

Contents

POST- ELECTION REPORT

Introduction	1
The Election Results	2
Counting and tabulation	2
Announcement of results	3
Reaction of stakeholders to election results	3
Political Environment and Post-Election Disputes	4
Immediate aftermath of elections	4
Challenges of a mixed member Parliament	5
Disputed issues	6
Organising the stay-away	6
Challenges Facing the New Government	7
Gender Issues	9
Towards Democratic Consolidation: How Far Has Lesotho Gone?	10
Growth of multipartism	10
The pattern of votes and election results from 1993-2001	10
Conclusion	12
References	14

Compiled by
Keiso Matashane-Marite
Mats'eliso 'Ma-Tlali Mapetla
Moletsane Monyake
EISA Editorial Team
Jackie Kalley, Khabele Matlosa
Denis Kadima
Published with the assistance of
SIDA



POST-ELECTION REPORT

Introduction

Lesotho's parliamentary election in February 2007 took place amidst bouts of contestation on issues ranging from the formation of election pacts and party coalitions in the run-up to the poll to the logistical

challenges facing the Election Management Body (EMB) and political parties, given the fact that this was a snap election. Citing examples of the 1965 and 1993 elections, which were postponed, opposition parties called on the relevant authorities to reschedule the 2007 poll for a later date in order to allow all the stakeholders time to prepare themselves. All the

contesting political parties, except for the LCD/NIP alliance (Lesotho Congress for Democracy/National Independence Party), expressed concern about, *inter alia*, the running of the voter education programmes, the state of the voters' roll and the ruling party's monopoly of the public media (both print and electronic). They argued that such anomalies had the

potential of compromising the integrity of the EMB, the fairness of elections and the credibility of results. As we have indicated in the previous two issues of this bulletin, the pre-election political atmosphere was characterised chiefly by the alignments and realignments of political parties ahead of the elections.

The two biggest parties, the LCD and the Basotho National Party (BNP), both suffered splits, producing the All Basotho Convention (ABC) and the Basotho Democratic National Party (BDNP) respectively, while the ABC and Lesotho Workers Party (LWP), LCD and NIP contested elections on the basis of election pacts.

On their part, the Lesotho Peoples' Congress, the Basutoland Congress Party and *Mahatammoho a Poelano* also established a coalition, called the Alliance of Congress Parties (ACP). These developments have had an important bearing on the aftermath of the snap elections of 2007.

This final issue of a three-part series of *Election Update* on the 2007 general election in Lesotho provides an overview of post-election developments. It offers an analysis of the political environment in the immediate aftermath of the elections, the counting process and tabulations of results, and unravels the

gender dimensions of the election and its outcome. The report accounts for the reaction of political parties and the general public upon the announcement of election results.

It is a further analysis of post-election processes compared to the previous elections that Lesotho has held since 1993. The comparison focuses on election observation and monitoring, post-election disputes and challenges faced by the newly elected government.

Finally, the report also provides an analysis and interpretation of election results and their likely impact on Lesotho's political stability.

As with the previous two issues of *Election Update*, the information for compiling this third issue was obtained mostly through desk research, analysis of media reports and interviews with selected key stakeholders (including political parties, civil society organisations (CSOs) and government officials) in Lesotho.

THE ELECTION RESULTS

This section presents and discusses three major post-election activities, namely:

- counting and tabulation

- announcement of results
- the response of the stakeholders to the electoral process and its outcome.

Counting and Tabulation of Results

Given Lesotho's mixed member proportional (MMP) electoral system, vote counting takes two forms: (a) the counting of votes and determination of winners for the 80 constituencies happens at polling stations immediately upon their official closure; and (b) the determination of winners of the 40 party-list proportional representation (PR) seats is based on the number of votes each party wins overall; these are calculated using a compensatory mechanism to ensure that smaller parties get representation in Parliament. Counting at polling stations was done in the presence of all the party agents and observers. The ballot papers issued were counted against those that were used. The party agents were free to express an objection at any stage in the ballot counting process.

After the election auditors had verified the totals, the party agents were to endorse the polling station results by signing their names on the appropriate forms. The results were then transferred to the Returning Officer where the results for all the polling stations in that constituency were

aggregated in the presence of the party agents and observers. It emerged, however, that some party agents did not sign the endorsement forms. Ten (12.5%) out of 80 of the constituency results papers were not ratified.

Information from the Independent Electoral Commission (IEC) confirms that the parties whose representatives signed most of the results forms were the NIP, LWP and ACP, in that order. Further to the contention that this occurrence is a result of insufficient voter education for the party agents prior to Election Day, it can also mean that the majority of contesting parties' representatives did not accept the constituency election results.

