

Governance, Elections and Political Stability in Lesotho: Lessons of Experience for the Democratic Republic of Congo (DRC)

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“Recurrent political crises in Lesotho are rooted in constitutional and electoral systems and party politics dating back to the 1960s” (Weisfelder, 2001:75)

Introduction

After long years of authoritarian rule marked in the main by either civilian or military dictatorship, all the member-states of the Southern African Development Community (SADC) have embraced multiparty democratic governance. Although much progress has been made in a majority of the regional states towards nurturing and consolidating democratic governance, a fairly slow progress is still manifest in the case of two SADC member-states namely (a) The Democratic Republic of the Congo (DRC) and Swaziland. One important ingredient of democratic consolidation in the SADC region is the holding of regular multiparty elections. It should, however, be noted right from the on-set that an election does not amount to democracy. In other words, the holding of regular multi-party election is thing while institutionalization and consolidation of democratic governance and ensuring political stability as well as assuring a peaceful succession of national leadership is quite another. Put somewhat differently, it is quite possible that the SADC region could embrace regular multi-party elections, yet democratic practice and culture as well as political stability lags far behind. This scenario does not augur well for the nurturing and consolidation of democratic rule and political stability that region needs for socio-economic development.

The above observation, therefore, suggests that an election, in and of itself, is not tantamount to democratic governance, although it may be a key ingredient for it. Any argument that suggests that democratic governance is all about regular election is obviously narrow and shallow for it reduces democracy and democratization to electioneering per se. The challenge facing young democracies in the region today, such as Lesotho and the Democratic Republic of the Congo (DRC) is not so much how often elections are held, but rather “to establish durable systems of governance that will bring about peace and stability to these countries individually and collectively as a region” (SADC Regional Human Development Report, 1998:78). These systems must, of necessity, include electoral models used in these countries. At the heart of the effectiveness of election and their value to democratic culture and practice lies the choice and use of preferred electoral systems. The region uses a variety of electoral systems with different impacts and consequences for democratic governance and stability. What electoral systems could better serve democratic

governance in a country emerging from a violent conflict such as the DRC? We attempt to hazard a response to this question by drawing lessons of experience from the process of democratic governance, elections and political stability in Lesotho.

Electoral systems are crucial in the process of institutionalisation of democratic governance (Reynolds and Reilly, 1997). The type of an electoral system that each one of the regional states has adopted is one of the important aspects of the institutional set-up which may either enhance or inhibit democratic governance and stability. The two main electoral systems used in this region are the Proportional Representation (PR) and the Plurality-Majority System especially the First-Past-The-Post (FPTP) variety. To be sure, a majority of the regional states have inherited the latter model, which was bequeathed to them by the British colonial administration. Only South Africa, Namibia, Mozambique and Angola have adopted the PR.

This article reviews the FPTP electoral model in Lesotho and investigates its impacts on democratic governance and stability with a view to draw lessons for the DRC. It must be accepted from the onset, though, that the correlation between the electoral system on the one hand and democratic governance and stability on the other is rather nebulous and not so straightforward. However, to the extent that electoral systems serve to distribute power and representation in order to define the legitimacy and political mandate of rulers, they do have a bearing (direct and indirect) on democratic governance and stability (Matlosa, 2001). The article then interrogates the effectiveness and efficacy of the FPTP in contributing to democratic governance and stability by posing various questions: (a) What is the exact nature of the FPTP electoral model? (b) How does it work? (c) What are its strengths and weaknesses; (d) Does it generally enhance or inhibit democratic governance and stability? (e) How appropriate is it for young democracies in the SADC region? The overall assessment is that the FPTP system has not served Lesotho's political system well in terms of deepening democratic governance and ensuring political stability. It is precisely because of this stark reality that Weisfelder poignantly observes that "recurrent political crises in Lesotho are rooted in constitutional and electoral systems and party politics dating back to the 1960s" (2001:75). For instance, in the elections of 1965 and 1970, the FPTP system delivered an electoral outcome in which opposition parties felt extremely excluded, cheated and marginalized. In the last two elections of 1993 and 1998, the same electoral system "virtually excluded from Parliament opposition parties that received 25% of the vote in 1993 and 40% in 1998. Having no compunction about challenging the legitimacy of the political institutions and attempting to displace the elected government by means of mass protests, military mutinies and royal intervention" (Weisfelder, 2001:75).

Governance, Elections and Electoral Systems

Although an **election** is not the only ingredient of democracy, it is generally accepted that elections play a crucial role in deepening and sustaining democratic governance.

This observation aptly applies to the political landscape of the SADC region. An election is surely one of the core variables of democratic rule (Adejumobi, 1998). An election, simply defined, refers to a **process** whereby a people belonging to a particular country, at times referred to variously as either the electorate or voters, choose their national leaders periodically to form government and manage the affairs of the state **on their behalf**. The internationally accepted mode of choosing managers of state affairs is a voting system usually based on the principles of universal suffrage and secret ballot. Voting takes place within well-defined rules, regulations and procedures provided for within national constitutions and electoral laws of individual countries. Further more, voting is governed by a specific electoral system each country has adopted. Lesotho is no exception in this regard.

