays in ordering essential materials and a lack of profitability. The companies and other state-owned enterprises have since either closed or privatised, with government maintaining a minority shareholding in the companies that were privatised. This can be considered progress in reducing government involvement in productive activities, but these initiatives came with other social costs, such as massive retrenchments and increases in the price of services.

**EFFORTS TO IMPROVE MACROECONOMIC MANAGEMENT**

Government introduced the Medium Term Expenditure Framework (MTEF) in 2004 as a tool to facilitate the government budgeting system. This method has been piloted for three years by, among others, the Ministry of Education and Training. The approach is considered superior because it assesses expenditure allocations over time – three years – as opposed to the previous regime of budgeting whereby the government budget was conducted for one fiscal year, and subsequent allocations were on an ad hoc basis. The new method is expected to be complementary to the monetary policy stance adopted by the Central Bank of Lesotho, which is to maintain a sound net international reserve position. The Central Bank is also considered highly autonomous by international comparison. This is assessed through the turnover of management and the clear legislation that governs the running of the bank. The Central Bank targets net international reserves because of the Common Monetary Area arrangement where it does not practice independent monetary policy, with the loti
pegged on par with the South African rand, which is also legal tender in Lesotho. The Central Bank must therefore keep enough reserves to protect the peg from collapsing.

The government outlook on economic development is spelled out in the Lesotho Vision 2020, and more specifically in the PRS. The strategy follows a three-tier approach of rapid employment creation, delivery of poverty-targeted programmes and ensuring that policies and the legal framework operate within a harmonious environment.

Lesotho has also had continuous involvement of the IMF since 1988. The main task of the 1988-1990 structural adjustment programme was to address rising fiscal and external imbalances. During the period 1991-94, the government of Lesotho was engaged in an Enhanced Structural Adjustment programme, which was introduced to consolidate macroeconomic stability that was to strengthen the external position and prepare a base for reforms aimed at the diversification of products and export markets.\(^{143}\)

Lesotho was also engaged in stand-by arrangements for the periods 1995-1996 and 1996-1997. The main intervention was to keep the momentum of reforms and maintain investor confidence. There was no IMF programme for the period 1997-2000; this was an era when the Lesotho government and the IMF could not agree on an appropriate strategy for the economy. The 1997-2000 era was followed with the introduction of the Poverty Reduction and Growth Facility for the period 2001-2004. The primary aim was to consolidate the macroeconomic gains achieved during the period and to lay foundations for job creation and poverty reduction. The attainment of objectives was mixed: some macroeconomic management benchmarks were met while some microeconomic benchmarks were not. This implied that the poor did not benefit from the increase in economic growth.

The aforementioned programmes were implemented in close collaboration with the World Bank, though generally the World Bank has a bias on sectoral structural reforms like privatisation and private sector development, infrastructure development, and funding for education, health and HIV/AIDS, among others.
Civil society engagement in Lesotho gathered momentum in the 1980s when most donors began to view NGOs as better outreach channels for remote rural communities; they had the capacity to act as economic agents and implement some economic projects. This view culminated into the formation of an umbrella body of NGOs in 1989, and it attracted and secured funding from a variety of international donors.

NGOs in Lesotho have been involved in areas of service provision such as health and education. They have concentrated on advocacy in terms of the provision of services, evaluating government efforts through access, affordability and efficiency, and establishing health centres and ownership of community schools. The NGOs’ greatest advantage is their ability to penetrate to areas where government is not able to provide services efficiently. Government’s discomfort with NGOs became apparent when they became publicly critical of government’s inability to reach out to remote areas to provide certain services. Government therefore developed a hostile stance towards them, and they have since not been able to establish a publicly acknowledged formal consultative mechanism.

NGOs have also campaigned against corruption, which seems to threaten the credibility of the civil service. In response to the issue, government established a Directorate of Corruption and Economic Offences (DCEO) whose major task is to concentrate on white-collar crime. The DCEO has not achieved much so far as it is still new and suffers from staffing deficiencies, but these setbacks are perpetuating people’s mistrust in institutions of governance.\(^\text{144}\)

Other than NGOs, trade unions in Lesotho have played a noticeable but minimal role due to some legal restrictions. The dominant trade unions are those in the LNDC-assisted companies, mainly in the textile industry, retail and construction.

Economic sectors that do not have trade union representation rely on the Minimum Wage Advisory Board to set minimum living wages. The board comprises employers’ associations, the Ministry of Labour and independent economic analysts.\(^\text{145}\)
GENDER REPRESENTATION IN ECONOMIC MANAGEMENT AND CORPORATE GOVERNANCE

Gender representation in this context deals with the involvement and incorporation of women in the mainstream political system and economic management, in line with discussions in the previous chapters. The importance of this subject has led to the development of the African Gender and Development Index, which comprises two parts, the Gender Status Index and the African Women’s Progress Scorecard. The former captures aspects related to gender and is measurable quantitatively, while the latter covers qualitative issues related to gender.146

Like in most African countries, women’s participation in governance issues in Lesotho is hindered by cultural-related elements whereby women in many instances are still considered minors. However, measurement of the level of women’s participation in governance structures using a three-tier scale of affirmative action indicates gradual progress. The assessment is based on the following criteria: weak or none; minimal but increasing; and strong. Lesotho scores in a range of 10-25%. Other countries in this category are Botswana, Malawi, Mali, Gabon and Burkina Faso. According to the ECA report Lesotho is ahead of, among others, Swaziland and Kenya, but behind South Africa.147 This signifies room for improvement. Furthermore, the government does not have gender-based budgeting, which features strongly in most countries that intend to fast-track affirmative action for women.

