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in Lesotho*

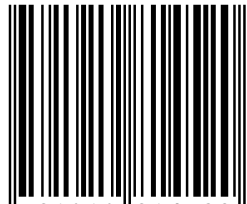


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EISA RESEARCH REPORT No 2

ELECTORAL INSTITUTE OF SOUTHERN AFRICA

ISBN 1-919814-52-3



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MULTIPARTY DEMOCRACY

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DEMOCRACY

*Political Reforms and Challenges
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ELECTORAL INSTITUTE OF
SOUTHERN AFRICA

2003

Published by the Electoral Institute of Southern Africa (EISA)
2nd Floor, The Atrium
41 Stanley Avenue, Auckland Park
Johannesburg, South Africa 2196

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ISBN: 1-919814-52-3

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First published 2003

EISA is a non-partisan organisation which seeks to promote democratic principles, free and fair elections, a strong civil society and good governance at all levels of Southern African society.

EISA Research Report, No. 2

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ACRONYMS

AFVIS	Automated Fingerprint Verification System
BAC	Basotholand African Congress
BCP	Basutholand Congress Party
BNP	Basotho National Party
CCR	Centre for Conflict Resolution
CSO	Civil society organisation
Danida	Danish Development Aid Agency
DFID	(United Kingdom) Department for International Development
EISA	Electoral Institute of Southern Africa
EMB	Electoral Management Body
EU	European Union
FPTP	First-past-the-post
GTZ	Gesellschaft für Technische Zusammenarbeit (German Development Aid Agency)
HSRC	Human Sciences Research Council
IEC	Independent Electoral Commission
IPA	Interim Political Authority
ISAS	Institute of Southern African Studies
LCD	Lesotho Congress for Democracy
LCN	Lesotho Council of Non-Governmental Organisations
LLA	Lesotho Liberation Army
LNCM	Lesotho Network for Conflict Management
LPC	Lesotho People's Congress
MMP	Mixed-member proportional (electoral system)
MP	Member of Parliament
NGO	Non-governmental organisation
OSISA	The Open Society Initiative for Southern Africa
PR	Proportional representation
SACU	Southern African Customs Union
SADC	Southern African Development Community
SDU	Sefate Democratic Union
UN	United Nations
UNDP	United Nations Development Programme

PREFACE

The Electoral Institute of Southern Africa (EISA) has undertaken various initiatives, which have been aimed at facilitating the nurturing and consolidation of democratic governance in the SADC region. One such initiative is the first phase of the democratic consolidation research programme. Covering almost all the SADC countries, this research programme focused on the following key issues:

- Elections;
- Good governance;
- Gender and democracy;
- Determinants of democratic consolidation;
- Electoral systems;
- Electoral administration;
- Political parties;
- Conflict and elections; and
- Democratic assistance.

This first phase of the project has generated an enormous stock of knowledge on the dynamics of democratic governance in the region over and above the intricacies of elections *per se*. It has demonstrated beyond any shadow of a doubt that indeed there is more to democratic governance than just elections and electioneering. In a word, with hindsight, it is abundantly clear to us today that an election, in and of itself, does not necessarily amount to democratic culture and practice. Put somewhat differently, an election is not tantamount to a democracy, in the strictest sense of the term. Various other determinants are critical too including, *inter alia*, multipartyism, constitutional engineering and the rule of law, gender inclusivity in the governance process, electoral system designs and reforms, transparent and accountable management of national affairs including elections themselves, responsive and responsible conduct by political parties, constructive management of various types of conflict and the form and content of external assistance for democracy.

All these issues are explored in a fairly rigorous and refreshing fashion in this first monograph to come out of this programme, although a deliberate focus is given to electoral engineering in the form of reviews and reforms required in the SADC region in order for the selected countries to achieve the difficult goal of democratic consolidation. This first monograph will be followed in due course by various others that are country-specific exploring a broad array of challenges for democratic consolidation in the SADC region.

I would like, on behalf of EISA, to acknowledge, with gratitude, the invaluable financial support that EISA received from the Norwegian Embassy through NORAD and the Open Society Initiative for Southern Africa (OSISA) for this first phase of the programme and without which this monograph and subsequent others would not have been possible. I would also like to thank the authors for their enormous contributions to this project. All said and done, the views and opinions expressed in this and subsequent monographs do not necessarily represent an official position of EISA. Any possible factual, methodological or analytic errors in this and subsequent monographs therefore rest squarely on the shoulders of the authors in their own capacities as responsible academics and researchers.

Denis Kadima
Executive Director, EISA
Johannesburg

EXECUTIVE SUMMARY

This research report is part of a wider EISA research project on democratic consolidation in Southern Africa funded by NORAD and OSISA. By the end of the 1990s national elections have taken place in most SADC countries and many are now in their third round of democratic elections. As a result, attention is beginning to shift from democratic transition to issues related to democratic consolidation within the sub-region. Despite the progress made, some countries in the region are still lagging behind while others are moving in a very slow fashion. The objective of the project is to undertake a primary investigation into the experience of the multiparty electoral process in selected SADC countries. The focus is on electoral processes. Although elections and democracy are not synonymous concepts, the existence of competitive, free and fair elections are critical features in defining nations as democratic. The research evaluates six key determinants of democratic consolidations, namely: electoral system; electoral administration; political parties; conflict and elections; democratic assistance; and gender and election. Gender is streamlined to ensure that its crosscutting nature is preserved. Civil society is also discussed as a determinant in the promotion and sustainability of democracy.

This is the first case study in a review of electoral democracy in Southern Africa. This study seeks to evaluate the prospects for the endurance of multiparty democracy in Lesotho. The data used is based primarily on information gathered during interviews with key stakeholders – that is, political parties, electoral commissioners, civil society and the donor community – in the political process in Lesotho.

The text is descriptive and analytical. It is mainly concerned with current events and the recent past in Lesotho, but also places events in context by bringing out the distinguishing characteristics of the country's politics, its problems and prospects, and the principal elements of its democratisation process.

Recommendations

The starting point for this research is that Lesotho has obviously undergone significant political transformation to democracy, although democratic consolidation is still bedeviled by various challenges:

- Democratic elections are necessary to ensure sustainable peace, reconciliation and economic development in Lesotho. Elections must be organised in an atmosphere of trust between the different stakeholders, especially between the political parties. Building consensus regarding best electoral practices, norms and standards among key stakeholders – namely, the Electoral Management Body (EMB), political parties and CSOs – must continue in Lesotho.
- While the Lesotho electoral system has reduced the level of contestation, continuous evaluation of the new system needs to be done to ensure that it remains in line with the changing political realities in that country.
- Lesotho must continue to work to improve on its political system in order to achieve accountability and effective representation both inside and outside parliament.
- Lesotho needs intensive civic and voter education regarding its new electoral system. The fact that the last elections were peaceful and with no major problems in terms of voter ignorance, does not mean that people understand the significance and implication of the new system on their lives. All stakeholders – the EMB, CSOs, churches, political parties and the media – must get involved to ensure that education reaches every citizen.
- Lesotho has achieved a great deal in ensuring the independence of the EMB, but complaisance should be avoided as opportunists are looking for gaps in the administration. Efforts must continue to be deployed to bring in new measures that would increase this new-found independence. Equally important is the need to ensure that political parties across the board have trust in the EMB: trust would only be built by open and continuous dialogue and consultation between the EMB and political parties.
- The playing field must be levelled among all political parties and candidates. Equal funding and access to the media should continue to be guaranteed to all.

-
- The identification of the population and voter registration need to be carried out for the best management of the electoral process.
 - The transformation of the armed forces must continue in Lesotho. It is still early days to conclude that the changes introduced are irreversible. The SADC region and the international community must continue to assist Lesotho until such time as the military is totally outside politics and the possibility of any political group to use it to undermine the new-found stability is completely reduced.
 - Lesotho made great strides in terms of the representation of women in the last elections. But much more is needed at least to try and close the gap with other countries that have done well in this area. Political parties in Lesotho must consider taking deliberate actions by introducing a quota system to advance women representation in leadership positions. Lesotho could also adopt a system of reserved seats for women in parliament. The need to achieve greater gender balance at all levels of political institutions remains one of the serious challenges facing the Lesotho democratisation process.
 - Donor assistance has been critical in the preparation and organisation of elections in Lesotho. The biggest challenge to Lesotho democracy is the weakness of opposition parties both inside and outside parliament. Building parliamentary opposition is necessary if political incentives towards the consolidation of democracy are to be achieved. The role of opposition parties is seriously constrained by lack of capacity of Members of Parliament (MPs), and the absence of institutional arrangements, such as Portfolio Committees, necessary for the effective functioning of parliament. Developing parliamentary processes is unquestionably an area that will need assistance, and this is perhaps the most important area that needs attention now. For the effectiveness and efficiency of parliament to be enhanced, three forms of support are required, namely: training; research back-up; and capacity building.

INTRODUCTION

Like in many countries in Southern Africa, Lesotho's transition to multiparty democracy began in the early 1990s when the end of apartheid and the international pressure that accompanied the end of the cold war created momentum towards democratisation. The country's military government, which had seized power from a civilian autocracy in 1986, responded to this pressure for change by agreeing to organise its own exit from power. Lesotho held multiparty elections in 1993, one year before South Africa held inclusive multiparty elections. While the transition to democracy in some Southern African countries has been relatively smooth, the ten years since the transitional elections in Lesotho – like the 23 years of undemocratic rule that preceded them – have been unsteady, turbulent and frequently violent. Although, as Matlosa states:

it was relatively easy for the small Kingdom of Lesotho to shake off military authoritarianism and institutionalise a multiparty democracy in 1993, democratic governance has been a rather fragile and enfeebled one due to a variety of both exogenous and endogenous factors.¹

Lesotho's weak, dependent political economy, its interaction with apartheid South Africa, the failure of civilian leaders to exercise effective control over the security forces and an exclusionary electoral model have all contributed to a history of political violence and a culture of rejection of election results. However, recent changes to the electoral system, the restructuring of the armed forces, and changes in South Africa have substantially reduced the risks of political violence.

The 2002 elections were the country's first that were not followed by violence or significant political instability. While observers universally deemed them free and fair, they were contested in court by the losers. Compared to South Africa approaching its third, and Namibia its fourth round of national democratic elections in an atmosphere where these events have begun to seem almost routine, the consolidation of democracy in Lesotho remains in the early stages.