Announcement of Results

The election results were announced at three levels: at the polling station, at the constituency and at the national levels. The National Convention Centre in Maseru was used as the National Election Results Centre (NERC), where constituency results were processed and announced in the presence of all the party agents, local and international observers, the media and the public.

The area election officers faxed the results from the district electoral offices and

the three IEC commissioners at the NERC announced them as and when they became available.

Whereas private radio stations merely provided limited updates of which and how many political parties had won, Radio Lesotho captured all the details of the entire election announcement process. In addition to the provisional results displayed on the large screen where the public at the NERC could see them, the hard copies were immediately made available for the press and those interested after the announcements.

Immediately, the verified and endorsed election results were also posted on the IEC website. While Section 30 (2) of the National Assembly Act of 2001 (Amendment) provides that election results should be announced within a period of seven days from the polling day, the 2007 election announcement process took three days to complete. This was a clear demonstration of the efficiency and effectiveness of the EMB against all the odds associated with a snap election. This is surely one of the best practices that Lesotho needs to share with the rest of the Southern African Development Community (SADC) region.

Reaction of Stakeholders to Election Results

Various actors in the electoral process, including

political parties, the IEC, CSOs, observers, analysts and commentators, were unanimous in proclaiming the electoral process as credible and its outcome as legitimate. The transparent manner in which the election was conducted and peaceful way in which the campaigns proceeded was a remarkable achievement and in this regard the IEC deserves all the accolades. Nonetheless, there was one incident that nearly tarnished the image of the electoral process and almost revived the 'old' notion that the commissioners merely announce figures which were loaded into their computers long before Election Day. The incident entailed the irreconcilable soft copy of party vote results of the constituency of Qhalasi with those on the hard copy. The erroneous results had declared ABC as the winner but it also reflected several other parties that did not contest the 2007 parliamentary elections. The IEC regretted the error, apologised and re-announced the correct party results of that constituency.

Nonetheless, this left some other stakeholders wondering how such an error could have occurred. For instance if by mistake the 2002 Qhalasi constituency election results were announced instead of those for 2007, then it was odd that the ABC was reflected on the list of contestants. On the

other hand, if the results were for this year but with distorted figures, the parties which did not participate in the 2007 elections could not have appeared as contestants. This was a paradox that drew a painstakingly laborious explanation from the IEC in order to set the record straight.

POLITICAL ENVIRONMENT AND POST ELECTION DISPUTES

Immediate Aftermath of Elections

The post-election political atmosphere was characterised by controversies, conflicts and complaints. The opposition parties decried the state of the voters' roll on the polling day, the allocation of the PR seats and the perceived patron-client relationship between the IEC and the ruling LCD.

The new Members of Parliament were sworn in on 23 February 2007. Members of the ABC and the LWP election pact did not attend the ceremony on the grounds that they had not been formally informed about the swearing-in ceremony, as should have been the case.

They were, however, later affirmed as legislators on 15 March, the same day that His Majesty the King, Letsie III,

officially opened this Seventh Session of Parliament. Unusual and unexpected on the day, members of ABC were clad in their party colours, singing political songs outside the Parliament gate, an event which was vehemently condemned by the LCD government. Further, on the first day of parliamentary session, MPs belonging to the BNP, ACP, ABC, LWP and the Marematlou Freedom Party (MFP) staged a concerted protest, objecting that the president of the NIP had not been allocated a parliamentary seat.

The Speaker of the National Assembly, Madam Ntlhoi Motsamai, dismissed the protest on the grounds that in terms of the law, the only people who deserve a parliamentary seat are those who have won constituencies or those whose names appear on the PR list submitted by their own parties to the IEC.

As such, the NIP president could not be sworn in as an MP because neither did he appear on the list of people who had won elections in any of the 80 constituencies nor was his name on any of the lists of parties that had won the remaining 40 PR seats.

Failing to cut their way through parliamentary procedures, the protesters decided to stage a sit-in protest within the chambers

of the National Assembly. Members of the Lesotho Defence force had to be called in to intervene and forcibly remove the protesting MPs from the chambers.

Albeit in a less articulate manner, compared to the seat allocation debate, one of the concerns raised by opposition parties concerned the ostensibly poor state of the voters' roll, which was argued to have disenfranchised thousands of potential voters.

A case in point was the ABC candidate for the constituency of Bela-Bela, who was not allowed to vote because according to the IEC records, he was presumed dead. While 294 ballots were rejected, the difference between the winner and this ABC candidate, who occupied the second position, was only 186 votes.