CONCLUSION

Corporate and economic governance can be assessed through the interdependence of various institutions in the economy. In the case of Lesotho it is noted that government has been a major player in economic activity, primarily due to the embryonic state of the private sector in Lesotho. This highlights the limitation of the private sector to undertake independently, projects that need massive financial injection. Government is therefore required to implement some form of public-private partnership.

There were mixed signals on the performance of the economy at the macroeconomic level; however, a trend analysis highlighted an improve-
ment over time. The only paradox to this observation is that the improvement in GDP growth has not been accompanied by a relatively proportionate decline in the level of poverty in the country.

The involvement of government in the productive sectors has attracted criticism from NGOs that government tends to set the rules even on areas that should be left to the private sector. The argument further states that government should concentrate on the provision of services, which is considered inadequate especially for the remote rural communities with poor road infrastructure and lack of amenities (running water and electricity).
CONCLUSIONS AND RECOMMENDATIONS

This chapter provides a summary of the major issues discussed in each cluster under investigation for Lesotho. On account of overlaps, the recommendations do not strictly follow the order of the main chapters. Significant portions have been conflated.

CONCLUSIONS

Political representation and accountability
It has taken Lesotho’s political system more than three decades to change from a one-party parliamentary system to a multiparty democracy. Although applauded by many, this change has not yet brought about political ‘maturity’ in that the country still lives in an era characterised by one-party domination. In fact in 2003 the LCD government flexed its muscle against the convincing views of opposition parties, and secured the possibility for changing the Local Government Election Act, making it depart from the newly adopted model for national elections. Since the cabinet consists exclusively of ruling party nominees and the ruling party has a two-thirds majority in the National Assembly, almost all decisions made by the executive are accepted without question by the majority of the legislature.

Lesotho’s political journey to democracy has been characterised by instability and uncertainty. All national elections have been contested by the losing parties as flawed and full of irregularities. The result of all these disputes has been instability and consequently inability to focus on the creation by the ruling parties of an environment that is conducive to development.

This situation prevailed for roughly the first three decades of Lesotho’s independence and has recently subsided following the adoption of a new electoral system. Even so, the country had to go through a rough patch of devastating riots and violence in 1998. This gave leaders a wake-up call and paved the way for a new electoral model – the MMP electoral model has replaced the controversial FPTP model that dominated the electoral scene since 1966.
Though MMP has been widely praised for its inclusiveness there is concern for representation and accountability since it permits the ruling party – the LCD in this case – to dominate both the executive and the legislature, making it difficult for opposition parties to play their watchdog role and limiting parliament’s ability to shadow the executive. The fact that opposition parties continue to face constraints regarding their role in parliament is indicative of a defect in democratic consolidation. Whether the main opposition party would play its role effectively if it were given the chance to do so is open to speculation only; indeed, it is doubtful if the ruling party would be prepared to offer that opportunity.

Contrary to the expectations and recommendations of regional and international bodies, of which Lesotho is a member, politics in Lesotho continues to be male-dominated. There is no better illustration of the degree of under-representation of women than the situation that obtains both in parliament and party political structures. The local government situation should also be noted, if a broad statement like this is to be made. The irony of the existence of this under-representation of women in senior political positions and decision-making is Lesotho women’s high literacy rates and their statistical preponderance in political parties. Women still participate in politics as supporters of men instead of leaders in their own right. A few women have been appointed into these positions but they do not have any relationship with the women’s movement and as such are not accountable to women but to the party which brought them into the political space.

Even though citizens do have access to MPs, their (citizens’) participation in the legislature’s activities, as well as possibilities of influencing cabinet decisions, are so limited as to be almost non-existent. In addition, partly due to internal fragmentation and partly due to dependence on external funding, civil society’s chances of holding MPs accountable are severely circumscribed.

Several initiatives indicative of democratic political will on the part of government have been made and attendant structures have been put in place. Examples include the Office of the Ombudsman, the DCEO, the IEC and the PRC. If its work proceeds unhampered the PRC is one structure
that promises to revolutionise the legislature. What seems indisputable though is that both the public and CSOs are yet to become an integral part of this process of parliamentary reform. The public needs to make use of structures like the PRC to enhance civil society’s role in holding parliament accountable.

Challenges abound – however, only a few are worth singling out for purposes of this summary. Under-representation of women in positions of political influence is one. It remains a challenge that can only be tackled head on by a strong women’s movement which does not as yet exist in Lesotho. What does exist is fragmented women’s organisations and groups that pursue different and often conflicting agendas. Capacity building for MPs is another challenge. The educational level of many parliamentarians leaves much to be desired especially in today’s rapidly changing global political and economic environment. At a more germane level, changing the electoral model without deconstructing political parties’ ideologies and practices will not benefit the young democracy.

**Citizen participation**

For democracy to be consolidated, a politically conscious citizenry that participates in the political process beyond the ballot box is imperative. This would be, among others, an important ingredient in facilitating the success of such initiatives as the Poverty Reduction Strategy Papers (PRSP). In this respect, NGOs could help communities articulate their needs and demands effectively.