Several important political changes have, however, occurred in the country recently. One key change has been the new electoral system. Lesotho has

moved from a first-past-the-post (FPTP) system to a mixed-member proportional (MMP) system. A new registration system was also used for the last elections in an effort to create transparency and confidence in the electoral process. Equally important is the presence of a considerable number of MPs from the opposition in parliament. All these changes have brought a new vibe and political tranquility to Lesotho. Despite these positive developments, however, it may be premature to suggest that a reversal is impossible.

Political parties in Lesotho suffer from a lack of internal democracy, factionalism and the tendency to split. These problems and the fact that new parties may be registered very easily have led to the proliferation of political parties. Party support appears to be based on 'personality' and religious affiliation, rather than on substantive policy differences. While nine opposition parties are now represented in parliament as a result of the new electoral system, the opposition is weak and divided. Parties also lack mechanisms to ensure the full participation of women in leadership structures. These problems detract significantly from the quality of democracy, and from its ability to consolidate itself as the 'only game in town'. There are strong expectations that civil society could fill the gap created by weak political parties with the creation of the Lesotho Council of Non-Governmental Organisations (LCN). However, for CSOs to effectively lobby and agitate for institutional transformation of democratic governance, their capacity has to be considerably enhanced.

While the Lesotho national budget is highly dependent on foreign funding, levels of democratic assistance are below regional averages and foreign interest in Lesotho has declined substantially since the end of apartheid in 1994. Foreign governments and funding agencies do continue to contribute in areas such as election administration, civic and voter education, party development and conflict resolution. The non-governmental organisation (NGO) sector, which is coordinated by the umbrella body LCN, is largely sustained by foreign funding. This support is necessary for the functioning of the NGO sector, but there are concerns that current funding programmes are doing little to build the capacity of these organisations for the future. External funding may be necessary for the survival of political parties – and thus of the pluralist system – but there are concerns that foreign money may be skewing political competition in favour of the ruling party.

Lesotho has made progress towards procedural democracy in the context of its recent reforms and has established a set of democratic norms and institutions that should form the basis of a reasonably stable political system. Several questions, however, remain: How sustainable are these changes? Have they provided the necessary answers to Lesotho's problems, which in the past were sources of dispute and conflict? Would democracy consolidate in the current economic difficulties facing the country?

DEMOCRATIC CONSOLIDATION: CONTEXTUALISATION

Originally, the term 'democratic consolidation' was meant to describe the challenge of making new democracies secure, of extending their life expectancy beyond the short term, of making them immune to the threat of authoritarian regression, and of building dams against eventual 'reverse waves'. Today, however, the concept is used in terms of the context and goals one has in mind. This suggests that democracy remains a disputed term. The literature on democratic theory offers multiple definitions that range from a minimalist concern with election procedures to sweeping requirements for socio-economic equality. Analysts also do not agree on the reasons underlying the consolidation of democracy. The most widely accepted criteria for identifying a country as democratic have been put forward by Robert Dahl – 'civil and political rights plus fair, competitive, and inclusive elections'.² The countries that show these characteristics are usually referred to as 'liberal democracies'. But we have come to recognise in literature borderline cases that possess some but not all of liberal democracy's essential features. These democracies fall somewhere between democracy and authoritarianism. Andreas Scholar calls them semi-democratic regimes or electoral democracies.

Most Southern African countries have recently emerged from an authoritarian regime to embrace electoral democracy. The challenge in the SADC region and on the rest of the continent has been how to sustain a democratic culture. Electoral democracies describe a specific type of democracy – one that manages to hold (more or less) regular, inclusive, clean and competitive elections. Despite having in principle adhered to the condition of liberal democracy, many states in the region have not successfully provided the material benefits of democracy to their people and many more have not made further inroads away from autocratic behaviour. In examining the

determination of democracy and its practice, most analysts are rightly anxious not to reduce all aspects of democracy to electoral process. Governance issues (such as service delivery), human rights issues, citizen participation, corruption and civil society issues, to mention just a few, are considered critical in determining whether a country is democratic or not. This study is not primarily concerned with issues affecting both electoral and substantive democracy; it also does not see elections as an end in themselves. The objective of this research paper is more modest: to identify weaknesses and to map out clearly a number of suggestions on how democracy could be consolidated in Lesotho, looking specifically at one key variable, namely, elections.

The Southern African region has made significant progress in institutionalising electoral democracy over the past decade. This is reflected in a number of successful multiparty elections in most member states. Despite the progress made at electoral levels in Southern Africa, there are concerns that the process of democratisation is not transcending electoral (procedural) democracy into substantive (issue-based) democracy. This has pushed some observers to argue that what we have been witnessing in SADC is more about political liberalisation than democratisation. Liberalisation is a controlled, partial opening of the political space and civil rights from above, and includes such things as the drafting of constitutions and legislation which recognise respect for human rights, freedom of association, freedom of expression and the existence of multiparty politics. In practice, there are serious concerns in enforcing these principles. Major challenges still, however, haunt Southern Africa. These include the prevalence of conflict in some countries in the region, as well as the violence and instability resulting from disputed elections. The inability of the existing literature to account fully for the gap between intentions expressed in constitutions and electoral laws and election outcomes, suggests the need for a more penetrating look at electoral processes in the SADC region.

This study is an evaluation of the electoral process and the exploration of challenges for substantive democracy in Lesotho. The study has six sections. The first part deals with the historical background of the country and the second evaluates the efficacy of the Independent Electoral Commission (IEC) by assessing the administrative capacity, provision and level of electoral staff

efficacy and the financial sustainability of electoral administration. Section three looks at the history of violent conflict in Lesotho while section four assesses the character of the multiparty system in Lesotho by looking into issues of political party manifestos, political parties' code of conduct, funding of political parties and women representation. The fifth section looks briefly at the place and role of civil society in the democratisation process in Lesotho, and the last section analyses the impact of donors' assistance on Lesotho's embryonic democracy. While normative assessments of the effects of democratic contingency tied to foreign aid upon recipient states are abundant in the literature, a weakness is that there is a lack of critical analysis grounded in rigorous empiricism. Better explication of the actual pressure for political reform generated from the foreign policy of donor states is required. There is an absence of rigorous methodology to assess the effects of donor assistance on the strengthening of democracy. The democratisation process has stimulated debate about the causal and the relative significance of this factor.³

HISTORICAL BACKGROUND

The Kingdom's constitutions have, since independence, been modelled on the Westminster (British) system that requires that the prime minister – the leader of the majority party – be the head of government who wields executive power. From independence up to 1998, Lesotho's elections were run under the FPTP system. The Prime Minister, like the other ministers, has to be a Member of Parliament.⁴ Lesotho's four decades of independence have been marked by recurring political violence linked to elections. The Basotho National Party (BNP) led by Chief Leabua Jonathan – which had governed the country with a slim parliamentary majority between 1965 and 1970 – refused to accept its defeat by the Basutoland Congress Party (BCP) in 1970, and usurped power, declaring a one-party state. From 1970 to 1986, the BNP maintained its control of the state through repressive force. The BCP, backed by the apartheid government in South Africa, established the Lesotho Liberation Army (LLA) to contest BNP control. With the support of Pretoria, Jonathan's government was ousted in a coup in 1986, and the military, closely aligned with factions of the BNP, ruled until 1993. Both the period of one-party government and the period of military rule were marked by factionalism and instability within the governing elite, and neither arrangement was able to centralise power in the hands of a strong executive.

With external pressure for democratisation growing in the early 1990s, the military arranged its own exit from power. BCP exiles were allowed to return to the country in 1989, and Lesotho had its first multiparty elections in 23 years in 1993. However, instead of serving as an effective conflict resolution system for this troubled country, democratic political competition only revealed further contradictions and divisions within Basotho politics. The BCP won the elections in a landslide victory, and a FPTP electoral system allowed the party to capture every seat in the 65-seat National Assembly, despite the fact that 25% of the vote went to other parties. The BCP government took office, but with BNP loyalists entrenched in the army and the civil service, it struggled to gain control of the state. In particular, the BCP struggled with the security forces over a number of issues, including its failed efforts to integrate the LLA into the national army as well as disagreements over army compensation. In response to these grievances, a faction of the army mutinied in early 1994.

After army violence that included 'the assassination of a deputy prime minister',⁵ the king dissolved parliament, dismissed the Mokhehle government and appointed a provisional government which included the BNP leader, Evaristus Sekhonyana. Extensive diplomacy from a SADC (South Africa, Zimbabwe and Botswana) delegation and civil society – supported by the United Nations (UN), the Organisation of African Unity (OAU) and the Commonwealth – led to the restoration of the elected BCP government. Dissatisfaction with Prime Minister Ntsu Mokhehle's leadership, however, forced the BCP to dismiss him as leader of the party at a party conference in 1997. This decision was set aside by the court and Mokhehle continued as party leader. In June, Mokhehle opted for a breakaway and formed the Lesotho Congress for Democracy (LCD), with 41 of the 64 BCP MPs crossing the floor to join his new party.

The elections in 1998 returned very similar results to the 1993 elections. The newly formed LCD won 79 of 80 seats. The party inherited both a majority of the BCP's MPs, and, as proved by the 1998 election results, the support of most of its voters. The BNP, joined in protest by the rump of the BCP, again rejected its defeat and this time called its supporters on to the streets. A judicial inquiry into the results of the election led by South African judge Pius Langa, found that the election documentation was in such disarray that the

legitimacy of the results could not be accurately judged. The LCD government found itself unable to control the security forces, which were still largely loyal to the BNP. The junior officers proved particularly disloyal, and in May – pre-empting an imminent military coup – the government called on South Africa for help.

Under the banner of SADC, soldiers from South Africa and Botswana entered Lesotho to disperse the protesters and disarm disloyal soldiers. They accomplished these objectives, but not without intense resistance from factions of the army, scores of casualties, and riots that destroyed much of Maseru.