In view of this situation, the president of the ABC, Mr Thomas Thabane, said that there were arguably many people who had been erroneously disenfranchised, as was the case with the Bela-Bela ABC candidate.

The IEC polling officers disclosed that rejected ballots resulted largely from the voters' improper use of the ballot papers. This, the opposition leaders maintain, was spawned by the IEC's general lack of preparedness and poor voter education,

which in turn was a consequence of the snap nature of the just-ended elections.

Challenges of a Mixed Member Parliament

The 2007 national elections have brought interesting challenges to the MMP system that the Kingdom of Lesotho has adopted since 2002. The code of MMP is that all parties should field candidates on both PR and First-Past-the-Post (FPTP) votes, so that those who fail to make it through the FPTP may still be able to represent other sections of society in Parliament through the compensatory PR component. The idea is to achieve as inclusive a legislature as may be practicable.

In the just-ended elections, the MMP model has been disfigured in a number of ways:

First, in accordance with the principles of the model, no party should have fielded candidates on only one vote, be it FPTP or PR sides. MMP requires that all pre-election pacts and alliances should be formalised and registered. Only the ACP complied with the requirement. While the ACP won only one constituency, the total of its party votes accorded it two compensatory seats.

However, the ACP had to surrender one PR seat

because it had already acquired a constituency seat. This should have applied to all the pre-election pacts and alliances. Regrettably, the ABC/LWP and LCD/NIP alliances were not registered with the IEC as formal election pacts.

Consequently, the law recognised each party as an independent entity, even though over half of the MPs who acquired a PR seat on either NIP or LWP tickets are well known members of the LCD and the ABC. As a result, the LCD and the ABC acquired ten and seven more seats respectively, largely through the manipulation of the MMP electoral model. Besides, it is highly likely that during parliamentary debates the NIP will vote with the LCD while the LWP is likely to vote with the ABC.

Had the LCD, NIP, ABC and LWP fielded candidates on both sides as required by the MMP system, they could have forfeited some of their seats or not accessed the PR seats. This could have decreased the entry threshold from over 10 000 votes to around 4 000 votes. It could have also guaranteed the inclusion of more parties in the National Assembly.

Second, the informal pre-election pacts and alliances have also complicated the seating arrangement in Parliament. The members of LCD who entered Parliament

through the NIP-PR list continue to sit with the ruling party, even though the law recognises them as members of the opposition. Three of such MPs are also cabinet ministers, an issue which has fanned debates from those in academic and political circles. Some analysts argue that the occasion where opposition legislators sit with the ruling party or get appointed to ministerial positions without a formal parliamentary coalition between their parties amounts to floor crossing in the National Assembly. Using the same logic, it follows therefore that these legislators have defected from the NIP to the LCD, despite the stipulation in the Electoral Law that PR members of Parliament cannot cross the floor. Once such MPs cross the floor to another party, they should leave their seats behind because the PR seats belong to the party, not to the candidates. The said legislators did not surrender their seats as the law requires. To this day, they remain members of the opposition (NIP) but who ironically sit with the ruling party and have been appointed cabinet ministers.

Third, one of the hotly contested post-election issues relates to the translation of votes into parliamentary seats and the allocation of seats to political parties. The MMP proceeds on the logic that the more

constituencies a party wins, the fewer PR seats it obtains. In other words, the PR seats are only compensation for the parties whose votes are not concentrated at one area but evenly spread across the country. Following the elections the opposition parties have contested the formula used by the IEC to allocate seats for the PR system, alleging that the IEC has not abided by the original principles of MMP as proposed by the Interim Political Authority in 2001. But the reality is that the parties themselves contravened the model and not the IEC. Thus, obviously ignoring the fact that NIP/LCD pacts were not registered as an alliance for the elections, these erroneously alleged that the NIP should have not obtained any PR seats since its alliance partner LCD had already won more than 60% of the constituency-based seats.

Alternatively they suggested that the LCD members who entered Parliament through the NIP PR list should be ruled out. Ironically, the proponents of this line of argument did not seem bothered by the fact that a number of ABC MPs had also obtained parliamentary seats through the LWP PR list. There was no proposal that they too should vacate their seats, given that the nature of the manipulation of the MMP done by the LCD/NIP election pact was

exactly the same as what ABC/LWP election pact had done.