There is a long history between the NGO movement and the governments of Lesotho. This relationship was, however, blighted by the fact that cooperation and partnership were based on informal agreements that arose due to circumstances such as donor-driven projects and government-initiated campaigns. At the same time many CSOs are in general very weak and lack financial resources and capacity. As a result there seems to be a gap between the government and CSOs. However, initiatives such as the national Vision 2020, the PRS, the Millennium Development Goals, and the Millennium Challenge Account seem well poised to be useful in helping to strengthen the role of CSOs and to create awareness in government that CSOs have a great contribution to make in terms of policy-
making and planning. Similarly, the role of NGOs in the 1998 political crisis indicates not only their desire for local solutions but also their confidence to play a constructive role in bringing stability to Lesotho.

Local governance
As a form of governance the system of local councils in Lesotho dates back to the colonial period when district councils were established as part of the British grand design of indirect rule. These councils were, however, abolished by the BNP government two years after independence, with the government accusing them of, among others, being centres of dissention and seedbeds for opposition.

Thus the current phase of local government implementation is a reconstruction of an old principle. The mandate to implement these authorities emanates from section 106 of the 1993 Lesotho constitution, which empowers parliament to ‘establish such local authorities as it deems necessary to enable urban and rural communities to determine their affairs and to develop themselves’. In this way the local government elections of 30 April 2005 were the first attempt at democratically elected local authorities since independence.

Despite the long wait, however, these elections were marked by much uncertainty, and the ruling LCD faced a barrage of criticism by both the opposition parties and CSOs. But the LCD government insisted that the election should proceed. Perhaps the LCD government did well by pressing for the holding of local government elections; if the country had continued to procrastinate, the real issue pertaining to the practice of decentralised systems would have never come to surface. This is the essence of the Sesotho expression that *thoto e tiea tseleng* (*the load will balance as the journey progresses*).

The gender dimension of the outcome of these first local government elections was instructive. In almost 94% of the councils women councillors exceeded the 30% reservation target. In the end 53% of the councillors are women, a figure far above the target set by regional and international bodies for elected office bearers. Apart from helping to highlight the visibility of women on the political plane this outcome is extremely
important for Lesotho where more than 80% of Lesotho’s population, of which women are in the majority, live in the rural areas. At the same time this could mark a critical turning point in the road to democratisation in the country.

Chiefs continue to constitute an integral part of the local governance system in Lesotho. The political system has allowed them some measure of participation in governance at the local level, notwithstanding the fact of their being inimical to the underlying principles of democratic governance in a neo-liberal setting. Though they are forbidden from standing for election, some chiefs have in fact formed political parties and have entered parliament as politicians. In essence, though, the presence of the Senate allows principal chiefs to be nominally part of the legislature as effective powers rest with the National Assembly.

**Economic management and corporate governance**

Lesotho’s economy continues to be characterised by three main challenges, namely: a lack of diversification in terms of exports; widespread poverty; and low labour compensation. Since 2001 Lesotho’s economy has relied heavily on the increase of exports of clothing and textiles as a result of its accession to AGOA. However, following the phasing in of the multifibre agreement by December 2004, which has made low-cost producers like China and Pakistan favourites, Lesotho is now facing the challenge of having to compete for market access. The derogation of the third country fabric sourcing in 2008 is likely not to bode well for Lesotho’s economy. This has serious implications for poverty reduction because until recently the textile and clothing sector was the second most important formal employer in Lesotho after the public sector. Although clearly short-lived, the sector has been vital for the stability of Lesotho’s economy. Private sector employment is low.

Government has taken some measures to address the need for product and market diversification. Even though the pace is slow, there are reasonable frameworks for implementation. Like many other projects, the diversification project is being implemented with the technical assistance of the World Bank, within the broader framework of private sector development.
The second challenge is that there is no channel for the majority of Lesotho’s rural poor to benefit from economic growth. The problem is compounded by the lack of extension of financial services and credit to micro enterprises, most of which serve poor households. A key structural weakness of Lesotho’s economy is the lack of structured financial institutions tailored to serve this neglected sector with the intention of encouraging community credit and saving schemes, as well as the lack of institutions that can serve as brokers between commercial banks and financial institutions which serve the rural poor. Such structures need to be encouraged in such a way that they will eliminate bad debts and the need for collateral through some form of equity financing.

The third challenge relates to the inability of the national economy to compensate labour input sufficiently, which in turn necessitates emphasis on labour-intensive activities. Reliance on labour-intensive strategies for sustained economic growth has its own limitations, and such strategies tend to succeed only when operated in a strong economy.

**RECOMMENDATIONS**

*Political representation and accountability*

In order to reduce the dominance of the executive over the legislature and thereby enhance the effectiveness of the latter through checks and balances, it is recommended that parliamentary portfolio committees be established (through the on-going parliamentary reform programme) and that such committees be provided with adequate resources to discharge their mandate.

Civic education on the rights of citizens to hold government accountable and responsive to citizens’ demands needs to be promoted by civil society. CSOs should not allow the dialogue between MPs and the electorate to be a monopoly of political parties – this should be part of civil society’s agenda.

The 2005 local government election results have illustrated that affirmative action through the use of quotas and the reservation of seats for women can be used successfully to bring women into the political space in Lesotho.
Promoting women’s political representation should not be the government’s job alone but that of all development actors, including the donor community, women’s organisations and the private sector. All these actors should embrace a transformative campaign that would ensure women’s participation as candidates for future elections.

Political party lists for PR seats should have equal numbers of men and women, and there must be an agreement that the IEC will not accept a list unless it complies with this stipulation. For the FPTP seats, the parties must pledge to have equal numbers of men and women as candidates.

Finally, CSOs should embark on leadership programmes for women in positions of power so that they can perform their duties effectively. The present female local government councillors can in addition be used as a pool for women’s representation in the upcoming elections. Given the proper support through capacity building, the women can stand for election as party candidates or as independent candidates.