The government agreed to negotiations with the opposition, which produced a political settlement. An Interim Political Authority (IPA) was established, comprising members of all the political parties that had contested the election. The political parties, through the IPA, drove the reform of the electoral process. The IPA's most important recommendation, which was adopted by parliament in a slightly modified form, was the adoption of an MMP electoral model. This new system was instituted despite little popular support for electoral reform and widespread distrust of the political parties.⁶

A survey conducted in 2000 by the Maseru-based Institute of Southern African Studies (ISAS) and the South African Human Sciences Research Council (HSRC) showed there was minimal popular support for reform of the electoral system. Only 11% of respondents approved the adoption of the proportional representation (PR) system.⁷ Most (57%) respondents indicated that there was no need to revise the electoral system from the then FPTP system. A further 21% 'did not know' if there was a need to change the system and were seemingly apathetic to changes.

The May 2002 elections were conducted under the new system, and while they once again returned 79 out of 80 seats to the LCD, they awarded all 40 PR seats to the opposition, including 22 to the BNP. The 2002 elections were declared free and fair by all local and international observers. Although some opposition parties, particularly the BNP, challenged the results, they have all taken their seats in parliament.

ELECTION ADMINISTRATION: FORM OVER FUNCTION?*GENERAL ASSESSMENT*

Due to the violence that followed the 1998 election in Lesotho, the election in 2002 was to be typified by a high degree of caution on the part of all parties involved. This caution is most amply reflected in the administration of the election where, within reasonable constraints, everything possible was done to minimise fraud, other irregularities and suspicions. In the end, monitors and observers (including those from the local NGO community) were, as a rule, highly satisfied with the administration of the election and invariably ratified the outcome as a free-and-fair expression of the will of the electorate. Despite this verdict, several opposition parties felt aggrieved by the result and questioned how well the elections were administered.

After 1998, election administration changed in several substantial ways. These changes included the adoption, at great cost,⁸ of an Automated Fingerprint Verification System (AFVIS) for voter registration. Under this system the IEC was required to record the fingerprint of every person registering to vote prior to the issuing of a voter's card. Comparisons could subsequently be made to ensure that no individual had registered more than once and, therefore, no-one was in a position to vote more than once.

The AFVIS was adopted at the insistence of the political parties, despite opposition from within the IEC and from other advisors. Objections ranged from the unproved nature of the system and its cost, to concerns that the system did not address the main challenges facing the electoral system. For example, the elimination of repeat voting can be achieved more cost effectively by dying part of each voter's finger with indelible ink. A greater problem rested on identifying who was eligible to vote. Ultimately, despite its cost, the AFVIS contributed little to systematically improving election administration. This can be seen by the extent to which the last two elections produced the same results – at least in terms of support for the major parties. The much vaunted differences in representation (not reflected below) can be attributed to changes in the electoral system rather than to swings in voter preference. Between 1998 and 2002, all three of the main political parties lost vote share to smaller parties. Collectively the smaller parties increased their share of votes from 5% to 20% of all votes cast.

While the LCD – which was accused of manipulating the election results in 1998 – lost about 5% of vote share between the elections, probably to the newly formed Lesotho’s People’s Congress (LPC) its main accusers, the BNP and BCP, suffered similar losses. Any vote tampering in 1998 was thus not *prima facie* to the detriment of the BCP and BNP. While this suggests that widespread result manipulation did not take place, it also suggests that the election administration procedures adopted in 1998 were sound. Subsequent investigations into the 1998 election also failed to indicate that vote tampering and other election manipulation on any significant scale took place. This said, there does seem to be a significant advantage afforded to the incumbent party by virtue of its privileged access to state resources, such as government vehicles and the media. It is, however, easy to overstate the importance of these factors as they failed to secure for the BNP the political dominance it held after 1965.

The loss in vote share experienced by the larger parties was obviously to the advantage of smaller parties, who benefited from the new MMP system, as discussed above.

Given the sensitivities of events in 1998 and the criticism that was subsequently directed at the IEC, it was not surprising that the Commission was at pains to ensure that the election administration and conduct including procurement, printing of the ballots papers and voter registration were transparent. The IEC aggressively promoted the observation of vote counting by party agents and requested party representatives to sign off returns and witness the faxing of results to the central counting centre in Maseru. At this command centre, party officials were able to verify that the results reflected on the central computer were identical to those posted at the voting stations. Mechanisms were put in place well before the elections to ensure transparency of the process. The IPA, for example, forced representatives of the various political parties to meet face to face and discuss various issues pertaining to elections. The IEC on a continual basis organised extensive consultations with opposition parties and civil society groups. In response to an environment of ‘polarisation and mistrust,’⁹ the IEC further made an effort to bring parties together in the form of workshops and monthly consultative meetings. The preparations for the 2002 elections attempted to create transparency and accessibility, and to build confidence.

Despite this level of transparency on the part of the IEC, there was a fair amount of criticism directed at the Commission by smaller parties for its opaque and 'secretive' procedures. Rather than reflecting poorly on the administration of the elections, this criticism seems to reflect the weakness of the Lesotho political culture and of the political parties themselves. Criticism regarding transparency came mostly from the BNP which used regular press releases to air its grievances. Criticisms were also registered from smaller parties which were not in a position to observe systematically every level of the election process and which, seemingly, misunderstood procedures and intentions.

These misunderstandings were partly a function of the partial adoption of the proportional representation (PR) system. Political parties that failed to win a seat based on constituency support then had to rely on the PR roll to secure a position in parliament. To have confidence in the result, parties were to satisfy themselves that votes were being correctly tallied across many (or all) constituencies. However, few of the smaller parties had either the financial resources or the staff to satisfy them that the process was universally fair. The suspicions that were an inevitable product of the 1998 election militated against opposition parties giving the IEC the benefit of the doubt with respect to those aspects of election administration they were not able to verify themselves.¹⁰ Similarly, parties were seemingly disinclined to rely on self-interest of other political parties to ensure that the process was above board in those areas where they themselves were poorly represented. The unfortunate consequence of this was the IEC being easily accused of a lack of transparency – an accusation which has resulted in several legal challenges of the results. But despite political parties' criticism of the IEC, it enjoys more public support than do political parties.¹¹ According to the 2000 ISAS/HSRC survey, the IEC enjoyed a higher (26% distrust the IEC) level of popular trust than did the political parties (64% distrust).

Enjoying greater levels of popular trust than both the IEC and the political parties are the Lesotho courts; slightly more than half (52%) of survey respondents said they 'trusted' the courts. This is somewhat in contrast to the perception held by many political party representatives that the courts are inaccessible or biased in favour of the ruling party. Opposition political parties are concerned with Executive interference in the Judiciary, issues of

meritocracy or political considerations and consequently the impartiality of the judicial bench. Much of this negative perception can be placed in context. Few of the political parties are able to afford the cost of legally contesting election results. When the political system is typified by individual attempts to do little more than access the privileges of office, 'squandering' those privileges on legal fees remains an unattractive option. This situation may be addressed by the consolidation of the smaller parties and the pooling of their resources to better exploit the legal system. Solutions like this have, however, proved to be of questionable value in Southern African states where the wheels of justice grind slowly. It frequently takes longer than a politician's term in office for a case to be settled by a high court.

Real controversy has been around the Executive's undue influence of Lesotho's erstwhile one-party parliaments, especially the National Assembly, and consequently the lack of critical 'teeth' of such Legislature in terms of constructive criticism of the Executive, given that it was merely an adjunct or appendage of Cabinet. It is generally assumed that with the recent reform of the Lesotho electoral system, which has fundamentally transformed the complexion of the National Assembly, this problem is likely to be considered redressed.

In effect the ruling party – given its electoral dominance, the fragmentation of the opposition and its ability to co-opt support from opposition benches – is still able to comfortably pass legislation that requires a two-thirds majority. Despite widespread concerns about the quality of the debate in parliament and the impact such debates have on legislation, the ruling party has seemingly taken criticisms into consideration and has improved the quality of legislation. Less surprisingly, there is little evidence yet of the ruling party being swayed in any substantive sense by competing perspectives that have emerged from the debate.

Besides the implementation of the AFVIS, the main difference in the administration of the 2002 election was the greater insistence by the IEC that it be viewed by all as free and fair. This commendable stance was somewhat undermined by the IEC's reluctance to conduct a re-count in constituencies where disputes had been declared. To its credit, the IEC can

point to constituency level results, which were ratified by all contestants, that there was no *prima facie* reason to dispute the results in those constituencies.

The administration of elections by the IEC was highly lauded; there were very few reports of irregularities. Numerous positive statements were made to offer praise to the IEC's 'impeccable' conduct. 'In an imperfect world the IEC did very well because it was seen as a credible institution,'¹² remarked one of the donors. 'If it wasn't for the IEC these elections would not have happened,'¹³ added another. These remarks were outdone by the statement made by the weekly *Mail & Guardian* just a few days after the elections: 'The conduct of the poll – which was pronounced free and fair by international and regional monitors – was attributed to the hard work of the Lesotho Independent Electoral Commission and various donors over the past two years.'¹⁴

There was, however, one potentially serious fault that could, to a degree, be attributed to the IEC and its administration procedures. The total number of people registered to vote in 2002 was about three percent lower than the number registered in 1998. This drop-off runs counter to population growth patterns and may point to reduced participation due to the more stringent registration procedures and/or increasing voter apathy. Compounding this was a reduction in the participation rate among those who did register. In 1998 approximately 72% of those who registered voted. In 2002 this proportion had dropped to 68%. Increasing apathy can account for only a part of this reduction. Given that eligibility criteria did not change between the elections, any reduction in registration rates must be understood in terms of voters' decreased enthusiasm for electoral participation (apathy) or in terms of the more onerous registration procedures. It is likely that any voter who ran the gauntlet of registering intended to vote at election time. However, reasons why almost one-third of voters registered and then did not cast a vote may be more readily found in political parties' inability to motivate their supporters than in an examination of IEC performance. As indicated below, multiparty democracy enjoys relatively low levels of popular support and the behaviour of the political parties after 1998 may have contributed to greater levels of abstention.

The various disputes and legal challenges point to the limited role administration procedures can play in ensuring democratic behaviour. The disputes also point to the seemingly infinite capacity of parties who want to discredit elections to do so. In any election, interested parties can cite grievances, irregularities, flaws and so on, be they real or imagined, which portray the regime or the electoral authority as illegitimate. For the electoral process to be accepted, a modicum of trust is ultimately required of all participants. While rigorous and transparent election administration is a necessary condition for trust, it is not a sufficient condition. Put differently, while effective administration of elections may give the required means to operate a democracy, it can not lend the substance of democracy itself; and it is in the substance of democracy that Lesotho is particularly weak.