In Lesotho, the electoral process is governed by the national constitution especially articles 56, 57 and 58. The country's 1993 constitution provides the principal legal foundations of election of members of the National Assembly (the lower house), whereas the Senate (the upper house) is an appointed arm of the parliament. The general administration and supervision of elections are governed by the National Assembly Order of 1992 (as amended) and an autonomous statutory body known as the Independent Electoral Commission (IEC). While initially the election administration was the responsibility of a sitting government through the Electoral Office, this responsibility is now vested in the newly-established Independent Electoral Commission (IEC) (GOL, 1997). This has been a considerable improvement in the administration of the electoral process for it has tended to enhance participation of all parties in the preparations for elections.

An **electoral system** refers to a **method** that a particular country adopts for choosing national leaders. There are many electoral systems throughout the world and there is less agreement as to which is the best for each system is appropriate for particular political and economic conditions of a given country (Matlosa, 2001a; Matlosa, 2001b). Throughout the whole world there are all in all four main clusters of electoral systems namely (a) the Single Member Plurality; (b) the Single Member Majoritarian; (c) the Proportional Representation; and (d) the Mixed Member Proportionality (see Matlosa, 2001b). Each country adopts an electoral system that best suits its own political traditions and culture as well as its level of economic advancement. In all Anglophone African states, however, electoral systems adopted after independence were inherited from the departing British colonial authorities as part of the Westminster constitutional and political arrangement bequeathed to newly emergent nation-states. This clearly illustrates the stark reality that electoral systems in many Southern African states "are generally hardly ever debated and carefully chosen on the basis of consensus among political players and the population at large" (Molutsi, 1999:9-10). In Lesotho, the adoption of the FPTP electoral system after the attainment of political independence in 1966 was not a result of any popular debate or a national referendum. It would be desirable that the DRC considers a more inclusive and participatory method of choosing an appropriate electoral system. Even the reform of the electoral model for Lesotho away from the FPTP towards a mixed member proportionality has suffered the same

defect of being devoid of popular participation and as a result only the political elite have some clue of what the system entails whereas the majority of the electorate have absolutely no idea of what the system entails. This suggests that a lot of voter education will have to be mounted prior to the planned election of 2002 in Lesotho.

Of all 52 states in Africa, 18, mostly former British colonies, use the First-Past-the-Post electoral system (Reynolds and Reily, 1997). The Westminster constitution and liberal democracy which encompassed the constituency-based electoral model were regarded suitable for the former colonies for it was assumed that political modernisation of their systems and institutions would make it easy for them to adopt the British political traditions and culture. It is important to note that the electoral systems adopted by former colonies were an inheritance from the colonial master; they do not have their rooting or foundations within the domestic socio-economic and political dynamics of these societies. In other words, the electoral systems that Anglophone African states adopted upon independence did not evolve from internal processes of political development of these states. Put somewhat differently, these electoral systems were externally derived pretty much the same way as the constitutions and political institutions that the new states inherited with independence. This is precisely how independent Lesotho adopted the Westminster first-past-the-post (or single-member-plurality) system.

One of the most important linkages between elections and democratic governance is the electoral system. This means that electoral systems are crucial in determining the impact of elections on democratic governance. As Tekle aptly observes, “the commitment to, and the holding of, elections have become the litmus test of a sincere commitment to democratic governance” (1998:167). By democratic governance we simply mean that management of national affairs which is transparent, participatory, representative, inclusive, legitimate and accountable to the electorate. The 1998 SADC Regional Human Development Report (1998:84) proposes that the effectiveness and efficacy of governance in Southern Africa must be measured at four main levels: (a) political (i.e. participation); (b) institutional (i.e. institutions, more than individuals, must form the heart of politics); (c) economic (i.e. resource distribution) and (d) women empowerment (i.e. gender equity). A meaningful election must therefore be able to strengthen these key pillars of democratic governance and ensure stability of the political system which condition is also critical for economic development in the final analysis. While a national constitution and the electoral law determine the procedures and administration of elections, electoral systems determine the manner and pattern in which votes are matched with the allocation of seats in parliament. An electoral system is, therefore, “a method of converting votes cast by electors into seats in a legislature. Electoral systems thus are practical instruments through which notions such as consent and representation are translated into reality” (Asmal and de Ville, 1994:2). However, an electoral system has a great potential to either make or break democratic governance. If the electoral system is to contribute meaningfully to the deepening and sustenance of democratic governance, the following must be achieved:

- the uncontested legitimacy of rulers and institutions of governance;

- broadly-inclusive and transparent mode of governance;
- fair representation of diverse groups and interests;
- accountability of rulers to the electorate;
- an undisputed mandate of the leaders to rule;
- decentralisation of power; and
- political stability and conflict management.

It is on the basis of the expected outcomes of a given electoral system vis-à-vis democratic governance that some writers remind us that “the proof of the pudding lies in the eating. The value of an election lies in the acceptance by all parties of the outcome. More particularly, the losing party should accept defeat. A rejection of the result will be that more difficult if the election is indeed free and fair (Steytler et al, 1994:xxiv). It is instructive that in Lesotho, since political independence, major losing parties have contested election outcomes and challenged election results even in the courts of law. This tendency has generally triggered protracted violent conflicts thereby undermining democratic governance and stability. It is not surprising, therefore, that political instability has been so pervasive in Lesotho and in many respects linked to the defects of the electoral model, although other factors have been crucial too, such as economic underdevelopment. Could the DRC present a different model, given its abundant resources that could assure the country of some good prospects for economic development, all things being equal?