Citizen participation
The agenda for democratic consolidation cannot belong to any one participant. It is in essence a partnership and elements of such a partnership must exist at all levels of decision-making, implementation and monitoring of the democratisation agenda.

It is proposed that government must create an enabling environment for CSOs to participate in activities geared towards sustainable human development and good governance. In this regard, government together with foreign donors should assist with funding that would help build capacity in the form of both short- and long-term training, infrastructure development and equipment, as well as the provision of subsidies to CSOs.

Local governance
There is general agreement among opinion-makers, policy analysts and civil society activists that as currently instituted, local government structures in Lesotho face enormous challenges. It is in view of this convergence of opinion that the following areas warrant singling out for recommendations:
A comprehensive programme on conflict resolution and management skills for various categories of role players in local government is imperative, given that many of the responsibilities of both the community and district councils overlap with those of chiefs.

Both categories of councils need to be equipped with negotiation skills if they are to be able to engage central government, especially regarding those aspects of governance which central government does not seem ready to let go of. Robust negotiation skills would also come in useful for local government structures to engage donors independently of central government.

The glaring deficit in terms of local governments’ capacity to mobilise the necessary resources to undertake their enormous and multiple responsibilities needs to be addressed as a matter of extreme urgency by all partners in international developments. This deficit must be viewed as a development crisis.

Strategies, including incentives, must be found to attract competent personnel to take an active part in local government structures, including standing for election at that level. The current situation where the ruling party professes decentralisation at the same as time as it strives to ensure control and influence (at the local level) only accentuates the contradictory nature of its agenda.

Given the inhibiting nature of the revenue base upon which local governments are expected to finance their development activities and programmes, it is imperative for local governments to adopt innovative ways of performing their functions. Reduction of poverty – hence, improving the quality of life in the villages – cannot happen unless local government structures opt for a far-reaching departure from the attitude of business as usual.

**Economic management and corporate governance**

There is a need to establish financial institutions that are able to extend credit to the majority of the rural poor. Various studies have shown that many of the limitations facing the rural poor are due to lack of productive capacity, which has a direct bearing on credit to finance production. It is
noted, however, that government has realised this reality and has accepted the International Fund for Agricultural Development’s initiative to study the feasibility of establishing similar undertakings.

Lastly, Lesotho needs to address the issue of diversification of the productive sectors as a matter of urgency. This can only happen if the country gets into the habit of taking on innovative economic strategies that utilise available resources, such as sandstone.
POSTSCRIPT

THE SETTING
The February 2007 general elections in Lesotho, and in particular the immediate pre-election period, raised three interesting points that warrant discussion. First, these elections were the first in the history of Lesotho to witness the formation of electoral pacts or alliances. Lekhetho Rakuoane – leader of the small but growing Popular Front for Democracy (PFD) whose political credibility has become overshadowed by the formation and sudden rise to prominence of the All Basotho Convention (ABC) a mere four months prior to the election – predicted that in the run up to the election for Lesotho’s seventh parliament the best survival strategy for many parties, small and big alike, would lie in the formation of electoral pacts and alliances. Indeed history proved Rakuoane more than right. Many parties including the main traditional rivals entered into one form of alliance or another in a bid not only to win the election but also to maximise their seats in parliament. Three major alliances emerged from this race

- The BAC, BCP and LPC formed the Alliance of Congress Parties (ACP).
- The ruling LCD wooed the National Independence Party (NIP) resulting in an LCD/NIP alliance.
- The newly-formed ABC clinched a deal with Lesotho Workers’ Party (LWP), resulting in an ABC/LWP arrangement virtually along the lines of the LCD/NIP pact.

The rest of the registered parties maintained their singular identities and contested the election as such.

The formation of electoral alliances and pacts at this pace is unprecedented in the political and electoral history of Lesotho. According to one opinion-maker, this was one of the imperatives of the MMP electoral model and that such formations would contribute to the consolidation of democracy in the country. However, the post-election stand-off between opposition parties in parliament on the one hand and the ruling LCD/NIP on the other, has rendered this viewpoint questionable. In addition these alliances
have become a hotly contested and knotty political issue in the post-election period. In the immediate aftermath of the poll an alliance of the opposition parties in parliament has mounted a campaign for the revision of the way in which the IEC allocates PR seats for the National Assembly.

Second, that the 2007 poll changed the political landscape in the country is indisputable. These elections made it possible for the age-old ‘dominant parties’ to be seriously challenged. Even though the ruling LCD returned to power it did so by a slight margin of 51.3%, having lost 18 constituencies comprising mostly urban electorates to the ABC/LWP alliance. The results of the elections are depicted in Table 4.

<table>
<thead>
<tr>
<th>Year</th>
<th>Contesting parties</th>
<th>No. of party votes won</th>
<th>% of party votes</th>
<th>Constituency seats won</th>
<th>PR seats won</th>
<th>Final seat allocation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007</td>
<td>LCD</td>
<td>–</td>
<td>–</td>
<td>62</td>
<td>62</td>
<td>62</td>
</tr>
<tr>
<td></td>
<td>ABC</td>
<td>–</td>
<td>–</td>
<td>17</td>
<td>17</td>
<td>17</td>
</tr>
<tr>
<td></td>
<td>ACP</td>
<td>20 263</td>
<td>4.6</td>
<td>1</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>BBDP</td>
<td>8 474</td>
<td>1.9</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>BCP</td>
<td>9 823</td>
<td>2.2</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>BDP</td>
<td>8 783</td>
<td>2.0</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>BNP</td>
<td>29 965</td>
<td>6.8</td>
<td>3</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>LWP</td>
<td>107 463</td>
<td>24.3</td>
<td>10</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>MFP</td>
<td>9 129</td>
<td>2.1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>NIP</td>
<td>229 602</td>
<td>51.6</td>
<td>21</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td></td>
<td>PFD</td>
<td>15 477</td>
<td>3.5</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>NLFP</td>
<td>3 984</td>
<td>0.9</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>442 963</td>
<td>100</td>
<td>80</td>
<td>40</td>
<td>120</td>
</tr>
</tbody>
</table>