LOW CONFIDENCE IN DEMOCRACY

Over the past few years, eight *Afrobarometer* surveys have been conducted in SADC countries. In these surveys, Lesotho respondents recorded the lowest levels of support for democracy over other types of governance. Only 40% of Basotho respondents agreed with the statement that: 'Democracy is preferable to any other kind of government.' By contrast, in the eight countries surveyed (including Lesotho), an average of 69% of respondents agreed with the statement. This low level of support for democracy does not necessarily indicate support for less inclusive forms of governance; rather, it suggests a high level of political apathy. The Basotho were far more likely than the residents of other countries in the region to agree with the statement: 'For someone like me it doesn't matter what form of government we have.' Almost one-quarter of Basotho respondents (24%) agreed with the statement. The average level of support for the statement across the region was only 13%. This series of surveys suggests that democracy is not well-entrenched in the popular consciousness of Basotho.

Accompanying these low levels of support for democracy is the perception that little appears to be understood by the electorate and political parties regarding how democracy works. For example, some political parties seemingly have tried to gain political capital by undermining the election administration processes (and hence the legal challenges). The behaviour of voters is equally enigmatic. Outside of the ruling party, there is widespread consensus that voters are driven by patriarchy, bread-and-butter politics,

etc. All these explanations suggest that voters are driven by 'irrational' or otherwise unsophisticated behaviour rather than by the strategic use of the ballot to maximise self-interest. However, what is seen as irrational or unsophisticated behaviour may simply be a reflection of the organisational dominance of the ruling party across the country. Given the social homogeneity of Lesotho, the continued maintenance of links between urban areas and the hinterland, and the poor ideological distinctions between political parties, this 'organisational dominance' will almost inevitably translate directly into electoral dominance. The government, via the IEC, has sought to address this issue in a small way by providing funds for election campaigns. In a move to level the playing field, the IEC provided minimal state funding for parties registered to contest the elections (1998 and 2002). However, there is no statutory requirement for political parties to be funded. In 2002, the IEC allocated approximately US\$50,000 to support the campaigns of all political parties. A further US\$5,000 was allocated to candidates. All the political parties together with the IEC agreed on the formula for allocating the campaign money. The former amount is divided equally among political parties, and the latter amount is allocated proportionally to the number of candidates each party fields in the election.

Concerns were, however, raised by a number of parties regarding the unclear formula, which some felt tended to benefit the party in power. As the ruling party is in a good position to file a large number of candidates, it is eligible for a bigger slice of the pie. This funding is only meant for campaigning purposes and not for party operational costs. The use of these funds is supposed to be declared and accounted for to the IEC, but it seems that the accountability measures are weak and the funding is yet to be subjected to an audit or review by the Public Accounts Committee of Parliament.¹⁵ State funding, most stakeholders concluded, needs to be legislated and made more transparent and equitable.

SUSTAINABILITY OF ELECTION ADMINISTRATION

In the run-up to the 2002 elections the IEC received approximately 4.5 million euros for a two-year period in donor assistance. Contributions were in the form of financial grants, technical assistance, election materials and budget refinancing. The funds were utilised in a variety of ways, from building capacity within the IEC's organisation structures to voter education and

conflict management. The direct contributors included the European Union (EU), the UN, the United Kingdom (UK), Ireland, Denmark, South Africa, the Commonwealth Secretariat, Canada, Finland, Germany, the People's Republic of China and India.¹⁶ Donor support seems to have covered only 20% of the IEC's budget. Parliament approved a budget of approximately US\$15 million to cover the rest of the IEC's election administration expenses.

There were some very costly elements of the election cycle, due to the expensive technology used: a computerised voters' list had been drawn up; indelible ink which lasted for weeks was used; voters were required to display their voter registration cards which had a photograph, fingerprint and signature; and the IEC employed approximately 21,000 temporary staff and 28,400 party agents to help with the administration of the elections.¹⁷ At least US\$15 per person as running costs was estimated – approximately US\$13.5 million for a voter population of 900,000. This has doubled from the last elections, where election costs were estimated at a then staggering US\$6 million.

Donors frequently referred to the technical assistance that the IEC received, mostly through appointing external consultants to act as technical facilitators. It is difficult to assess the extent to which the IEC's capacity was enhanced as a result of this technical support. It would, however, be logical to question whether it was appropriate to the needs of the IEC. But the IEC ensured that in every area of intervention there was adequate skill transfer from the consultant to its staff.¹⁸

From all this, the lessons are mixed, but it is apparent that insufficient attention has been paid to the financial sustainability of elections in Lesotho. The optimistic assessments of the May 2002 elections failed to raise some important questions on not only the financial sustainability, but also the autonomy of the process and its degree of democratic content. This is perhaps a false alarm since the IEC leadership is confident that it would be able to conduct successful general elections easily without donor assistance. It seems that Lesotho is not really dependent on donor money to be able to organise its elections. The real question for Lesotho, therefore, is whether it can sustain the funding of elections outside donor support without undermining its development plans.

CONFLICT AND ELECTIONS IN LESOTHO: TURNING THE CORNER?

In addition to being administratively successful, the 2002 elections were essentially free of violence. According to the IEC, only one case of intimidation was reported to its special tribunal and the major parties' campaign rallies were notably free of violence or incitement to violence.¹⁹ Even more important, given Lesotho's history, the aftermath of the elections was also peaceful. One year after this achievement, it is now relevant to ask whether Lesotho has made real progress towards solving the problem of political violence, and to question whether it is moving towards an environment of confidence that leaders will be chosen through peaceful political competition.

CAUSES OF VIOLENCE

Lesotho's history of political violence has several causes. The most fundamental cause is its weak, dependent economy, and the weak state that relies on it. In the words of Ajulu:

The post-colonial state in Lesotho was, and remains relatively weak in comparison with other post-colonial states in Africa. It inherited neither a manufacturing, commercial nor a secure agricultural base. It was therefore a dependent state par excellence. This dependent nature placed restrictions on what the state was capable of achieving, irrespective of whichever class or alliance of classes secured control of state power.²⁰

This enduring state of economic weakness has contributed to several proximate causes of violence.

First, Lesotho can offer its citizens very few economic opportunities. By one estimate, Lesotho's formal economy employs just 50,000 people.²¹ Of the very few good jobs that do exist, a large proportion of them are in the bureaucracy, the security forces, or other organs of the state. Control of the state allows the ruling party to control access to these jobs, and both major parties complain that while their opponents have been in power, they have required party membership cards to gain access to state resources, including jobs. Seats in parliament are highly coveted as much because they offer perks and a steady salary as for political reasons. Among civil society representatives interviewed, nearly all described politics in Lesotho as primarily a

competition for jobs. Reliance on seats in parliament for employment raises the personal stakes of political competition in Lesotho, contributing to an adversarial political culture and increasing the likelihood of recourse to violence. As noted by Chris Landsberg: 'One key lesson from Lesotho is this: the smaller and poorer a country, irrespective of how homogeneous or heterogeneous a state, the more fierce and competitive are elections and the struggle for power.'²² Put more bluntly by one Mosotho politician: 'A hungry man has no principles.'²³

Competition over scarce resources has increased the tendency towards factionalism not only between but within Lesotho's political and governance institutions. As Nqosa Mahao notes: 'This has led to a heightened pattern of intrigue and backbiting in recent years, which has undermined the internal coherence of institutions such as political parties, the civil service and army.'²⁴ This factionalism has contributed both to an environment conducive to political violence, as well as generally ineffective governance.

Second, during the apartheid era in South Africa, Lesotho was exceptionally vulnerable to the destabilising influence of Pretoria's 'Total Strategy.' Then, as now, no government could hope to rule in Lesotho without at least the tacit consent of Pretoria, and factions of both the BCP and the BNP were at times aligned with apartheid. When the ruling BNP began to shift its rhetoric in line with South Africa's liberation struggle, and to allow the African National Congress (ANC) to operate from inside Lesotho, South Africa assisted the BCP in forming the LLA. When Pretoria finally lost patience with the government's pro-ANC position in 1986 and closed Lesotho's borders, the military took advantage to stage the country's first military coup. The interaction with the apartheid government made necessary by Lesotho's extreme dependence on South Africa contributed to the militarisation of factions of the country's tiny political elite. The military postures of the 1970s and 1980s almost certainly contributed to the intolerant aspects of Lesotho's political culture during the 1990s. Not only were patterns of political violence established, but both major political parties during the 1990s filled some key leadership posts with former military leaders, either from the Lesotho Defence Force or the LLA.

A third proximate cause of political violence in Lesotho has been the failure of civilian political leaders to establish effective control over the state in general

and of the security forces in particular. Except with the takeover of power in Congo in 1965, Lesotho is the only SADC country to have experienced a military coup, and this fact demonstrates what is unique about Lesotho's history of political violence. While other countries in the region have suffered insurgencies, civil wars or state-sponsored violence, all of these incidents of political violence have involved the state (and the ruling party that controlled it, a distinction which has frequently been blurred) acting coherently, although often ineffectively, against threats which were distinct from the state.

While Southern African states are poor and weak by world standards, they are relatively strong and well-funded compared to states in other parts of the continent, which has allowed Southern African executives to, at a minimum, maintain the loyalty of their security forces. But neither Chief Jonathan nor any of the civilian or military leaders who followed him were able to achieve this level of political hegemony. In Lesotho the security forces, like political parties, have been marked by factionalism. Because post-independence transfers of power of any kind have been rare in Southern Africa, whether the security forces are loyal to the governing party or to the state itself is rarely at issue. But in Lesotho, no one political grouping has been able to establish unquestioned control of the state, and factions within the security forces have often been divided in their loyalties and interests. First in 1994, and then in 1998, political tensions became violent because the BCP and then the LCD could not control security forces that were full of BNP loyalists, as well as individuals acting in their own interests.