Disputed Issues

There was an effort to pressurise the ruling LCD to engage the opposition parties in talks regarding the disputed issues following the elections. Although the parties had declared to have accepted the results, there were indications of dissatisfaction on two counts: with the failure of the judiciary to administer justice on behalf of Mr Anthony Manyeli, the leader of the NIP, and the refusal by the ruling party to engage opposition parties in negotiations in regard to seat allocations¹. Mr Manyeli went to the High Court, charging that his party's secretary general had submitted the PR list without consulting him. He argued that the alliance between the LCD and the NIP had been established without his knowledge and consent. While the list included the name of the LCD leader, Mr Pakalitha Mosisili, and several other senior members of the LCD, it did not bear Mr Manyeli's name. The High Court of Lesotho ruled in his favour and commanded the IEC to accept and uphold as valid the PR list he had submitted. The LCD then challenged the ruling in the Appeal

¹ This was according to the organisers of a stay-away that took place in March.

Court. And to the consternation of several legal practitioners and, indeed, to the chagrin of opposition leaders, the Appeal Court reversed the High Court's judgment in favour of the LCD. Some lawyers argued that the appeal was made despite the provisions of Section 111 of the National Assembly Election Order of 1992, which states categorically that 'a determination or order or other action of the Court relating to an election petition is final and cannot be appealed against or questioned in any way'. It was argued that the Appeal Court, which is not above the law, acted outside its legal jurisdiction and this necessitated organising a stay-away.

Organising the Stay-Away

Some opposition parties were led by the ABC to organise a successful three-day stay-away, from 19 to 21 March. For two days, activities in Maseru, which is an ABC stronghold, halted; there was no public transport to ferry people to their work places; schools and businesses were closed.

On the second day the events in Maseru cascaded to neighboring towns like Maputsoe, Mafeteng and Mhales'Hoek. The Lesotho Chamber of Commerce and Industry released a statement that encouraged their members to close their

businesses on the dates of the stay-away. The Lesotho Law Society also issued a notice that for the entire duration of the stay-away, the courts would not proceed with cases.

Falling short only of saying their licences would be cancelled should they fail to comply, the Minister of Public Transport appealed to, if not commanded, the owners of commuter taxis not to neglect the responsibilities that go with permission to do business.

The taxi owners were not moved because the next day taxis still did not carry passengers to their destinations. The minister implored the owners of all types of automobiles to come forth and help the people. No such owners came forth.

On the second day of the stay-away, the state provided transportation, offering transport with government-registered vehicles. Nonetheless, hundreds of workers who had gathered at the taxi and bus terminals refused to use them.

A political dimension of game theory suggests that a political decision is not motivated so much by such moral factors as empathy and brotherhood/sisterhood but by the calculated pay-offs the decision-maker expects to gain from a particular action.

Following the same logic, it goes without saying that Mr Thabane's call for the stay-away was not so much motivated by his 'sympathy' for Mr Manyeli as for his politically partisan interest in amassing popular support that would necessitate negotiations with the government. Indeed some commentators dismissed the stay-away as just another way the ABC was trying to show the ruling party how much it controls the urban populace or just a ploy to drag it into negotiations on the issue of seat allocations and eventually strip it of the parliamentary majority it currently enjoys. The stay-away was suspended on the second day after the ABC leader met with SADC representatives who were in the country on a different mission.

CHALLENGES FACING THE NEW GOVERNMENT

The major challenge facing the LCD government after the 2007 elections is to win back the trust and support of the working masses, in particular that of public servants. At the moment, the LCD government stands upon the shoulders of peeved and cynical bureaucrats. Its biggest challenge is the difficulty lying ahead of its intended implementation of its policies in view of a lack of political support from the technocrats and bureaucrats.

The most crucial part of the policy process is the implementation stage, because the bureaucrats who implement policies can either sabotage them or make them success stories, depending partly on the level of their commitment to the government of the day. Technocrats have the proficiency to deliberately alter the direction of policy without the politicians or their superiors realising it. They are closest to the citizenry. Public servants administer justice, manage health care, issue licences and passports and execute multitudes of other essential public services. The more complaints the people harbour regarding the government, the less confidence they are likely to have in the ruling party.

The current post-election developments make it unlikely that the government can live up to its new slogan of "*'muso o tate, moruo o hole, bofuma bo fele*" (let there be swifter service delivery, faster economic growth, and poverty eradication) when the people who must implement government policies are seemingly dragging their feet in service delivery.