When contestants in an election accept the election outcome, they pass a vote of confidence in the electoral system, while at the same time according the verdict of the electorate the necessary respect. Be that as it may, for an electoral system to carry all stakeholders on board, it must have the following properties:

- it should be simple to understand and apply;
- it should be easy to manage and administer;
- it should provide multiple safeguards against manipulation of the election;
- it should ensure a transparent and simple method of vote calculation;
- it should provide a simple formula for translation of votes into legislative seats;
- it should be cost-effective and affordable; and
- it should be easy to audit, review and adjust over time.

As we review Lesotho’s electoral system, these are all important sign posts to guide us make an informed judgement as to its effectiveness and efficacy for the consolidation and sustenance of democratic governance and political stability. Uppermost in our review of Lesotho’s electoral model must be an appreciation of the country’s political history, level of institutional and political development, and the level of economic development in the country. We now turn to a brief review of the current electoral system in order to unravel some of its salient features and the manner in which they impinge on democratic governance and political stability in the country. We do this taking into account political history/culture, levels of

institutional and political development and economic advancement in the country especially since independence.

Elections, Electoral System and Political stability in Lesotho

Since the pre-independence election of 1965, Lesotho has adopted the Westminster first-past-the-post (or single-member-constituency) electoral system whose main tenets have been elaborated upon by various writers (Curtice, 1992; Steytler et al, 1994; Reynolds and Reilly, 1997; Gill, 1998; Mahao, 1997; Mahao, 1998, Matlosa, 2001b). This section of the paper attempts to tease out the political implications of the key elements of this electoral model particularly in so far as it relates to democratic governance and stability. This electoral system has various attributes, which either strengthens or weakens democratic governance with varying impacts and consequences for political stability.

The FPTP is one of the simplest electoral models in the world. It has various tenets, which define its inner working and their implications for democratic governance. First, a whole country is divided into a multiplicity of constituencies (electoral zones) of almost equal size in terms of the population of eligible voters. Second, each constituency elects one candidate to represent their interests in parliament. It is mainly for this feature that the FPTP is reputed for its strong element of accountability for it links the MP directly with his/her constituency. It is indeed stronger all other electoral systems especially the Proportional Representation (PR) in this regard. Third, candidates contesting elections, do so as individuals, as either party-endorsed or independent candidates. In other words, parties do not contest elections, but they could simply sponsor or endorse candidates. This feature is not usually understood, leading to politicians confusing the electoral model with the PR. This has led to various types of conflicts within political parties in Lesotho especially during the primary election as political party leadership usually clashes with electorate at constituency levels over choice of candidates for constituencies. Lesotho's electoral system, therefore, is predicated upon the individual, rather than the political party. The candidate stands for the election on behalf of, and is ultimately answerable to the constituency, irrespective of whether s/he stands contests the election as an independent or party-endorsed candidate. Each constituency is supposed to elect only one candidate whose total votes are above those of other contestants even if such candidate polled less than 50% of all valid votes cast. The principle of individuals rather than parties contesting elections in this electoral model has tended to elude leaders of political parties who impose tight control and patronage over candidates during the primary elections and even as they discharge their duties in the legislature. In all national elections in Lesotho, primary elections have been marked by bitter conflicts between party leadership and constituencies over the desired candidates with the former most invariably gaining the upperhand.

These conflicts afflicted the LCD, BCP and BNP in particular during the 1998 election leading to court litigation. It is instructive that during the 1998 election all the major political parties experienced serious hiccups during the primary election regarding fielding of candidates in certain constituencies. This problem can better be explicated at two levels: (a) confusion of the FPTP electoral system with Proportional Representation by political leaders; and (b) lack of inner-party democracy, leading to top-down administrative and decision-making approaches. Just to illustrate the point, it is worth mentioning that the BCP had problems placing candidates for constituencies Rothe No. 43 and Matsieng No.44, while the BNP and LCD encountered hurdles placing candidates for constituencies Maama No. 40 and Mafeteng No. 55 respectively.

Even in the National Assembly MPs are subjected to tight control and discipline by political (especially ruling) parties to the extent that they virtually become party operatives and oblivious of both their watch-dog role and their presumed mandate from constituencies. Two instruments are used effectively to achieve this end: (a) the Party caucus; and (b) the Chief Whip. These are mechanisms which are ideally meant to entrench and sustain inner democracy of the parliament, which are in practice used to enforce law and order by political parties and to pressure MPs to toe the party line even if their individual consciences and constituency interests are at variance with party positions. As the party takes center stage, constituencies tend to be marginalised and are likely to be remembered only when the next round of general election approaches. Witness also the fashion in which parliament discharges its duty. The three main functions of the National Assembly are (a) the legislative function; (b) the financial function; and (c) the function of criticism. While the National Assembly has historically been fairly active on the first two functions, it has been rather sloppy on the third one mainly because MPs invariably perceive themselves as party operatives/activists and thus representing interests of the ruling party, even more than the constituencies. No wonder, therefore, that criticism of the executive organ of the state is considered a heresy.