The failure of political leaders in Lesotho to establish centralised control over the state has been made worse by intervention from the monarchy. While Lesotho's king is supposed to have only ceremonial powers as head of state, the monarchy remains popular among ordinary people, and this historical legitimacy has encouraged royal intervention in politics. King Letsie III unconstitutionally dissolved parliament and installed a hand-picked government in 1994, and a constellation of forces that included the BNP, BCP and Marematlou Freedom Party (MFP) unsuccessfully called on him to do the same in 1998. While many Basotho see the king as a symbol of national unity, the existence of the monarchy as a source of political legitimacy separate from the elected government has contributed to the instability and unpredictability of politics.

Fourth, in every election from 1965 to 1998, Lesotho used a FPTP, single-member district electoral model. While this system has the advantage of producing representatives who are (at least in theory) directly accountable to their constituencies, it seems particularly ill-suited to Lesotho. As Lesotho is a small, homogeneous country with no important regional differences or ethnic cleavages, patterns of electoral support tend to be relatively uniform throughout the constituencies. In the 1993 and 1998 elections, the winning party won nearly every constituency. In an already adversarial and militarised political environment, and in the context of an economy where seats in parliament represent not only a political prize but a means of making a living, excluding opposition parties from parliament has proved to be a recipe for instability and violence.

Ethnic tension, frequently noted as a cause of political violence in other African countries, is notably absent in Lesotho. The overwhelming number of respondents in Lesotho identify themselves as Basotho and speak Sesotho. Several interview subjects pointed to the fact that most Basotho see themselves as part of the same family. Political violence is therefore the result of historical, economic and political factors not related to ethnicity. This fact suggests that ethnicity may be over-emphasised as a cause of political violence in other African countries.

DEALING WITH CONFLICT

Since 1998, Lesotho has undertaken several reforms in an effort to overcome its history of political violence.

The mixed-member proportional electoral system

As mentioned before, Lesotho has introduced the MMP electoral model in place of the FPTP which was used since independence. The basic tenets of the MMP are as follows:

- Constituency-based seats are retained – constituency vote.
- Party-based seats are introduced – party vote.
- The total of constituency-based and party-based seats make up the legislature.
- A specific formula is developed to regulate entry into parliament and

the calculation of seats (e.g. in New Zealand two conditions apply, namely: a party must cross the threshold of at least 5% of party votes; and it must win at least one constituency seat). In Lesotho, the entry threshold is determined by each party's quota of total valid votes cast.

- Voting may take place on the basis of either two ballot papers or a single ballot paper. The latter is used in New Zealand and could prove convenient and cost-effective for the SADC region. Lesotho uses a rather cumbersome system of a double ballot which has the potential to bureaucratise the voting process and is also costly financially.²⁵

The MMP system has allowed for the inclusion of nine opposition parties in parliament, which has reduced the incentives for defection by granting opposition party leaders a material incentive to accept the outcome of elections. As Roger Southall puts it:

Threats by General Lekhanya that the BNP would boycott the new parliament were rapidly undercut – not only by South African and international pressure – but by the determination of newly elected opposition parliamentarians to take their seats in the Assembly, and to secure the salaries and perks which go with the job.²⁶

Although the MMP system seems poised to resolve Lesotho's age-old political instability, it should be noted that this system is rather more complex than FPTP because MMP combines two systems into one. In fact, the most difficult aspect of this system has to do with a formula for entry of MPs into the legislature and the allocation of seats. Consider for example Tables 1 below, which illustrates the allocation of seats on the basis of MMP to opposition parties. Since the ruling LCD had captured 77 out of 78 contested seats, it did not qualify for compensatory seats within the MMP framework.

Restructuring of the security forces

Since 1998, the LCD government has also worked hard to solve the problem of civilian control of the security forces. Following the restoration of the LCD government to power, the government took advantage of the fact that the SADC intervention had substantially disarmed the Lesotho Defence Force, and began a programme to restructure and reform the security and police forces. The police force has been restructured and, in addition to replacing a

large number of military officers with new recruits, the army has been extensively re-trained in a programme aimed at achieving 'professionalism'. This programme has been administered in large part by delegations of soldiers from Commonwealth countries, including high-ranking military officers from India. While officials from the governing LCD are happy with the progress of the programmes so far, they are not yet satisfied that the army has been fully 'professionalised' or that they are completely loyal to the state.²⁷ Perhaps not surprisingly, the opposition BNP is sceptical about the merits of the programme, seeing it as designed to entrench loyalty to the government of the day, rather than to the state itself.²⁸ Despite these criticisms, the government has won praise for its efforts. In the assessment of Southall:

If under the BNP and the military ordinary people did not feel free to sleep safely in their beds, and if under the BCP after 1993 civility was threatened by the security forces, post-1998 Lesotho under the LCD has seen a substantial improvement in political peace and security....²⁹

Table 1: Lesotho May 2002 election: FPTP seats and PR seats

Party Name	Votes cast	% Votes cast	No of FPTP	No of PR seats
Lesotho Congress for Democracy (LCD)	304 316	54,8	79	–
Basotho National Party (BNP)	124 234	22,4	–	21
Lesotho People's Congress (LPC)	32 046	5,9	1	5
National Independent Party (NIP)	30 346	5,5	–	5
Basotho African Congress (BAC)	16 095	2,9	–	3
Basotho Congress Party (BCP)	14 584	2,6	–	3
Lesotho Workers' Party (LWP)	7 788	1,4	–	1
Marematlou Freedom Party (MFP)	6 890	1,2	–	1
Popular Front for Democracy (PFD)	6 330	1,1	–	1
National Progressive Party (NPP)	3 985	0,7	–	1
Others (9 parties)	7 772	1,4	–	–
TOTAL	554 386	99,9	80	40

Source: Independent Electoral Commission (IEC) of Lesotho

A negotiated settlement

Several stakeholders in Lesotho also argue that the process of negotiating a settlement after the 1998 elections may have contributed to alleviating Lesotho's adversarial political culture. Many observers are of the view that while foreign pressure was a major factor in bringing the parties into negotiations following the 1998 violence, the process was subsequently owned and driven by the Basotho themselves through the IPA and the consultative mechanisms put in place by the IEC. Elements of civil society also made efforts to change approaches to conflict management within society. Notably, the Lesotho Network for Conflict Management (LNCM) sent teams to different parts of Lesotho to train members of the security forces, chiefs, political party members and other community leaders in how to manage conflict.³⁰

CAUTIOUS OPTIMISM, BUT CAUSES FOR CONCERN

Given the achievements described above, a number of stakeholders in Lesotho's political process expressed optimism that following the peaceful outcome of the 2002 elections and the inclusion of opposition parties in parliament, all of the major political actors have now committed to peaceful political competition in the future. Despite this optimism, it is clear that the changes in Lesotho's political culture are by no means complete. In particular, the frustration of opposition parties at their ineffectiveness in parliament and their pessimism about winning elections in the future may be quickly eroding any improvements in tolerance achieved as a result of the transition. By most accounts, the quality of debate in parliament is extremely poor. Lesotho might need to introduce a portfolio committee system to scrutinise the different areas of government activity.

The strong position of the ruling party in parliament is also an issue of serious concern. Despite the reform of the electoral system, the LCD still holds nearly two-thirds of the seats in parliament, and the few remaining opposition seats are divided among nine parties. The ruling party has the ability to make decisions without consulting the opposition. Parliament has few committees and is frequently not in session at all. Consequently, positions in parliament are not enough to convince opposition parties that their views are truly represented. As one opposition party leader complained: 'My party serves no purpose in parliament.'³¹ Opposition party representatives interviewed

took a variety of positions on the acceptability of the current state of affairs. The leader of a small party that did not win representation in parliament, the Sefate Democratic Union (SDU), for example, rejected the elections process as unfair and not sufficiently transparent, although he stated that recourse to violence was never a legitimate response.³²

Access to justice to petition election-related irregularities is also seen as a serious threat to the consolidation of democracy in this tiny country. While stating a preference for compromise and peaceful conflict management, and a commitment to peaceful political competition in principle, BNP leaders expressed extreme frustration with the current system. Convinced that elections have been, and will continue to be, biased in favour of the LCD, and certain that they will never be able to win an election under the present conditions, BNP leaders refused to rule out the possibility that violent action against the government would be necessary in the future, and perhaps the near future. Despite the threat of intervention by South Africa, the party president maintained that a violent challenge to the government is 'still feasible'. Such comments from political leaders need to be examined critically as public comments may not always reflect true intentions. In addition, despite protests since the 2002 election and a recently denied court challenge to the election results, the BNP has so far refrained from instigating violence. Still, comments of this kind demonstrate that democracy is new in Lesotho, an adversarial political culture persists, and not all of the problems with the potential to contribute to political violence have been resolved.

While dependence on South Africa has historically been an important cause of violence in Lesotho during the apartheid era, South Africa has emerged – since its political and military intervention in 1998 – as one of the most important factors constraining political violence. In 1994 and 1998, SADC, with South Africa as its motivating force, has intervened in response to political violence in Lesotho, and twice restored the elected government. While its tolerance of dynastic rule in Swaziland suggests that South Africa may well be motivated more by a preference for stability in its neighbours than in democracy per se, these actions have established a precedent – many stakeholders in Lesotho's politics now believe that South Africa will not allow the outcome of an election to be subverted through violence in its tiny neighbour state. As one respondent noted, people in Lesotho now 'have

experience of [the] SADC army coming to Lesotho', and they know that if there is a serious problem, there is a high probability of intervention. In this context, there is 'very little incentive for [violent] action'. In addition, the scale of the destruction in 1998 when much of Maseru was burned to the ground, may have shocked many in the country so much that it has turned them against violence as a solution to political problems. Although the fact that South Africa's 1998 intervention was widely viewed as a political and military fiasco and might well mean it would hesitate to attempt such an operation in the future, direct military intervention is far from the only means available to South Africa to influence politics in Lesotho. Should South Africa deem a government in Lesotho illegitimate, it would only have to close the borders or cut off Southern African Customs Union (SACU) payments to quickly bring the state to its knees. Even those respondents most frustrated with the present government acknowledged that the potential for South African intervention limits the available options. As one dissatisfied Mosotho observer noted: 'We will not go in the streets now; we fear for our lives ~ whenever we stick our necks out, South Africa is there to sjambok us.'³³

While the new electoral model has contributed towards political stability, there are political issues in Lesotho with the potential to produce conflict which, while not necessarily violent, could paralyse the functioning of certain aspects of governance. The government is currently planning the introduction of local government structures. While the local government bill has not yet been introduced in parliament, the authority of these structures will likely come into direct conflict with the authority of Lesotho's chiefs – until now the only authority that exists at the local level. Government has so far gone out of its way to diffuse this problem by including the chiefs in the policy formulation process and by planning to co-opt at least some of them into the new structures. Several informed observers are still, however, wary that coexistence of the two sets of authority figures will be unworkable – in the words of one, 'a number of bulls in the same kraal.'³⁴ Past efforts to introduce local level governance, such as the village development committees created during the military government, have been derailed by this problem.