The LWP and NIP were transformed into significant parties overnight while the ABC (and not the traditional BNP) finished the race as the second best electoral performer. But for the fact that both ‘the main rival parties were the main culprits in the assault on the [MMP electoral] model’ this ought to have conferred to the ABC the status of an official opposition party in parliament.

Third, the optimism that Lesotho was moving steadfastly towards a consolidated democratic political culture had been based on the general acceptance of the 2002 election. This optimism derived from the attributes of the then new MMP electoral model which, for instance, Matlosa and Sello acclaimed to have delivered a fairly representative new parliament. However, critics cautioned that the model had not necessarily achieved broad representation which was at heart of the pressure that brought about the change of the electoral model. In that regard Makoa argued that the new system was no less than a compromise to accommodate many political parties under one roof. Yet the experience from the short period after the 2007 election makes it possible to agree with Matlosa and Sello that the electoral system alone is not a panacea for Lesotho’s multivariate political woes. Much more still needs to be done, especially in terms of institutionalisation of democratic governance and the entrenchment of a culture of tolerance, inclusiveness and accountability in the country.

This postscript is primarily intended to shed light on how the outcome of the February 2007 general elections is likely to have a positive impact on the various aspects of democratic consolidation upon which the study was tailored. It will be clear from the paragraphs that follow that the degree to which the different dimensions of the twin processes of democratisation and governance could be affected by the outcome of elections, varies according to specific levels of analysis. For instance the effect would more likely to be felt directly and instantaneously at the National Assembly level than at the level of local government. Similarly, the new politics of party alliances would seem to have brought about a new complexion of citizen participation in national politics. What is more, the new class,
generational and unmistakably urban character underlying the newly-formed ABC seems to bring out this feature distinctly.

The discussion that follows is organised along the lines of the chapters that constitute the main report.

**REPRESENTATION AND ACCOUNTABILITY**

If the 2002 national elections were hailed for ushering in peace and stability, the 2007 elections seem to be doing the opposite and could possibly take the country back to an era of political instability which would negatively affect both the weak economy and the fragile and fledgling democracy in different ways.

As Matlosa and Sello maintain, the emerging stable democracy needs to be nurtured by all political activists if peace is to be sustained.\(^{152}\) It would not be unreasonable then to regard the February 2007 election, as Pefole would suggest, as a litmus test for the consolidation of Lesotho’s hard-earned democracy.\(^{153}\) The 2007 elections were also a second case to assess continuity; a time to reflect on whether the 40 PR seats are actually used for what they were intended or whether they are merely there to accommodate those who feel left off the gravy train. Some, including the elite who were surveyed for the initial stages of this study, believe that the time has come to revisit the MMP model with a view (if need be) to abolish the second ballot which, it is argued, has brought the country to this heated post-2007 election condition. One implication of abolishing the second ballot would be to gravitate in the direction of full PR. A related task would be an assessment of the contribution of opposition parties to the nurturing and consolidation of democracy.

The 2007 election attracted much attention not only because it was the second time that the MPP model was used but also because it was a ‘snap’ election. It is this snap character that has been blamed for everything including the poor performance of some parties, the under-performance of the IEC and the superficiality of voter education by the civil society. More importantly this snap election affected the time to table amendments to the electoral law before parliament, which, among other things, would bind parties to submit gender balanced lists to the IEC.\(^{154}\) The PR party
lists submitted to the IEC were still gender biased and the zebra submission suggested by the Gender and Development policy\textsuperscript{155} was not maintained.

While the 2002 election had few controversies this is not the case for the 2007 election which has been marked by a host of complaints. These have included allegations ranging from cabinet ministers using state assets to buy votes, cabinet ministers using state and private vehicles to ferry voters to polling stations, to IEC inefficiency. Some of these complaints have turned into vexed controversies. One such controversy relates to the inclusion and swearing in of opposition NIP vice-president as an MP while the same party’s president (Anthony Manyeli) was left out. Coupled with the campaign to revise PR seat distribution in the National Assembly, this was cited by the ABC leader as the cause for the two-day national stay-away in April 2007 that affected government services and which had a profoundly negative effect on the poor urban populace who earn their living from street vending. While the wealthier Basotho were able to get their supplies from neighbouring South African towns, the essential needs of the poor, such as paraffin, were unavailable. The stay-away organisers and supporters viewed the protest as a great success; however, some critics characterised it as no more than a political strategy on the part of the opposition coalition parties ‘to hide the embarrassment of defeat at the polls’.\textsuperscript{156}