Fourth, under the first-past-the-post electoral system, a candidate “succeeds in getting more votes than any other candidate in an election even though she may not be supported by an absolute majority of voters in that constituency” (Asmal and de Ville, 1994:3). This is the main pillar of this system: the constituency elects only one candidate (as an individual) and that candidate does not necessarily have to canvas an absolute majority of votes (Mahao, 1998). If the candidate has obtained votes above other individual contestants such candidate wins the constituency, even though a total number of votes from other contestants by far exceeds those of the winner. Molomo observes that under his system, “a candidate who gets a mere plurality of the vote stands duly elected as a member of parliament (MP) and the other candidates irrespective of the size of their poll are declared losers, and do not make it to parliament” (2000:112). Four other important elements of this electoral system flow from this namely (a) possibility of representation of a constituency by a candidate with minority of votes (at constituency level); (b) possibility of a ruling party with minority of votes (at national level); (c) lack of opposition in the National

Assembly; and (d) marginalisation of smaller parties (Asmal and de Ville, 1994; Mahao, 1998). All these are critical deficiencies of the FPTP system, which have in part contributed to incessant and violent conflicts in Lesotho with dire consequences for democratic governance and stability.

This essentially means that the votes of the electorate who voted for losing candidates are wasted votes in that they are not represented by anyone in parliament, a condition that is tantamount to disenfranchisement, although in theory the winning candidate is supposed to represent this category of the electorate too. If for instance in one constituency with total valid votes of about 100, candidate A receives 45 votes, candidate B 40 and C 15, candidate A is the winner despite the stark reality that the combined votes of B and C exceed those of A. A therefore represents the constituency on a minority vote ticket. This practice at the constituency level is also replicated at the national level in that a political party can form government even though it enjoys smaller percentage of votes compared to the combined total votes of the other contestants. At the constituency level, this outcome leads to a skewed voting that disproportionately rewards numerically strong parties at the expense of other smaller parties even if they command some local support. At the national level, this tendency leads to minority governments representing small percentage of the total number of voters and thus pose serious problems not only of representativity of rulers, but also of legitimacy of key institutions of governance. It is this situation that gives this electoral system the character of winner-take-all which tends to turn politics into a zero-sum game rather than a positive-sum game among the political elite. How useful is this perception of politics as a zero-sum game especially when the notion itself is engrained in an electoral system? The answer is contained in Tekle's apt observation that "Mutual appreciation of opposing views must be accepted and the conviction that losers lose everything while winners take it all can no longer be the norm. It must be recognised that in a democracy winners and losers are partners and not enemies who must destroy each other. Electoral systems must advance this in law and practice" (1998:175).

A cursory glance at Lesotho's electoral history reveals that in 1965 six (6) of the thirty-one (31) parliamentary seats for the BNP were won on a minority vote (Mahao, 1998). Even in the case of the 1970 election, which was interrupted mid-stream by the ruling party and declared null and void, eight (8) constituencies were won on a minority vote. These were Kueneng constituency no.14; Maletsunyane constituency no.22; Matela constituency no.26; Thabana Ntsonyana constituency no.28; Koro-Koro constituency no.29; Masemouse constituency no.38; Thabana Morena constituency no.39; and Taung constituency no.41.

It is also common cause that in its razor-thin victory during the 1965 election, the BNP secured six of its 31 seats on a minority vote. Table one below demonstrates that the overall election result delivered a minority government for the ruling party had won only 42% of the total valid votes cast. The combination of votes won by the other contestants accounted for 58% of votes cast, but their representation in parliament was tenuous at best and ceremonial at worst.

Table One: General Election for the National Assembly, 1965.

Political Party	Seats won	Votes	% of Votes
BNP	31	108 162	41, 63
BCP	25	103 050	39, 66
MFP	4	42 837	16, 49
MTP	0	5 697	2,19
Indepts	0	79	0,03
Total	60	259 825	100,00

Source: Macartney (1973).

The election outcome was contested by the main opposition, BCP, on grounds that the BNP rigged the results with covert complicity of the British authorities (Gill, 1998). The BNP's victory through a minority vote proved a liability, rather than an asset, to Lesotho's young democracy and its electoral system. It turned into a liability for the ruling party strove to entrench its political hegemony over the other parties and failed to nurture politics of consensus, compromise and inclusiveness at that tender age of Lesotho's democracy. This tendency minimises or totally denies a critical role for opposition in the legislature.

Fifthly, the FPTP tends to advantage unduly dominant parties and disadvantage weaker parties thereby strengthening either one-party or dominant party systems, which further whittles the participatory nature of democratic governance. This trend also weakens and fragments opposition parties and often leads to one-party legislature, which has been the hallmark of Lesotho's political landscape since independence. Once the opposition in the legislature is either weak or non-existence, the efficacy and effectiveness of the business of the parliament is severely undermined. If parliament fails to see its role as a watch-dog of the executive organ of government, but rather acts as a rubber-stamp of government decisions and policies, democratic governance is hampered. It is not surprising that members of the Lesotho National Assembly have historically perceived themselves as first and foremost representing the interests of the ruling party, and thus accountable to the party even more than the constituency. This irony suggests that the unwritten intricacies of the Lesotho electoral model are not generally well-understood even by the politicians, let alone the ordinary voter out there in the village.