Finally, it should be noted that Lesotho is not immune to forms of political violence other than those discussed above. Recent literature analysing the causes of civil war, most notably by Paul Collier at the World Bank, argues

that civil war is most common in countries with particular sets of characteristics that favour insurgency. These include low per capita incomes, which indicate the availability of cheap labour for rebellions, as well as administratively weak states, mountainous or forested terrain, and violent histories – all characteristics of Lesotho. Ethnically homogeneous societies such as Lesotho do not appear to be especially safe from insurgency.³⁵ An important factor constraining rebellion in Lesotho may be access to finance – with no potential external patrons of rebellion, and no marketable commodities available for capture and export, sustained rebellion may simply be too expensive, especially given that most political parties have trouble gaining access to the funds necessary for campaigning. However, with automatic weapons cheap and available in the region, Lesotho's porous borders, and taking note of the fact that in 1998 it took very little force to paralyse the capacity of the LCD to govern, violent insurgency in Lesotho remains a genuine, if receding, risk. This possibility is reinforced by portions of the political elite who are frustrated, disaffected and militarised by the conflicts of the past. While the formation of a guerrilla movement in Lesotho seems unlikely in the near future – especially given the small steps it has made towards democratic consolidation – Collier's analysis suggests that Lesotho should remain vigilant against such a possibility.

As indicated above, Lesotho has made some progress towards resolving the problems that have historically been proximate causes of political violence. The new electoral model has at least nominally given opposition parties a voice in parliament, and the fact that participation in the system now gives opposition party leaders the opportunity to secure jobs and salaries reduces incentives for political elites to defect.

Many observers believe that the government's efforts, with the assistance of domestic and international training teams, to professionalise the security forces have achieved some success. Finally, the precedent set by two SADC / South African interventions (one diplomatic, the other military) to uphold the authority of elected governments now serves as a warning that electoral competition may be the only feasible way to compete for power. Attempts to bring political debate inside parliament and to reform the security forces are by their nature incremental, and the ultimate success of those efforts can only be judged over the long term, but the peaceful aftermath of the 2002

election suggests that they have begun to make Lesotho a less violent place. While nearly all respondents expressed guarded optimism that the risks of political violence in Lesotho had been substantially reduced, many were careful to warn that the problem of political violence could not be seen as a 'settled issue'. Many expressed the need for continued vigilance and continued reform to reduce the risk. Despite successes at addressing the proximate causes of violence, the root cause of Lesotho's instability – its weak, dependent political economy – has not been solved. One donor organisation notes that beneath the relative calm since the 2002 election, deep social tension remains, caused primarily by poor economic conditions and a skewed income distribution.³⁶ Real security in the long term can only be guaranteed by sustained improvement in material welfare and the quality of governance in Lesotho.

POLITICAL PARTIES: DEMOCRATIC ORGANISATIONS?

The nature of political parties

Historically, political party leaders in Lesotho have done little to institutionalise democratic practice. Instead, they have focused on entrenching personality cults. Institutionalisation refers to a process of crystallising (i.e. defining, creating, developing, and maintaining) social institutions, and the extent of institutional characteristics at any given time.³⁷ When the BNP lost the elections in 1970 to the BCP, BNP leader and Prime Minister Chief Leabau Jonathan responded by suspending the national constitution, arresting and then expelling the King Moshoeshoe II and banning opposition parties. Effectively, this was the beginning of the *de facto* one-party state in Lesotho. The BNP therefore missed the opportunity, right from the beginning, to accord legitimacy to the role of political parties in democratic consolidation. The BNP became an instrument used by the political elite to maintain power and control state resources. Political parties lost ties with citizens' interests and party structures disappeared, at the expense of routinisation of intra-party procedures, especially the process of selecting and changing party leadership. For example, nomination of party leadership within the BCP is concentrated in the hands of selecting committees, which are representatives from party members coming from various villages and branch committees. LCD party leaders are generally

elected at the party annual conference through constituency representatives. The National Executive committee elects members to the Electoral College from the various party structures. 'The process involves subjective assessment of nominees, and is guided by local political interest, social norms of behaviour, and status,'³⁸ with little consideration for intra-party procedure and parties' national policy agendas.

Political parties' internal weakness in Lesotho manifests itself in the proliferation of political parties as a result of splits within existing parties. Most of Lesotho's parties are offshoots of either the BCP or the BNP. The BCP and BNP represent the two major streams in Lesotho politics – the congress and the nationalist movement formed in 1952 to lead the demand for independence from Britain. The formation of new political parties and splits from old parties is a common occurrence in Lesotho; for example, the BCP so far has split more than five times, the LCD is in fact a faction of the BCP and the LCD further split into the Lesotho People's Congress (LPC). The 19 parties that cover Lesotho political space show very little variation in ideological orientation, policy position, organisational structure or geographical dispersion, and they hardly present any alternative sets of policies for addressing the socio-economic challenges facing the country and for taking the country forward. One of our sources described the situation in these words:

Parties only differ in names and colours ... party manifestos are the same ... the difference is only in language used in writing the manifesto and leadership ... parties have no activities between elections...³⁹

In a country of approximately two million people and less than 850,000 registered voters, 19 political parties participated in the last 2002 general elections. According to one electoral commissioner:

The number and size of political parties is a problem ... there is need for control of political party formation but there is need to balance control with representation. In my view three parties is enough ... there is need for legislation on the issue ...⁴⁰

Divisions between political parties in Lesotho are most often based on personality, and personality clashes between party leaders, which contrasts with the situation in many parts of Africa where party divisions are often induced by ethnicity and/or religious cleavages. The BCP, for example, has split five times, with no major ideological differences between the resulting parties. The SDU was born out of a split from the BCP in 1993, after a disagreement ensued between those who supported candidates from the royal family and the political elites. As discussed earlier, the LCD was formed in 1997, eight months before the 1998 general elections, after a disagreement within the BCP leadership (then the ruling party). In 1997, the BCP party executive was unseated at the national party conference, but the leadership refused to vacate the position. The split was between those who wanted Prime Minister Ntsu Mokhehle to remain as leader of the BCP and those who opposed him. Mokhehle formed the breakaway LCD, and when a large number of BCP MPs crossed the floor, the LCD became the majority party in parliament. According to Southall:

The major threat to the LCD lies not amongst the opposition parties, which broadly speaking remain divided and disorganised, but from within. In 1993, the BCP, then the embodiment of the radical congress tradition, secured 75% of the popular vote. In 1998, the LCD, whilst demonstrating that it had appropriated that tradition from the BCP, took 65% of the vote. In 2002, after another internal split, it has taken just 55% of the popular vote. Lesotho's politics have always been ridden by factionalism, and the danger to the LCD is that personal rivalries could lead to a further divide which could render its domination of the polity vulnerable.⁴¹

FACTORS CONTRIBUTING TO FACTIONALISM

The Nature of Primary Elections

Competition for nomination of candidates within political parties is mostly controlled and manipulated by political leadership. Party leadership often imposes tight control and patronage over candidates during party primary elections. Political parties without consultation with the electorate at large often put forward candidates for elections, thereby limiting voters' choice to

those who have secured the party's preliminary approval. Constituency member involvement and participation in party primaries is almost non-existent and where constituency participation in party primaries exists it is accompanied with a high degree of political leadership manipulation. For example, during the 1998 and 2002 elections, the LCD, the BCP, and the BNP were involved in a legal battle resulting from a dispute on choice of candidates for constituency election. According to Matlosa (2003): 'The two main reasons for the problems were that the political leadership confused the FPTP system with proportional representation and the lack of inner-party democracy, which led to top-down administrative and decision making approaches.'⁴² Although the electoral system does not have a direct relationship with how primary elections were conducted within parties, it does, however, have an indirect relationship with primary elections during nomination of candidates within parties. The FPTP system, as employed in Lesotho from independence until 2002, has indirectly contributed to divisions that occurred periodically within political parties. One of the basic features of this system is that the country is divided into relatively equal constituencies from which only one representative is elected to represent the constituency in the national parliament. Political parties under this system only provide the institutional home for candidates contesting elections. Directly, those contesting election under this system do so as individual party members as opposed to contesting elections on a party list as party representatives under a PR system. This principle, in which individuals contest elections as individuals, is often not clearly understood by politicians and has resulted in conflict on choice of candidates among party leadership and between constituencies, intra-party fights, faction fighting and the formation of new political parties.

Lack of intra-party democracy

Internal democracy is a rare commodity among political parties in Lesotho. Parties display a great tendency towards oligarchy, in which power is concentrated in the hands of a few political leaders. Party members have little or no control over party leadership, which makes it easier for party leadership to make party decisions based on political expediency. The linkages between leaders and party members are often very weak, and in many cases non-existent. Although political parties do hold annual congresses, these congresses are in most cases mechanisms for entrenching political control over the party, instead of mechanisms for holding leaders

accountable and consulting with party membership on matters of national interest, party strategy and tactics. It goes without saying that a party that lacks internal democratic practice is less likely to uphold democratic processes and institutions. Openness and transparency in the conduct of party operations, including the nomination of candidates to stand for constituency and Cabinet positions, party financial statements, and available records on sources of income and party membership are generally absent.

The MMP electoral system provides that the more seats a party wins in the constituency election, the less it qualifies for seats in the proportional vote. This also impacted the election of women, in particular.⁴³ Accordingly, the ruling LCD, which won 77 of the 78 contested seats in the constituency election, was not entitled to any seat in the PR contest where most of its candidates were female. Conversely, the main opposition parties such as the BNP, the LPC and the Basutholand African Congress (BAC) had placed relatively more female candidates in the constituency elections where they stood little chance of winning seats.⁴⁴ Was this coincidental or deliberate? Denis Kadima argues that for the new parliament to have only nine [currently 13] women out of 118 MPs, or 7.6%, is a major setback for women's representation, as Lesotho thus falls far below SADC's minimum target of 30% women in decision-making positions, including parliaments.⁴⁵ Party leadership needs to put in place mechanisms that would ensure that women and other under-represented groups, such as the youth, are meaningfully represented in future parliaments.