Another challenge is that the opposition parties – especially the ABC, which had used the government's low service delivery for its election campaign – are likely to capitalise on the

failure of government to speedily implement the service delivery promises it made to convince the rural populace to vote for it. The perceived dishonesty of government officials, corruption scandals, and the expulsion or deportation of one popular radio announcer on grounds that he is not a citizen of Lesotho, amidst allegations that the prime minister himself holds a South African identity document, are among the major factors that continue to stimulate the hostility that the working masses display against the newly elected government. Not only have these issues fuelled hostility, they have also ensured the endurance of pre-election political activism, up to this point; which in the process carries with it strong connotations of civic and voter education.

Being the current chair of SADC, Lesotho is under tremendous pressure to accommodate dissent and open up the channels of political participation. The more vocal and educated dissenters the LCD government faces, the more policy failures it is likely to display in its endeavour to keep up with their demands, which may not proceed in tandem with sound economic principles. If the demands on the SADC chairpersonship are anything to go by, the LCD regime will have to uphold a democratic ethos firmly as a way of setting a good example for the region.

It will have to resolve many of its election-related disputes with the opposition through negotiations and compromises.

However, compromises are not always the best way to maximise and/or achieve economic growth, which has been the greatest challenge to Lesotho since independence in 1966. Indeed some theories of development maintain that for economic growth to take place, one of the major conditions is strong government.

The scholars in this line of thinking argue that a one-party hegemony with a competent bureaucracy and development oriented legislators are basic tenets of a growing economy. This negates the popular argument that the presence of the ABC as a strong opposition party will be a recipe for economic growth. One recommendation for Lesotho in its efforts to fight successfully the scourge of poverty and stagnant economy is a strong and united government. None of the developed, let alone economically advanced, African countries started off with strong opposition parties.

In order for the government to maintain its electoral majority, it will have to espouse populist policies, which cannot proceed in tandem with fiscal discipline. In making fiscal policy,

political considerations are likely to override economic wisdom.

The government will try to appease public servants by increasing their salaries and other packages, while also increasing public expenditure towards expanding and improving, among others, the health care system, the educational system and the agricultural sector. The government may also have to increase its spending to provide a range of jobs for the over 920 000 (40.8%) unemployed citizens. With expected declines in the gains from the Southern African Customs Union, it will be difficult for the government to push a populist agenda without increasing the taxes that it levies on the people. If the LCD government indeed pursues the policies of increased government spending, we anticipate it will run a series of budget deficits and/or increased external debt. Moreover the increased government expenditure may over-boost the aggregate demand – hence increased inflation. The high inflation rate will not bode well for the working masses and especially the poor and the unemployed. In this case, the ruling party is, for a want of a better phrase, caught between a rock and a hard place.

The opposition parliamentary alliance under the leadership of Mr Thomas

Thabane is likely to push or lure the ruling party to policy blunders in order to create more issues to blame on the government. The ABC has not stopped campaigning even after the elections; the ruling party will not sit down and watch the drama unfold. It is likely to chase after the parliamentary alliance and try to do what they say it is failing to do, just to convince people that it is not failing. In other words there will be a strong need for the government to prove a point.

While this may improve service delivery and boost living standards for the people in the short run, it will be costly in the long run because it may not have taken into account the state of the economy.

GENDER ISSUES

The Kingdom of Lesotho has taken some strides towards removing the bottlenecks and stereotypes that hindered equal rights to political

participation. Lesotho is a signatory to several international conventions that seek to advance women's participation in public affairs. Further, the government has amended some national laws, e.g. the enactment of the Legal Capacity of Married Persons Act of 2006, as well as drawn up policy frameworks, e.g. the Gender and Development Policy of 2003, to address the status of women and other previously disadvantaged social groups. Given the fact that in each National Assembly election the number of female candidates has been increasing, it suffices to say that the negative public perception towards women's political participation is gradually taking a positive turn, with an increasing representation in elections, as is illustrated in Table 1. Since the democratic dispensation in 1993, the number of women contesting elections has risen by 78% (from 23 to 107) for the

FPTP vote but dropped by 55% (from 437 in 2002 to 197 in 2007) for those seeking to enter Parliament through the PR system. Women's representation relative to that of their male counterparts in the National Assembly is still significantly low. For the 2007 elections women constitute only 13 (16.25%) out of 80 constituency-based legislators, and another 13 (32.5%) out of 40 PR-based legislators. Although this is an improvement on the situation in 2002, it is also an indication that Lesotho, like many other African countries, still has a long way to go towards realising full women's participation in its electoral politics and other areas as per the international and regional protocols it has ratified, targeting 50% women in political decision-making positions.