Sixthly, linked to the one party or dominant party outcome of the FPTP, the overbearing hegemony of the ruling party over the legislature and the MP is entrenched to the detriment of the check and balance role that parliament is supposed to play vis-à-vis the executive branch of government. The stability and effectiveness of the government is seen to emanate from the single-party outcome of the electoral system that does not allow coalitions, which may yield fragile governments. In effect, in the Lesotho context, the single-party outcome of elections has been responsible in part for the political instability that has beset the country for

more than three decades. Due mainly to the first-past-the-post electoral system, Lesotho's political system has hardly ever experienced political stability and this condition has also affected the efficacy and effectiveness of ruling parties (Matlosa, 1997). In this connection, it is instructive that had the 1970 election been allowed to run its full course up to its logical conclusion, Lesotho would have experienced another election outcome of a minority government. Consider the election result below:

Table Two: General Election for the National Assembly, 1970.

Contestant	No. of Votes	% of Votes	No. of Seats
BCP	152 907	49.8	36
BNP	108 162	42.2	23
MFP	22 279	7.3	1
Other	1 909	0.7	0
Total	285 257	100	60

Source: Macartney, 1973.

However, this election was annulled by then ruling BNP upon realising an impending defeat by the BCP. That act itself was also tantamount to a declaration of vote of no confidence on the FPTP electoral system by the BNP as the ruling party – the very system, ironically, that helped this party win the 1965 pre-independence election. Subsequently the BNP sustained its rule, not by the ballot, but by means other than democratic practice. It came to pass that it was also dislodged from power by military means in 1986. It should be noted that the military coup of 1986 came after decades of BNP reliance on the security apparatus in ensuring and anchoring its authoritarian rule fashioned along a de facto one party rule (Matlosa and Pule, 2001). In other words, having lost confidence in ensuring its rule through the ballot, the BNP regime resorted to a bullet-based method of governance during the period 1970-85.

An electoral system that produces either a minority government or a single-party government breeds conditions for excluded parties to attempt to rock the boat rather than help redirect it. Even a ruling party, if threatened by electoral defeat from an opposition party, may simply spoil the game and resort to other unsavoury methods of sustaining its rule. In order to illustrate the point developments in the aftermath of the 1970, 1993 and 1998 elections is in order. It could be argued that the BNP disrupted and destabilised the political system in 1970 precisely for the party realised that the eminent BCP victory would lead to its exclusion from the system. This party, therefore, violated the rules of system only in order to hang on to state power. The ruling BNP (23 seats and 42% of votes cast) lost the election to the BCP (36 seats and 49.8% of votes cast). The ruling party then was aware of the exclusionist tendency of the electoral system and reckoned that if it could not hang to power through the ballot, it would rather do that through the bullet. Whether or not the electoral system allowed this method of acquisition of power was immaterial. Further more,

recognising that it may not be able to either command the majority of votes or attain some seats in parliament, the then ruling BNP spoiled the 1985 election by simply making it impossible for other candidates to contest and in the end, all BNP candidates were declared elected unopposed only upon nomination (Southall and Petlane, 1995). The political developments following the general elections of 1993 and 1998 were of a fairly different order, but still emphasised the exclusionist tendency of the electoral model and its proneness to recurrent and incessant conflicts. In both elections, the electoral system had delivered a one-party system and absolutely no opposition in parliament. As tables three and four below demonstrate, unlike the 1965 election which produced a minority government through the First-Past-the-Post system, the elections of 1993 and 1998 both produced a mono-party government without or with insignificant opposition in parliament, but still through the same electoral system.

Table Three: General election for the National Assembly, 1993.

Contestants	No. of Votes	% of Votes	No. of Seats
BCP	398 355	74.7	65
BNP	120 686	22.6	0
MFP	7 650	1.4	0
Other	6 287	1.2	0
Total	532 978	100	65

Source: Southall and Petlane, 1995.

The 1993 election was interesting for it produced a stunning and perhaps astonishing victory for the BCP which won all 65 constituencies and 75% of votes cast and the other contestants secured a total of 25% of votes and no single parliamentary seat. Even the BNP, which had secured a total of 23 % of votes, was denied representation in parliament by the nature of the electoral system. The BNP protested the fairness of the election and lost in the courts of law (Sekatle, 1995). It was only unfortunate that the BNP took the matter to the court, yet they should have known that the problem was certainly not so much fraud or rigging, but the exclusionist tendency of the electoral model. They should have complained, not about the manner in which the election was conducted and run, but rather with the entire system. Having failed to persuade the courts of law to nullify aspects of the election and thus feeling excluded from the political system that it had shaped and sustained for years as well as being unable to influence policy from within, the BNP resorted to other methods of venting out its grievances against the system. These were, of necessity, extra-parliamentary methods which directly and/or indirectly added to the instability of the political system.