The lack of intra-party democracy is also reflected in the under-representation of women in political parties' higher echelons, which directly impacts on the presentation of women in national parliament. Political parties, as major deciders of who gets nominated for public office, further contribute to the under-representation of women in the public arena. For example, within the LCD, there is no quota system in place within the party's constitution to correct the male domination within the party structures. According to a party source:

The LCD believes that men and women are equal and they should all be subjected to competition through party primaries. On the party proportional list for the 2002 election, the party made a deliberate

decision to include women on the list (32 out of 40 were women). The 10 [LCD] women in Parliament are those that won the party primaries and subsequently went on to win the constituency seats.⁴⁶

Julie Ballington argues: 'Political parties and electoral systems are the major determinants of the presence or absence of women in national legislature.'⁴⁷ The MMP electoral system, where a level of proportionality is aimed at, has failed to increase women representation in parliament. No woman was elected to constituency seats. The number of women representatives would have increased had the ruling party taken a policy decision to apply a quota system within constituency and compensatory (PR) seats. The underlying assumption of a quota system is that its implementation will facilitate the movement of women representatives into political decision making. No political party in Lesotho has consciously taken the decision to adopt a quota system for increasing women representation within party structures.

Table 2: Number of women in Lesotho Parliament from 1993–2003

Year of election	No. of seats in Parliament	No. of women in and %	Ruling party	Type of electoral system
1993	65	3 (4.6%)	BCP	FPTP
1998	80	3 (3.8%)	LCD	FPTP
2002	120	13 (11.7)	LCD	MMP

Source: www.lesotho.gov.ls/articels/2002

Like in most other countries women's participation in politics and parliament in Lesotho remains low despite the fact that the female:male ratio of the total population is 7:1 and more importantly, despite the female literacy rate (54%) which is higher than the male literacy rate (34%). Scholarly authorities on gender and politics have observed that 'non-participatory systems of governance have precluded the majority of people and particularly women from participating in decision-making processes'.⁴⁸ With reference to Lesotho, Motebang posits that national politics is marked by 'under-representation of women in the national decision-making machinery and state structures'.⁴⁹

The low participation of women in politics and the legislature can be explained in various ways. The most plausible explanations revolve around the political and legal content of the state system. African political systems are generally marked by instability and violence. Given this and the zero-sum nature of the political game in Africa, plus the marginalisation of the gender question in political discourse, women have not been involved. The political sphere and the state system are perceived as a male domain, while women are expected to participate in the economic sphere and the domestic realm of life. The patriarchal nature of the state system, perforce, excludes women and according to Williams: 'African states cannot behave in a manner different from the general characteristics of their society steeped in patriarchy and in a patrilineal stance despite the noises they make about democratising their societies.'⁵⁰

The unequal representation may also be attributed to a deliberate move by parties' male leaders to sideline women using culture as an excuse. The patriarchal culture makes it difficult for women to get into decision-making in political structures. According to Rule:

Women face pervasive obstacles in representation caused by social bias, narrow gender roles, restrictive religious doctrines, unequal laws and education, discriminatory socio-economic conditions, male biased party leadership, and the nature of the electoral system, all of which confine women to the private realm.⁵¹

Equally important, the total absence of confidence in women by fellow women hinders the election of female candidates. Martha Mosoang of the Lesotho Federation of Trade Unions noted that 'the problem with women representation lies with women. Although women represent the majority of the electorate, they often resent voting for women; instead they prefer electing men. This is partly explained by culture.'⁵² In countries like South Africa and Mozambique where women enjoy greater representation in parliament, this representation has been achieved through the use of a quota system to ensure that women are fairly represented on party lists, as opposed to reliance on the mercy of party elites for nomination: it must form part of a deliberate strategy and must have strong support from the political leadership. It is no coincidence that gender equality features are not in the manifestos of most

political parties, including the ruling party (LCD). The location of women within political party structures is an area that requires further investigation. There is no available information espousing the position of women in this regard. This is a critical issue for democratic consolidation because leadership within party structures indirectly influences candidate nomination for elections. A common feature of most parties in Lesotho is the existence of a women's wing. These structures often serve an ambivalent role, often reflecting the inferior status accorded to women in party structures.

The UN Resident Representative to Lesotho Scholastica Kimaryo said the year 2002 had been a historic year in the Kingdom of Lesotho whereby the nation had the first inclusive parliament ever known in that country. The significant feature of the 2002 parliament is the high number of women parliamentarians in both the National Assembly and the Senate compared to the past years. Thirteen women representatives in the National Assembly might be few in other countries but it is a high number in Lesotho compared to only three members in the previous parliament. There is no doubt that Lesotho faces the challenge of gender inequality. It is also the challenge to those women in parliament to ensure diversity and quality legislation that answers the needs of Basotho women. The role of women MPs in male-dominated parliaments is obviously bound to be tremendously marginal. Women MPs in the Lesotho parliament hardly propose motions or introduce issues for policy debate. The patriarchal nature of the state system assigns women the role of supporting or at least reacting to issues raised by male MPs. If the democratic space is to be expanded and the democratic culture deepened, this state of affairs needs to change. First the equality of male and female MPs must be institutionalised through reform of the standing orders and increasing the number of women in parliament, perhaps through a quota system. Second, participation of women in politics must be facilitated by political parties themselves prior to and during the primary elections. Third, non-governmental women's organisations such as the Federation of Women Lawyers (FIDA), Women in Business (WB) and Women and Law in Southern Africa (WILSA) must lobby aggressively for, among other things, law reforms to ensure active women participation in the running of Lesotho's national affairs. Fourth, gender must be mainstreamed in all political processes and the functioning of the state system. Fifth and finally, women MPs must participate in general training focused on their special needs and constraints.

If opposition parties are to maintain an effective oversight role in consolidating democracy in Lesotho, then they will have to address the serious problem of internal division that exists within the parties, eradicate the inequality around parliamentary allocation (between constituency and PR representatives), and transcend adversarial and confrontational modes of engagement. It is equally important, given the context of political instability which preceded the transition to multiparty representation in parliament, that opposition parties ensure that any public unhappiness with the government is not automatically translated into a delegitimation of the democratic order. Opposition parties must provide outlets for dissidents and critics of the government to express their dissent, and keep alive the possibility that they could become the governing elite at some future date, which will provide the 'ebb and flow of competitive party politics that democracies require.'⁵³ The lack of effective opposition, further compounded by a lack of internal political pluralism with the ruling party and a lack of corporatist mechanisms necessary for sustaining political pluralism and holding government bureaucrats accountable to the citizens, amount to a serious threat to democratic consolidation in Lesotho.

ABSENCE OF STRICT PARTY REGISTRATION REGULATIONS

Under the Lesotho Society Act there are few restrictions on the registration of political parties. The law was designed to allow for easy registration of parties, as part of the transition from military rule to a democratic regime. At present, all it takes for a political party to register is to have 500 signatures and to pay a fee, which has been reduced considerably from what it used to be in the mid-1990s. Political parties are basically free to form, recruit members and participate in elections. This easy registration process has contributed to the formation of several essentially one-person parties. There is, however, talk of introducing legislation that governs political parties, but that is not overly restrictive.

But there is more to the weakness of political parties in Lesotho than the absence of intra-party democracy. The electorate support base and allegiances of political parties is largely determined by personalities and drawn from localities; voters do not easily shift their political allegiances, regardless of policy and ideological differences between political parties, of which there is very little. Huntington (1971) suggests:

The litmus test of party strength is when an organisation can survive its charismatic founder, when it has organisational complexity and depth as well as links with functional associations (trade unions, student bodies, etc.), and when its activists identify themselves with the party emotionally and morally rather than merely viewing the party as an instrument to achieve career advancement or other objectives.

A serious problem that Lesotho shares with many other African countries is that a fine line separates the state and the ruling party. The distinction between the LCD and the state remains blurred because the party ranks become the bureaucratic arms of the state, thereby creating a vacuum within the organisation.

Observers of politics also note that the new electoral system has led to important differences between the opposition and ruling party MPs. All 79 LCD MPs come from the constituencies, while 40 of the 41 opposition members were elected through PR. MPs elected to parliament from the constituencies are chosen on the basis of their popularity in the rural areas, and therefore tend to have lower levels of education and sophistication than MPs nominated to party lists and elected to the PR seats. The prime minister has attempted to work around this problem by choosing some cabinet members from those MPs appointed to Senate, rather than elected to the House of Assembly.⁵⁴

Institutionalisation of political party: Competition needed

It is the weakness of the opposition parties inside and outside parliament that poses a serious challenge to the consolidation of democracy in Lesotho. Just as in most democracies, the system of parliamentary democracy, the Legislature, constitutes the supreme authority as the elected representatives of 'the people'. As the law-making authority, the Legislature assumes the role of the final arbiter of government policy and has the task of balancing the diverse interests of the broader society. Parliamentary opposition parties are necessary if political incentives towards the consolidation of democracy are to be achieved.⁵⁵ In Lesotho, opposition parties are of the view that they do not add much value to the work of parliament. The feeling after the 2002 general election is that the ruling party dominates the policy debate and deliberations. Having achieved a multiparty parliament with the introduction

of the MMP system in the 2002 election, it seems that as things change they also remain the same in Lesotho in term of political competition. At present, there are nine opposition parties in parliament; although the BNP is the official opposition in the legislature, it is not acting as one.