Table 1: Gender Representation in Lesotho's Elections from 1993 to 2007

Year	Candidates				Legislators				Number of Seats in Parliament
	Female		Male		Female		Male		
	FPTP	PR	FPTP	PR	FPTP	PR	FPTP	PR	
1993	23	-	125	-	3	-	62	-	65
1998	56	-	481	-	3	-	77	-	80
2002	125	437	605	547	10	4	70	36	120
2007	107	197	510	409	13	13	67	27	120

Sources: Mapetla *et al* 2004; IEC Reports on the National Assembly election results, 1993, 1998, 2002, 2007

In 1993 and 1998, women constituted only 4.6 % and 3.8 % of the National Assembly, while in 2002 and 2007, 10% and 26% were

sworn in as legislators respectively.

Some analysts have attributed this increase to the

change in the electoral mode, not a change in perception towards women's role in politics. Notwithstanding this, we are persuaded that

the fact that the number of women taking part in politics is a sign that there is a degree of development insofar as gender issues are concerned. Looking at Table 1, Lesotho seems to be making gradual progress towards gender parity; however, in assessing Lesotho against the SADC and African Union minimum standards of 50% representation of women in political decision-making positions, Lesotho is far from reaching this ideal.

**TOWARDS
DEMOCRATIC
CONSOLIDATION:
HOW FAR HAS
LESOTHO GONE?**

Table 2 below presents a picture of how far Lesotho has travelled towards consolidating democracy from 1993 when it reintroduced multipartism and shows the significance of the 2007 elections.

Growth of Multipartism

Lesotho returned to multipartism in 1993 following military rule. The analysis of Table 2 indicates growth in this regard. In 1993 Lesotho had only three major parties contesting elections and four in 1998. For the 2002 elections the number of parties registered to contest elections had grown to 10 and in 2007 were 11, inclusive of alliances and new formations by splinter parties.

The formation of the LCD, which had splintered from the BCP in 1998, increased the number of parties participating in the 1998 elections.

Following the events of 1998, the Interim Political Authority introduced a new electoral model for the 2002 elections. The MMP model has been to a large extent responsible for the increase in the number of parliamentary seats, from 80 to 120. Not only that, it seems to have encouraged party splits and the formation of new parties ahead of the elections, as illustrated in the table below (Table 2).

**The Pattern of Votes and
Election Results from
1993- 2007**

The analysis of the table indicates that in 1993, the BCP won 74.7% of the national vote and occupied all the 65 parliamentary seats. The two major contestants, BNP and MFP, shared the remaining votes with 22.6% and 1.4% respectively. In 1998, the LCD still won more than twice as much as the total number of votes the rest of the parties won. While the newly formed LCD prevailed in 78 constituencies, the BNP prevailed in one. From 1993 to 1998, the voter turnout increased by 8.53% (49 762 votes).

Sadly though, as the number of parties has risen, the voter

turnout has been dropping; from 582 740 to 554 386 between 1998 and 2002, and to 442 963 in 2007. This was chiefly attributed to the election result contestations of 1998 which culminated in such ugly events as looting, the burning down of commercial centres and losses of life.

The LCD suffered a split before the 2002 elections; Mr Kelebone Maope, who was the deputy prime minister, formed the Lesotho People's Party (LPC). The LPC won only one constituency and also obtained five compensatory seats.

Interestingly and albeit with comparatively low margins, Mr Maope has, under the ACP alliance in 2007, once again retained his victory over the Seqonoka Constituency, which he had consistently won since 1993, while the BNP, which had remained an official opposition with 21 PR seats after the 2002 election, failed to win even a single constituency in 2007. The 2007 elections are also significant in bringing a shift in the constituency results of the LCD, which had since 1998 won landslide victories, to the ABC, which won 17 constituencies, although it had been formed less than six months before the elections.

The ABC's major support is in Maseru and other urban areas. The party has won

nine out of 16 Maseru constituencies. The LCD prevailed unrivalled in many rural constituencies. If the decision to vote for the LCD was subjected to rigorous thinking, the rural people have obviously voted for LCD because of its free primary education and old age pension programmes.

The urban people are closer to the independent media platforms, which always expose government business to the people. The urban dwellers are the ones who feel the brunt of Lesotho's high income tax and low salaries.

Compared to their rural counterparts, the urban population understands governance issues better and is more aware of its fundamental human rights. The people in the urban areas have a greater propensity to question the government in areas of accountability, transparency, representation and corruption.

Although the four opposition parties, the BNP, MFP, LWP and ABC, have formed a parliamentary alliance that permits the ABC (as agreed by the parties involved) to be the official leader of the opposition, the ruling party will remain as unbridled as it has been since 1970. The informal alliance between the LCD and the NIP allows the LCD to retain the two-thirds majority vote needed

for it to pass Bills without regard for the concerns of opposition parties.