The BCP government, which was reinstated with external assistance after being temporarily displaced by King Letsie 111, experienced major faction-fighting - a common disease of one-party governments with no opposition in parliament - which

culminated with the establishment of the Lesotho Congress for Democracy (LCD). The LCD upon securing a majority of support in parliament assumed the reins of power and displaced the BCP which had been catapulted to power by a popular vote. Since the system recognises MPs as individuals and not representatives of the political party, it condoned this development and the constitution did not debar such a move either. Again, instead of the BCP questioning the democratic form and content of both the constitution and the electoral system, it accused the LCD of a coup and refused to assume seats of official opposition in parliament. However, the LCD remained a ruling party.

Table Four: General Election for the National Assembly, 1998.

Contestants	No. of Votes	% of Votes	No. of Seats
LCD	355 049	60.7	79
BNP	143 073	24.5	1
BCP	61 793	10.5	0
MFP	7 460	1.3	0
Other	16 244	2.9	0
Total	584 740	100	80

Source: IEC, 1998.

During the 1998 election, the principal contest was among the LCD (79 seats and 61% of the votes cast), the BNP (one seat with 25% of votes cast) and BCP (no seats with 10% of votes cast). While all other contestants scored lesser votes and no seats, the MFP received about 2% of the votes and no seats. As another writer remarks, “once again, the first-past-the-post constituency system seriously disadvantaged the losing parties and exposed the new government to intervention by its opponents” (Rule, 1998:11). What was the outcome?

Once again, the electoral outcome contributed to intense conflicts among the political elite, rather than acting as a conflict management mechanism. The post-election conflict in Lesotho escalated rapidly and assumed violent proportions. The political elite locked horns in a violent armed confrontation, which nearly plunged the country in a civil war (Matlosa, 1999).

The 1998 Lesotho conflict claimed many human lives and considerable amount of damage, not to mention massive expenditure that attended to its ultimate settlement. After failure of local initiatives to manage the conflict, South Africa and Botswana intervened into Lesotho. Further more following the a diplomatic failure of the Langa Commission to spell out clearly what problems were encountered in the 1998 election and what remedial steps to be taken by relevant stakeholders, a combination of military and coercive diplomacy were used to resolve Lesotho’s violent conflict. The negotiation process that ensued and brokered by South Africa’s Minister of Safety and Security, Sidney Mufamadi, culminated with the establishment of the

Interim Political Authority (IPA) representing all political parties that contested the 1998 election. The primary mandate of the IPA was to prepare, in liaison with government, for a fresh general election originally scheduled for May 2000. This structure has powers to, among others, review the Lesotho electoral system with a view to make it more democratic and representative of the people of Lesotho (GOL, 1998). The success or failure of the forthcoming general election in Lesotho will be decisively dependent upon the actions of and interrelationships among the government, the Independent Electoral Commission (IEC) and Interim Political Authority (IPA). The interrelationships between these key institutions in the running of national elections have been marked by tensions and conflicts, which have delayed the electoral reform process and undermined the participation of civil society and ordinary voters in the evolution of a new electoral model. Besides sour relations between the IPA and government further delays in the preparation for fresh election were caused by:

- self-serving interests of the IPA members for the continues existence of this structure which assures them financial gain;
- constant and persistent internal conflicts within he IPA itself over a number of procedural and policy issues;
- failure of the IPA to involve the larger populace in its mandate to level the playing field for electoral contest, especially the reform of the electoral system;
- heavy reliance on the external guarantors of Lesotho's democracy namely Botswana, South Africa, Mozambique and Zimbabwe by IPA and government once conflicts between them arose, rather than seeking internal remedies;
- incessant intra-party conflicts leading to both splits and changes of representation of parties in the IPA over time.

Given these delays, the key question is whether the newly established IEC with miniscule resources and highly dependent upon external financial and technical support, will be able to make all necessary preparations for the election now scheduled for around May 2001. Although, it is highly unlikely that the forthcoming election could lead to a violent conflict of the proportions experienced in 1998, it is likely that the politicians will blame the IEC if he process does not unfold smoothly, for as we witnessed in 1998, the IEC easily becomes a convenient scapegoat for politicians even in cases where they are responsible for political crises. For instance, during the fiscal year 2000/2001, the LCD government reduced the IEC budget by some M50 million on the grounds that elections are not a priority. This decision has grave implications for the efficacy with which the IEC is to prepare for the forthcoming election, especially given the fact that this is a newly appointed commission.

Lesotho's Efforts Towards Electoral Reform

Throughout the entire world, there is no single electoral system that is considered the most perfect for sustaining and consolidating democratic governance and stability. Conversely, there is also no single electoral system that is considered the most imperfect and totally conflict inducing. Countries adopt electoral systems in accordance with their political traditions and cultures as well as in keeping with their political and economic needs at a particular historical juncture. It is not surprising therefore that former British colonies (including Lesotho) adopted the Westminster First-Past-the-Post system of elections for that is what the colonial metropole considered best for them. Whether the former colonies themselves, on their own, would have preferred a different electoral model is immaterial. What is surprising, though, is that the political players themselves have not seriously considered whether the FPTP model, inherited from the colonial powers, is appropriate for democratic rule in their own countries save only in Namibia and South Africa. It is critical that when countries adopt or reform their electoral models, the general populace/electorate is fully informed and involved. This is a crucial lesson that the DRC must learn from the Lesotho context. It is therefore imperative that the currently on-going Inter-Congolese Dialogue grapples seriously with an appropriate political system for the country as well as a preferred format of electoral system. The country's FPTP system has to be reviewed and reformed. It should however be noted that the FPTP has its own distinctive strengths and weakness.