**Table 5**

**Women in strategic governance positions after the February 2007 elections**

<table>
<thead>
<tr>
<th>Position</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
<th>% of women</th>
</tr>
</thead>
<tbody>
<tr>
<td>National Assembly</td>
<td>30</td>
<td>90</td>
<td>120</td>
<td>25</td>
</tr>
<tr>
<td>Senate</td>
<td>10</td>
<td>20</td>
<td>33</td>
<td>30.3</td>
</tr>
<tr>
<td>Cabinet</td>
<td>6 ministers</td>
<td>13 ministers</td>
<td>18</td>
<td>50</td>
</tr>
<tr>
<td>Principal Secretaries</td>
<td>7</td>
<td>11</td>
<td>18</td>
<td>38.89</td>
</tr>
<tr>
<td>Ambassadors</td>
<td>2 (3)</td>
<td>8 (10)</td>
<td>10</td>
<td>23.08</td>
</tr>
</tbody>
</table>

Sources: Official posters portraying His Majesty’s Cabinet, Lesotho Members of Senate and Circular from Government Secretary’s Office Notice, 2007.
An area that has been directly and immediately affected by the outcome of the February election is gender representation in parliament, the cabinet and in strategic governance positions. Table 5 shows an overall increase in the representation of women in strategic governance positions compared to the period following the 2002 election. It is interesting to note that in the categories of cabinet and principal secretaries, women’s representation has exceeded the SADC quota, even if only by a small margin in the case of senators.

**CITIZEN PARTICIPATION**

The 17 February 2007 ‘snap’ general elections were the first of their kind in the post-independence history of Lesotho and were significant based simply on that fact. Second, and more importantly, they attracted much participation from urban citizens. A significant proportion of the middle class and an unprecedented contingent of youth from various class backgrounds took part.

These features combined in ways whose net effect was the loss by the LCD of all Maseru city-based constituencies to the newly-formed ABC. Equally observable in the period after the February election is the assertiveness of citizens in matters and debates pertaining to democracy.

The LCN was very involved in the preparations and outcome of the election. The time pressure following the early dissolution of parliament and subsequent announcement of the election date affected the programmes of all stakeholders in the election process. Nonetheless, the LCN was still able to play an important role in civic and voter education and election observation, a responsibility it has practised now for 10 years.

Voter education involved a three-day training workshop for 50 voter educators from member NGOs and covered such areas as voting procedure, electoral law, the role of state organs, the electoral model, and community mobilisation and persuasion skills. These educators were then deployed to 10 districts covering 44 constituencies, educating villagers on electoral issues. Election observation responsibility involved the training and deployment of about 350 election observers in all 80 constituencies. These observers fell into three broad categories: stationed observers who
were deployed at the polling stations; mobile observers who moved within and between constituencies; and returning officers.157

As part of civil society, the LCN is a major role player in the current post-electoral political stand-off mediated by former president of Botswana, Sir Ketumile Masire, appointed by the chairperson of SADC’s Organ on Politics, Defence and Security Cooperation. The dialogue has been necessitated by the claims of wrongdoing on the part of the IEC in terms of the distribution of compensation seats in parliament following the February 2007 general election.

LOCAL GOVERNANCE
The outcome of the February 2007 election has not had an immediate effect on local government structures as currently designed and implemented. It is not unimaginable, however, that as soon as the current post-election stand-off is resolved, attention will turn to these structures in view of the fact that in 2005, opposition parties failed to put any credible investments in them, and that a sizable number of local governments form part of the 18 (mostly urban) constituencies won by the ABC/LWP alliance. It is not unlikely that the changed political landscape will radically alter the way in which local governance issues have hitherto been contested.

ECONOMIC MANAGEMENT AND CORPORATE GOVERNANCE
It is too early to claim that the February 2007 parliamentary elections in Lesotho have brought about changes in terms of economic and corporate governance. There have, however, been promising indications of some intent on the part of government to improve its profile with regard to the record of policy implementation and service delivery, areas for which it has been slated.

One area that could be directly linked to the February election and the broader governance framework is the expansion of the cabinet resulting in the introduction of the Ministry of Public Service. While critics see this as an unnecessary addition to an already bloated government, the establishment views this development as a necessary step towards improving the effectiveness of the public service and contributing towards corporate governance in general.
Another important post-election development has been the restructuring of the government procurement policy. Previously the government of Lesotho operated a centralised procurement policy with the Ministry of Finance and Development planning at the centre. This meant that every government department had to secure services from suppliers through a common channel. This approach was characterised by high workloads and the delay in payments to suppliers, often resulting in a generally low credibility rating of government, which was seen as a bad client. In response, government has initiated a decentralised tendering procedure whereby all procurements are the responsibility of the chief accounting officers of the individual ministries. It is expected that this would, at least in part, help to address the grievances that led to the loss of the urban electorate to the newly-formed ABC in the February 2007 poll.

Over the past five years Lesotho has been able to portray a positive image externally in the twin areas of economic management and corporate governance. Owing to the political calm that prevailed since 2002, Lesotho qualified for a Millennium Challenge Corporation grant. This grant is given to countries which, in the eyes of the Millennium Challenge Account, have embarked on policy reforms and ‘rule justly, have economic freedom and invest in its people’. Although there was little job creation during this period the investment climate was good and the political climate was generally calm. However, recent attacks on two government ministers at their homes and an attack on the home of the ABC leader do not bode well and may be indicative of a reversal in terms of political stability.

In the run up to the February 2007 election the LCD government increased the state old age pension from M150 to M200 a month. While the new pension package may be sufficient to meet basic living needs it is not enough to take its recipients out of poverty. The failure of programmes or schemes to reduce poverty levels significantly amounts to a notable deficit in terms of democratic consolidation.