In a nutshell, therefore, through the period 1993 to 2007, it is apparent that the pattern of election results has been one of growing multipartism and declining voter participation, as Table 2 demonstrates.

Whereas voter turnout has dropped significantly in the 2007 elections, the number of parties has increased. Many of Lesotho's post-1993 political parties emerged as splinter groups from other parties, including the ruling LCD – a splinter group from the then-ruling BCP.

This situation certainly poses enormous challenges relating to the prospects for the institutionalisation and sustainability of multiparty democracy in Lesotho. It leaves one wondering whether indeed the formation of many parties is a symbol of democratic consolidation or a lack thereof.

Some writers³ contend that such a pattern is detrimental to Lesotho's nascent democracy, since it destabilises the parliamentary system and therefore undermines the notion of representative democracy, which is epitomised not so much by political pluralism as by internal cohesion of the political parties.

Party splitting and/or the floor crossings which are largely responsible for the growing number of parties ahead of a general election, compromise the accountability of MPs to their electorate, which effectively discourages the rank and file to cast their ballots. This explains, though only in part, why the proliferation of political parties in Lesotho is negatively related to the voter turn-out, such that the more parties that are formed, the less willing the people are to participate in an election.

Notwithstanding the observations and concerns highlighted in this section, Lesotho still has potential as regards consolidating its fledgling democracy. However, the dangers of democratic reversals cannot be ignored.

CONCLUSION

This report demonstrates that 2007 post-election processes in Lesotho are surrounded by controversy and litigation. Although logistical and management arrangements were put in place to advance free, fair and transparent elections, there were a number of events that cast doubt on the actual fairness of the process.

The 2007 elections have raised different issues regarding the misuse and manipulation of the MMP

model, whose principle was to promote inclusivity and fair representation. This report unveils one issue that keeps recurring in the electoral politics of Lesotho: the defeated parties' non-acceptance of election results. From the first parliamentary elections of 1965 to the present elections of 2007, there has been consistency of contestations over the election results and therefore ensuing conflicts. After the elections of 1966, the defeated BCP cried foul over general preparations for the elections, citing among other charges that colonial servants, the clergy and the chiefs who were helping prepare for the elections were partisan. The BCP claimed that the pro-BNP chiefs refused to register the names of people affiliated to the congress movement. In 1970, the BNP refused to accept the election results on the grounds that the winning BCP had, prior to the election, intimidated voters and as such undermined the freeness of the elections. Consequently, the BNP annulled the election results, suspended the Constitution and declared a state of emergency.

In 1993, the election occurred under a new electoral law but the electoral model was still the same as that of 1965. Out of the 11 parties that contested elections, only one party formed the government. The BNP refused to accept the

election results and accused the winning BCP of using a 'magic paper' to make its votes appear in the BCP column. In 1998 the losing parties rejected the election outcome and charged the eight-month-old LCD with election fraud. In 2002, once again the BNP refused to accept the result and accused the LCD of election fraud. In 2007, the ABC, MFP, ACP, BNP, BDNP and LWP are accusing the IEC and the LCD of the mismanagement of elections and the misallocation of parliamentary seats. That the losing parties always reject the electoral outcome in Lesotho has become a political norm and it came as no surprise that opposition parties would challenge the 2007 general election results. However in the just-ended elections the issue of final parliamentary seat allocations overrode all other disputed issues and rendered them insignificant to several commentators and analysts, media included.

One factor that should be a cause for optimism in relation to the quest for democratic consolidation is the fact that the Kingdom of Lesotho seems to be gradually surpassing the practice of belligerent and militant politics that characterised its electoral politics in the past.

During the seat allocation debates, the leaders of the defeated parties vehemently

implored their violent-ready followers to endeavour to solve all political misunderstandings by negotiations, not violence. As much as the ruling party is still intolerant of political dissenters, the amount of such political bigotry is decreasing, compared to previous years. People often air their grievances on various private media platforms with force and freedom. This would not have been the case in the past, especially within such a boisterous and controversial post-election atmosphere.