The chief advantages of the First-Past-the-Post electoral system are generally perceived as follows:

- the ability to deliver stable and effective single-party governments;
- it ensures two-party system and discourages proliferation of parties;
- it discourages fragile coalitions or fragmented governments;
- it is relatively easy to understand and administer;
- it ensures accountability of the MPs to their specific constituencies.

The major disadvantages of the First-Past-the-Post electoral system are as follows:

- the tendency to create minority or single-party governments;
- marginalisation of smaller parties and enhancement of the political hegemony of dominant parties;
- tendency to discourage active loyal opposition in parliament;
- tendency to destabilise the political system in that losing parties tend to feel cheated and excluded from the governance process;
- it is generally weak on some of the key principles of democratic governance such as representation, inclusivity, legitimacy and political participation.

For an electoral system to make sense to any political system it must be understood by the electorate themselves. The voter must have a clear grasp of why s/he is choosing a particular candidate to represent her/him in the legislature. S/he must know what to expect and what not to expect from her/his MP. The system must also make it possible for the voter to impose particular sanctions upon the MP when the latter fails to discharge her/his duties.

Given that sufficient evidence suggests that much of Lesotho's pervasive violent conflicts and general instability that have weakened democratic governance are partly linked to the elections and the nature of the electoral system, the country made deliberate efforts to reform its electoral system away from the FPTP towards the Mixed Member Proportionality (MMP). Another country that has just adopted this electoral system is New Zealand. This system is good in many respects principally because it attempts to combine the positive elements of both the FPTP and the PR. Its key features are as follows:

- although the country is divided into constituencies; some seats are occupied through PR;
- Either one ballot (New Zealand) or two separate ballots (Lesotho) could be used to elect MPs;
- The system still leaves room for independent candidates to contest election under FPTP;
- An agreed threshold is established for entry into parliament by MPs elected through the PR system (5% of total votes cast or one constituency won in the case of New Zealand);
- It combines accountability of the MP to the constituency and the political stability assured by broad representation in the legislature;
- It encourages, rather than throttle, a multiparty arrangement by allowing both small and bigger parties participation in the legislature; and
- Although the constituency-based election could still entail the tendency for minority winners and this is contained by the PR component that will ensure a broadly-based national legislature.

These are therefore some of the virtues of the MMP that the government of Lesotho and the Interim Political Authority (IPA) agreed to adopt after some protracted disagreements and negotiations. The new system will be put into effect during the forthcoming election of 2002 whereupon the country will abandon the FPTP it has operated since 1965. Whereas the new model will not change the size and composition of the Senate, it will entail an increase in the size of the National Assembly from 80 to 120. This has enormous financial implications for a resource-poor and underdeveloped country like Lesotho. Of the 120 parliamentary seats, 80 seats will be occupied by MPs elected through the FPTP whereas the remaining 40 seats will be occupied by MPs elected through the PR system. The electorate will use two ballot papers in choosing their candidates. One ballot paper will be used for choosing a representative of a given constituency and the other ballot for choosing candidates on the party list. In this sense, the voting process will not be as simple as it used to be under the FPTP where a single ballot was used to elect one single candidate for a constituency. This means clearly that despite its multivariate advantages over the FPTP, the MMP is relatively more complex to operationalise. Not only is the voting process complex and complicated for the ordinary voters, but even the process of calculating votes and translating them into legislative seats is equally complex.

The calculation of the votes and their translation into the legislative seats for those elected through the FPTP will remain the same (namely a simple plurality of votes determines a winner and a representative in Parliament). The calculation of votes and translation of votes into parliamentary seats for the candidates elected through the PR is rather complex. To determine the winners from the party lists, the IEC will follow the various steps as follows:

- IEC will determine total votes cast for all political parties (total votes);
- IEC will then determine votes cast for each political party (total party votes)

The IEC will then determine the number of votes required for the allocation of seats in the National Assembly by:

- Dividing the total votes by the total number of seats in the National Assembly;
- Rounding off to the next number, including a whole number, any decimal fraction equal to more than half;
- Through these two steps above, the IEC will establish the Quota of Votes required to candidates to qualify for seats in the National Assembly as follows: $600\ 000$ divided by $120 = 5000$.

This means that for any party to qualify for at least one seat in the National Assembly, it must have won 5000 votes. In other words, a threshold for parties to gain access to the National Assembly through the PR component of the MMP is 5000 votes won. The IEC then proceeds to establish the provisional total number of seats to which each party is entitled on the basis of its share of the total votes. A number of steps are crucial at this stage too:

- Each party's votes are divided by the quota of votes to establish each party's quota of votes;
- Each party is allocated seats equal/proportional to its quota of votes without any consideration to decimal fraction;
- All seats are added together and deducted from the overall total legislative seats;
- Parties are also entitled to compensatory seats which are arrived at by deducting the number of seats won through the FPTP from the total seats allocated and this will result in each party's provisional allocation of compensatory seats.