The government’s new-found commitment to accelerate mechanisms for decision making and implementation could be seen as an attempt to rectify its poor track record vis-à-vis policy implementation and service delivery, which cost it most of the urban electorate in the February 2007 general
election. ABC leader Motsoahae Thomas Thabane said he found this poor record of policy implementation personally frustrating and it prompted him to break away from the LCD and launch a new party. Interestingly, the urban electorate turned to the ABC despite the LCD’s conspicuous involvement in infrastructural developments and expansion since 2002, especially in the provision of roads and schools. Dismissing the rival’s accusations of delivery deficits, Prime Minister Mosisili said ‘Ke moloi feela ea ka hanang’ – ‘only a witch can deny or fail to acknowledge these achievements’.
NOTES


15. Huntington, op cit.


17. Ibid.


23. Matlosa, ‘Consolidating Democracy in the SADC Region’, op cit, p 6, emphasis added.


Ibid.


Ibid, Chapter V.

Interview with Malebo, 2006.


Constitution of Lesotho, 1993, Chapter VIII.


Ibid.


Parliamentary Reform Committee (PRC) Report, op cit.

Ibid.


Ibid, p 103, emphasis added.

Ibid.


Letuka et al, op cit (as cited by Sadie, op cit, p 20).


Ibid.


Matlosa, The electoral process and democratic governance in Lesotho, op cit.


68 See Matlosa & Sello, op cit.

69 *The NGO Web* 3(2), October-December 1996.

70 Matlosa & Sello, op cit.


72 *Law Society of Lesotho v The Prime Minister and Another 1985-89* LLR 500.

73 *The Law Society v The Minister of Defence 1985-89* LLR 684.


78 Sinnathamby, op cit.

79 Ibid, p 105.

80 Matobo, op cit.


97 Ibid, pp 412-3.

98 Ibid.

99 Ibid.

100 MoAfrica Radio station, phone-in programme, June 2005.


102 GOL, ‘Lesotho Vision 2020’ op cit, pp ix-x.


104 Shale, op cit.


GOL, 2003, p 50.

*Morena* Mathealira Seeiso, interview, November and December, 2005.

Chieftainship Act, p 119.


Ibid, p 121.


Ibid.


*Molefi Tshep o The Independent Electoral Commission and Others*, - CIV/ APN/135/2005


Sechaba Consultants, op cit.


ILO, op cit; Sechaba Consultant, op cit.


ILO, op cit; Sechaba Consultant, op cit.

Sechaba Consultants, op cit.


Central Bank of Lesotho, The government of Lesotho holds a workshop on private sector development, op cit.


Sechaba Consultants, op cit, p 145.
Ibid.


<www.Lesotho.gov.ls>

144 Central Bank of Lesotho, Quarterly Review, op cit.

145 ECA, The African Gender and Development Index, op cit.


148 Matlosa & Sello, op cit.


150 Matlosa & Sello, op cit, p 14.

151 Ibid.


153 Interview with Mokhothu, IEC Maseru, 11 June 2007.


155 Pefole, op cit.


REFERENCES


Arbousset T & Daumas F. 1846. *Narrative of an Exploratory Tour to the North-east of the Colony of the Cape of Good Hope*. Cape Town: A S Robertson.


Leon RN et al. 2001. ‘Report of the Commission of Inquiry into the events leading
to political disturbances which occurred in Lesotho during the period between 1 July, 1998 to 30 November, 1998’. Maseru, 12 October.
Lesotho Highlands Development Authority. 1996. ‘Assessment of the Economic Impact of Phase 1A; Recommendations for Phase 1B’. Maseru: LHDA.


**Websites**

http://www.parliament.ls/king/default.php
http://www.parliament.ls/parliament/process.php
UN Office for the Humanitarian Affairs; http://www.irinnews.org
ABOUT EISA

EISA is a not-for-profit and non-partisan non-governmental organisation which was established in 1996. Its core business is to provide technical assistance for capacity building of relevant government departments, electoral management bodies, political parties and civil society organisations operating in the democracy and governance field throughout the SADC region and beyond. Inspired by the various positive developments towards democratic governance in Africa as a whole and the SADC region in particular since the early 1990s, EISA aims to advance democratic values and practices and to enhance the credibility of electoral processes. The ultimate goal is to assist countries in Africa and the SADC region to nurture and consolidate democratic governance. SADC countries have received enormous technical assistance and advice from EISA in building solid institutional foundations for democracy. This includes: electoral system reforms; election monitoring and observation; constructive conflict management; strengthening of parliament and other democratic institutions; strengthening of political parties; capacity building for civil society organisations; deepening democratic local governance; and enhancing the institutional capacity of the election management bodies. EISA was formerly the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is currently the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

Promoting credible elections and democratic governance in Africa.

MISSION

EISA’s mission is to strengthen electoral processes, good governance, human rights and democratic values through research, capacity building, advocacy and other targeted interventions. The organisation services governments, electoral commissions, political parties, civil society organisations and other
institutions operating in the democracy and governance fields throughout Africa.

VALUES AND PRINCIPLES

Key values and principles of governance that EISA believes in include:

- Regular free and fair elections
- Promoting democratic values
- Respect for fundamental human rights
- Due process of law / rule of law
- Constructive management of conflict
- Political tolerance
- Inclusive multiparty democracy
- Popular participation
- Transparency
- Gender equality
- Accountability
- Promoting electoral norms and standards

OBJECTIVES

- To nurture and consolidate democratic governance
- To build institutional capacity of regional and local actors through research, education, training, information and technical advice
- To ensure representation and participation of minorities in the governance process
- To strive for gender equality in the governance process
- To strengthen civil society organisations in the interest of sustainable democratic practice, and
- To build collaborative partnerships with relevant stakeholders in the governance process.
CORE ACTIVITIES

- Research
- Conferences, seminars and workshops
- Publishing
- Conducting elections and ballots
- Technical advice
- Capacity building
- Election observation
- Election evaluation
- Networking
- Voter/civic education
- Conflict management
- Educator and learner resource packs

PROGRAMMES

EISA’s core business revolves around three main programmes, namely: Conflict Management, Democracy and Electoral Education; Electoral and Political Processes; and Balloting and Electoral Services.