Table 2: Parliamentary Election Results 1993- 2007

Year	Major Political Parties	No of Party Votes	% of Party Votes	No of Constituency-Based Seats	No. of PR Seats	Final Seat Allocation
1993	BCP	398 355	74.7	65	-	-
	BNP	143 073	22.6	0	-	-
	MFP	7 650	1.4	0	-	-
	Others	16 100	3.02	0	-	-
TOTAL	3 parties	532 978	100	65	-	65
1998	LCD	355 049	60.9	78	-	-
	BNP	143 073	24.5	1	-	-
	BCP	61 793	10.5	0	-	-
	MFP	7 460	1.3	0	-	-
	Others	15 365	2.6	0	-	-
TOTAL	4 parties	582 740	100	80	-	80
2002	LCD	304 316	54.8	79	0	79
	BNP	124 234	22.4		21	21
	BAC	16 095	2.9		3	3
	BCP	14 584	2.7		3	3
	LPC	32 046	5.8	1	5	4
	NIP	30 346	5.5		5	5
	LWP	7 788	1.4		1	1
	MFP	6 890	1.2		1	1
	PFD	6 330	1.1		1	1
	NPP	3 985	0.7		1	1
	Others	7 772	1.4		0	0
TOTAL	10 parties	554 386	100	80	40	120
2007	LCD	-	-	61		61
	ABC	-	-	17		17
	ACP	20 263	4.6	1	2	2
	BBDP	8 474	1.9		1	1
	BCP	9 823	2.2		1	1
	BDNP	8 783	2.0		1	1
	BNP	29 965	6.8		3	3
	LWP	107 463	24.3		10	10
	MFP	9 129	2.1		1	1
	NIP	229 602	51.8		21	21
	PFD	15 477	3.5		1	1
	NLFP	3 984	0.9		0	0
TOTAL	11 parties	442 963	100	79	40	120

Source: Compiled from the IEC, Matlosa 2003, LCN 1998 Election Report, Commonwealth Report Elections, 1993

Acronyms

ABC	All Basotho Convention
ACP	Alliance of Congress Parties
BNP	Basotho National Party
BDNP	Basotho Democratic National Party
EMB	Election Management Body
FPTP	First-Past-The-Post
IEC	Independent Electoral Commission
LCD	Lesotho Congress for Democracy
LWP	Lesotho Workers Party
MFP	Marematlou Freedom Party
MMP	Mixed Member Proportional
MP	Member of Parliament
NERC	National Election Results Centre
NIP	National Independent Party
NLFP	New Lesotho Freedom Party
PR	Proportional Representation

References

1. Commonwealth Observer Group Report. 27 March 1993. *The General Election in Lesotho*. Commonwealth secretariat: London
2. Economist Intelligence Unit. April 2007. *Country Report, Lesotho*. London: United Kingdom
3. Government of Lesotho, Legal Capacity of Married Persons Act No 9 of 2006
4. Independent Electoral Commission of Lesotho, *Report on 1993 National Assembly Elections*. IEC: Maseru
5. Independent Electoral Commission of Lesotho, *Report on 1998 National Assembly Elections*. IEC: Maseru
6. Independent Electoral Commission of Lesotho, *Report on 2002 National Assembly Elections*. IEC: Maseru
7. Independent Electoral Commission of Lesotho, *Report on 2007 National Assembly Elections*. IEC: Maseru
8. Lesotho Council of NGOs. December 1998. *National Assembly Elections Report*. LCN: Maseru
9. Mapetla et al. 2004. *Gender and Elections in Lesotho: Perspectives on the 2002 Elections*. EISA Research No 4. EISA: Johannesburg.
10. Matlosa K and V. Shale (eds). March 2007. *The Impact of Floor Crossing on Party Systems and Representative Democracy*. Konrad Adenauer Stiftung Seminar Report No 19. Konrad Adenauer Stiftung: Johannesburg.
11. Matlosa, K. 2005. *Political Parties and Democratisation in the Southern African Community Region: The Weakest Link*. EISA Research Report No 15. EISA: Johannesburg.
12. Matlosa, K and C. Sello. 2005. *Parties and Political Development in Lesotho*. EISA Research Report No. 23, EISA Johannesburg.
13. National Assembly Act of 2001 (Amendment). Government Printing: Maseru
14. Public Eye Newspaper. 2007. Issues: March 23, April 20, 27, May 6, 11, June 1 and June 22
15. World Fact Book at <http://www.cia.gov/cia/publications/factbook/geos/htm>

EISA

Vision

An African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment

Mission

EISA strives for excellence in the promotion of credible elections, participatory democracy, human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa

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, practices and 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.



**Promoting Credible Elections and
Democratic Governance in Africa**

© EISA

14 Park Road Richmond Johannesburg · PO Box 740 Auckland Park 2006
Tel 27-11-4825495 Fax 27-11-4826163
Email publications@eisa.org.za
URL <http://www.eisa.org.za>

The opinions expressed in this publication are not necessarily those of EISA