On the basis of the above explanation of how votes are calculated and translated into parliamentary seats, it is now clear that the MMP that Lesotho is contemplating will three important dimensions namely (a) the FPTP seats, (b) the PR seats and (c) the Compensatory seats. Table five below illustrates possible outcomes of the implementation of the new MMP electoral system in Lesotho.

Table Five: Calculation of total votes and total party votes

Party	Total votes	% of votes	PR seats	FPTP seats	Compensatory seats	Total seats	% representation
Red Party	360 000	60	72	69	3	72	60
Blue Party	144 000	24	29	8	21	29	24
Pink Party	60 000	10	12	2	10	12	10
Other	36 000	6	7	1	6	7	6
Total	600 000	100	120	80	40	120	100

Source: Work for Justice, 2001.

The Lesotho electoral reform process is crucial for all parties and political analysts believe it will assist contain violent political conflicts linked to elections in Lesotho by broadening participation and expanding the inclusiveness of the electoral system. It is thus taken to be a very positive political development in Lesotho since political independence towards containing the profound instability of the political system. It is abundantly clear from table five above that the MMP has an enormous potential to promote inclusive, participatory and consensual politics in Lesotho and obviously the system will change the nature of parliament in fundamental ways for the good of country's fledgling democracy. However, the electoral reform process in Lesotho still faces critical challenges if political stability will be assured after the 2002 election. Key among these are the following:

- the failure of the political elite to involve civil society and the electorate in the electoral reform process (the process remained purely elitist);
- the persistent conflicts between the IPA and the government led serious delays on agreement of the preferred model;
- as a result of the delay in agreeing on the model, there is little time for government, IEC, political parties, and NGOs to engage in voter education prior to 2002 election;
- part of the problems which were experienced in the registration process of September 2001 was related to people's lack of knowledge of what the new electoral model meant and entailed;
- the unequivocal commitment of Lesotho's political parties (including the ruling party) towards democracy in general and elections in particular has not yet been demonstrated despite the electoral reform;
- faction-fighting and fragmentation within all major opposition parties in Lesotho does not augur well for democratic governance and political stability despite electoral reform;
- since the 1998 violent political conflict, durable peace and reconciliation have not yet been entrenched and thus the pre-election environment is still marked

- by mutual mistrust and suspicions among political actors with dire consequences for post-election scenario; and
- the widening wedge and internal conflicts within the ruling party which may soon lead to a split of the party with dire consequences for democracy and political stability.

Conclusion: Key Lessons for the DRC

The key lessons that can be drawn from the above discussion for the DRC are many and varied. First, the DRC has experienced decades and decades of authoritarian rule premised upon one-person rule during the era of the Mobutu regime. Thus there is obviously a political quest under the new Kabila government for entrenchment of a vibrant multiparty democracy. It is therefore imperative that the DRC embarks on a deliberate process of political reform towards multi-party democratic governance and follow the example of its neighbours in the SADC region. Second, elections and the choice of an electoral system will not have any significant impact on democratic governance in the DRC if there is no durable peace and reconciliation premised upon an agreed framework such as the Lusaka Accord. In other words, a peace agreement has to hold and be respected by all the belligerent parties even before elections could be contemplated. Third, the peace agreement has to be followed by political dialogue involving all the stakeholders in the DRC and fortunately this process is already underway and is facilitated by the former Botswana president, Sir Ketumile Masire. Part of this dialogue must entail deep debate around the form of an electoral system that the country should adopt as an important ingredient of democratic governance. Fourth, the dialogue process should also be broadened beyond the political elite and by all means involve civil society and the electorate in their different types of formations. The pitfalls of the Lesotho electoral reform process, which failed to bring on board civil society and the electorate must be avoided. Different strategies of involving the electorate have to be devised and these could even include public meetings throughout the entire country or if need be a referendum at the end. The latter could be resorted to only if there are serious disagreements among the key political actors on the electoral model. Fifthly, the DRC could benefit a great deal by reforming its electoral system away from the FPTP towards the MMP in line with the political reforms in Lesotho and New Zealand. However, the country does not have to adopt a replica of either the Lesotho or New Zealand model, as it has to adapt the system to its own socio-economic and political context. The system therefore must be in accord with the prevailing political culture and the institutional context of the governance regime. The unfolding Inter-Congolese political dialogue must thus grapple with these issues and explore the advantages and disadvantages of various electoral models (especially the FPTP and PR) before a definitive choice is made. However, given the protracted violent conflict that has marked the DRC political landscape for decades and the pervasive socio-cultural and ethnic diversity of the country, in sharp contrast to a socially homogenous Lesotho, an electoral system that will sufficiently provide for broadly-based political representation of various segments of the population is desirable. It is in this connection that Kadima corroborates my proposal for an MMP for the DRC by noting that “ethnic tensions

places like eastern Congo and Katanga would be exacerbated by a single-member constituency system of political representation given the exclusionary character of this system. It is therefore important to include elements of proportionality in the electoral system, maintain the link between the electorate and its representatives and ensure government stability” (2001:87). The MMP has a greater potential to achieve these goals for establishing, nurturing and consolidating democratic governance in the DRC and ensuring political stability after years of costly violent conflicts.

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