CONFLICT MANAGEMENT, DEMOCRACY AND ELECTORAL EDUCATION

This programme comprises various projects including: voter education, democracy and human rights education; electoral observation; electoral staff training; electoral conflict management; capacity building; course design; and citizen participation.

ELECTORAL AND POLITICAL PROCESSES

This programme addresses areas such as: technical assistance for electoral commissions, civil society organisations and political parties; coordination of election observation and monitoring missions; working towards the establishment of electoral norms and standards for the SADC region; and providing technical support to both the SADC-ECF and the SADC-ESN.
BALLOTING AND ELECTORAL SERVICES

The programme enhances the credibility and legitimacy of organisational elections by providing independent and impartial electoral administration, management and consultancy services. The key activities include managing elections for political parties, trade unions, pension funds, medical aid societies, etc.

EISA’S SPECIAL PROJECTS INCLUDE:

- Local Government, which aims to promote community participation in governance.
- Political Parties, which aims to promote party development at strategic, organisational and structural levels through youth empowerment, leadership development and the development of party coalitions.

EISA’S SUPPORT SERVICES INCLUDE:

- Research
- Publications
- Library
- Information and Communication Technology.

EISA PRODUCTS

- Books
- CD-ROMS
- Conference proceedings
- Election handbooks
- Occasional papers
- Election observer reports
- Research reports
- Country profiles
- Election updates
- Newsletters
- Voter education manuals
- Journal of African Elections
- Election database
OTHER RESEARCH REPORTS IN THIS SERIES

No. 1: Electoral System Reform, Democracy and Stability in the SADC Region: A Comparative Analysis
Khabela Matlosa

No 2: From Military Rule to Multiparty Democracy: Political Reforms and Challenges in Lesotho.
Edited by Claude Kabemba

No 3: Swaziland’s Struggle with Political Liberalisation.
Edited by Claude Kabemba

No 4: Gender and Elections in Lesotho: Perspectives on the 2002 Elections.
Puleng Letuka, Mats’eliso Mapetla, Keiso Matashane-Marite

No 5: Governance Quality and Government Commitment to the NEPAD African Peer Review Mechanism.
Grant Edward Thomas Masterson

No 6: Elections and Democracy in Zambia.
Edited by Claude Kabemba

No 7: Dilemmas of Political Transition: Towards Institutionalisation of Multiparty Democracy in Tanzania.
Edited by Shumbana Karume

No 8: Gender, Women, and Electoral Politics in Zimbabwe.
Rudo Gaidzanwa

Edited by Wole Olaleye

Edited by Nixon S. Khembo

No 11: Democratic Consolidation in SADC Botswana’s 2004 Elections.
David Sebudubudu and Bertha Z. Osei-Hwedie

No 12: South Africa’s 2004 Election: The Quest for Democratic Consolidation.
Edited by Laurence Piper

No 13: Multiparty Democracy and Elections in Namibia.
Debie LeBeau and Edith Dima

No 14: Multiparty Democracy in Mozambique: Strengths, Weaknesses and Challenges
Edited By Adriano Nuvunga
No 15: Political Parties and Democratisation in the Southern African Development Community Region: The Weakest Link
Khabele Matlosa

No 16: Political Parties and the Democratisation Process in Zimbabwe
Lloyd M. Sachikonye

No 17: Political Parties and the Quest for Democratic Consolidation in Zambia
Jotham Momba

No 18: Political Movements and the Challenges for Democracy in Swaziland
Joshua Bheki Mzizi

No 19: Political Parties and Democracy in Mauritius
Sheila Bunwaree and Roukaya Kasenally

No 20: Parties and Political Transition in the Democratic Republic of Congo
H Kabungulu Ngoy-Kangoy

No 21: Political Parties: Development and Change in Malawi
Nandini Patel

No 22: Parties and Political Development in Mozambique
Eduardo J. Sitoe, Zefanias Matsimbe, Amilcar F. Pereira

No 23: Parties and Political Development in Lesotho
Khabele Matlosa

No 24: Parties and Political Development in Tanzania
Rose Shayo

No 25: Political Parties and Democratic Governance in South Africa
Tom Lodge

No 26: Parties and Political Development in Namibia
Victor L. Tonchi and Albertina N. Shifotoka

No 27: Political Parties in Botswana
Gloria Somolekae

No 28: Political Parties and Political Evolution in Angola
Os Partidos e a evolução política em angola
Augusto Santana

No 29: Enhancing the effectiveness of Political Parties in the SADC region through public outreach Programmes: Focus on Botswana, Lesotho, Namibia and Zambia
Denis Kadima, Khabele Matlosa, Victor Shale
No 30: Consolidating Democratic Governance in Southern Africa: Zimbabwe
*Lloyd M. Sachikonye with Shingi Chawatama, Charles Mangongera, Norbert Musekiwa and Choice Ndoro*

No 31: Consolidating Democratic Governance in Southern Africa: Botswana
*Zibani Maundeni with Dorothy Mpabanga, Adam Mfundisi and David Sebudubudu*