The role of opposition parties is seriously constrained by MPs' lack of capacity, and the absence of institutional arrangements, such as portfolio committees, necessary for the effective functioning of parliament. Habib and Taylor⁵⁶ warn that the existence of political parties does not necessarily mean that they will fulfill the functions usually attributed to them in a democratic polity. It is important to have parliamentary proceedings, structures, roles and functions clarified and entrenched for MPs, especially opposition MPs, to get on with their fundamental task of helping to find solutions to national problems, exercising informed oversight of the government, and ensuring accountability and transparency. Habib and Taylor⁵⁷ warn that political parties must not only exist in a legal or organisational sense, but they must also be mechanisms that enable representation and express the social interests of significant constituencies in the society.⁵⁸ Lesotho is a classic example of a country where opposition parties exist without democratic function or impact. In an interview with one prominent civil society representative, it was stated that:

The impact of opposition is yet to be felt. What has happened with the change of electoral system to MMP is that the space was created for negotiation and dialogue in Lesotho politics. MMP created an opportunity for political representation in Parliament, but there is serious lack of accountability and consultation on the part of the elected representatives to the electorate.⁵⁹

Observers of Lesotho politics argue that the change in the electoral system has achieved one thing: it gives work to opposition leaders. This suggests that the system has worked for a few who are today in parliament, to the detriment of the majority of Basotho. A number of interesting behaviours about Lesotho political parties confirm that the driving source of power and the determining factor of party formation is in fact private funding, and the parliamentary salaries and benefits party members receive. There have been many claims that financial incentives for political campaigns offered to

political parties is one of the main reasons why parties split into new factions. Similarly, new parties form for the same reason. In fact, observers argue that the current political party funding formula contributes to the plethora of small parties. This mushrooming of political parties needs to be controlled.

THE NATURE AND ROLE OF CIVIL SOCIETY IN LESOTHO

General observation

The critical role of civil society formations in the whole process of democratisation and consolidation of democracy is widely accepted. It is thus crucial that NGOs, which form part and parcel of civil society, recognise this reality and live up to the expectations of their beneficiaries in discharging their duties in both governance and development arenas. They should do this by claiming their rightful space in the law-making, policy-making and policy implementation by government ministries and departments. It is equally important that government proactively engages NGOs in all processes of policy formulation and implementation, for governance and development cannot be realised in full if civil society is left out, either by default or by design. The civil society community plays three major roles in the governance process.

First, it provides a counterweight to government use or abuse of power; in other words, it is a critical watchdog for government action and behaviour. Second, it is also a reservoir of critical human, technological and material resources for governance and hence a key partner for government. Third, given its proximity to the people who are voters of any sitting government, civil society has the requisite muscle to influence strongly the composition and longevity of governments, although as interest groups, NGOs do not harbour political ambitions of controlling state power on their own behalf.⁶⁰ It is within this general framework of the centrality of civil society in the governance process that we assess the institutional capacity of Lesotho's democracy and human rights NGOs.

Historical perspectives

Democracy and human rights NGOs in Lesotho are a fairly recent phenomenon. The fact that democracy and human rights NGOs emerged

only a few years ago suggests that much more still has to be done in order to enhance the institutional capacity of these NGOs and to make them more effective in achieving their set objectives. This is the key challenge confronting the LCN and the individual NGOs today. The available information suggests that a majority of the NGOs in Lesotho, including the LCN, were established between the 1980s and the 1990s. This is interesting for this is the period when Lesotho was under authoritarian rule of a military variety. This suggests then that the military repression which had banished party political activity gave impetus to other types of social organisation, namely civil society organisation, to fill the void left by the banned political parties. It can thus be concluded that the mushrooming of democracy and human rights NGOs in Lesotho is traceable to the military authoritarianism (1986-1993) as well as to the economic hardships meted out on society by the introduction of an economic adjustment programme under the aegis of the World Bank and the International Monetary Fund (IMF) from 1987–1997. It is thus evident that both the military and the IMF/World Bank economic liberalisation programme gave impetus to the proliferation of NGOs and thus propelled civil society vibrancy in Lesotho.

But it was the financial incentive from donors that really contributed to the mushrooming of NGOs in the late 1980s. Donors were convinced that NGOs had more capacity than military bureaucracies to act as agents of economic growth. The LCN was soon born as a result, and has become a trusted mother body of NGOs in Lesotho with 105 members. The focus of the LCN's work is mostly on capacity building, coordination of NGO activities, and facilitation of networking between NGOs and the government. The NGOs that are focusing on democracy and human rights issues, of which there are 22 in total, have become extremely popular within the donor community as a result of their LCN membership.

Role of civil society in elections

The key stakeholders in election management and administration in Lesotho include NGOs. Elections form an important ingredient of a working democracy; they assist the electorate to choose public representatives to run national affairs on their behalf at both local and national levels. NGOs play a vital role in the management and administration of elections by complementing the central role played by the IEC. The role of NGOs in

relation to elections in Lesotho thus far include voter and civic education, election-related conflict management, management of intra-party conflict, electoral system reform, election monitoring, and so on. Civil society in Lesotho has played these roles fairly effectively during the 1993, 1998 and 2002 general elections. It is worth noting that in preparation for the 2002 election, the LCN and individual NGOs were effectively represented in the eight IEC consultative committees (see Table 3 below) that had been set up. Just prior to the 1998 and 2002 elections, the LCN in liaison with the IEC, prepared a useful voter education manual – which was translated into Sesotho for wider consumption – and also prepared a manual for election observers and monitors.

Table 3: The IEC consultative committees and their responsibilities

Committees	Area(s) of responsibilities
Election Coordination Committee	General electoral matters from other committees or as indicated by the committee for action of other committees, the commission or staff
Civic and Voter Education Committee	Civic and voter education
Logistics Committee	Electoral and referenda logistics
Law Committee	Legal and statutory
Data Management Committee	Voter registration and information technology in general
Security Liaison Committee	Electoral and referenda security
Conflict Management Committee	Control of electoral conflict and monitoring of observance of the code of conduct
Media Liaison Committee	All dealings with the media and issuance of media statements by the electoral stakeholders

Source: IEC, 2002:13

It is thus important to note that despite its own internal problems, Lesotho's emergent democracy is broadly participatory to the extent that key governmental institutions cooperate effectively with CSOs especially in the

realm of election management and administration. The role of CSOs became ever more apparent in Lesotho development during the preparation of the 2002 general election. The manifestation of broad-based alliances has enhanced civil society's capacity for documentation – as opposed to verbal articulation. It also engendered a form of checks and balances that was previously lacking under the all-pervading dominant party structure.

FINANCING DEMOCRACY – THE ROLE OF EXTERNAL FUNDING

GENERAL ASSESSMENT

Lesotho is among the few African countries that receive more than half their entire national budget from foreign funding. However, in terms of democratic assistance, Lesotho's current scale is far below the regional average; this is clearly a country that is not as privileged as others when it comes to such donor presence and support. While the government tried to cover most of the election expenses, foreign donors contributed immensely to funding specific areas of election administration. This has positioned external forces as important players in Lesotho's politics.

In addition to South Africa, the international donor community has been and remains an important influence on Lesotho's political environment. Lesotho's transition from a military to a civilian government, and the reinstating of its democratic rule in 1993, was an outcome that the donor community in Lesotho was partly responsible for generating. The call for political pluralism, as in many other countries in the region during this period, was largely provoked by external forces and instituted in tandem with standard political aid conditionalities. However, this policy direction by donors did not automatically come with increases in donor support for Lesotho. Overall donor interest in Lesotho has always remained low, and so has the democratic component of this support.

The instability of the post-1993 period was not the only reason for the low level of aid to Lesotho. Regional changes were also a significant contributing factor to the downward spiral of aid flows. Although much of the donor assistance to Lesotho was lobbied by the government on an anti-apartheid card, the end of apartheid South Africa drastically shifted donors' focus.

Most donors lost interest in Lesotho, and most embassies closed and relocated from Lesotho to South Africa. Those remaining – in the realm of resident embassies, bilateral aid agencies, multilateral agencies and international organisations – continued to scale down their assistance significantly.⁶¹ Aid per head fell to US\$12 in 1999, compared with US\$76 in 1992. The table below gives some indication of the scale of official development assistance bilateral and multilateral donors contributed to Lesotho in 1999.

Table 4: Net official development assistance,⁶² 1999 (US\$ m)

BILATERAL AID	25.7
Ireland Aid	7.5
Germany	5.0
UK	4.4
MULTILATERAL	6.6
International Development Association	8.1
European Union	1.4
UN Development Programme	1.3
TOTAL	31.1

Source: The Economist Intelligence Unit Country Profile, Lesotho, 2001

This Table indicates that net official development assistance to Lesotho was US\$31.1 million in 1999, with multilateral sources accounting for just over one-quarter of Lesotho's net recipients. The International Development Association was the largest single donor with a contribution of US\$8.1 million, and Ireland was the largest of the bilateral donors, contributing US\$7.5 million.

Most donors believe that the level of democratic assistance currently offered will be maintained, but will not increase substantially. Some even have reason to believe that donors are in fact cutting back. The focus of this assistance has primarily been on improving IEC processes, procedures and mechanisms relating to management and coordination of the May 2002 elections, election observation, civic education and voter education both in the run-up to elections and in the post-election period, distributed by a number of key aid

players. Ireland, for example, has been very supportive to the electoral processes; it has played a key role in supporting the IEC as well as supporting activities in partnership building. The UNDP, on the other hand, is largely concerned with civic education assistance. The assistance of the EU, the largest of the multilateral aid givers, is primarily earmarked for budgetary aid estimated at around eight million euros for a five-year period between 2003 and 2007.⁶³ A number of German foundations also provide some democratic assistance. Basic data on Lesotho's pro-democracy projects and the levels of assistance from donors per project is provided in Table 5 below.

Table 5: Major donors of democratic assistance and area-based pro-democracy projects 2001–2003⁶⁴

Name	Foreign backers	Levels/amounts in US\$	Duration	Target groups/ implementers
Election administration/IEC	Britain (DFID), Irish Aid, EU (EDF), India, DANIDA, People's Republic of China/ South Africa/ Commonwealth Secretariat/ Germany	US\$2,797,582 ⁶⁵	2001 -2003	IEC, ERIS, Public Administration (PAI), Scribe Communications
Civic Education	UNDP	US\$ 379,746	2001-2003	IEC, UNDP, local NGOs
Voter Education	DANIDA, Canada	US\$ 487,341	2001-2003	IEC, local NGOs
Voters with Disability	Finland	US\$ 87,201	2001-2003	IEC, local NGOs
Political party Development/ parliamentary development	NDI, UNDP	US \$395,000	2002-2003	Political parties Parliament
Local governance structures/ elections	GTZ, UNDP			Ministry of Local Government, IEC local NGOs
Conflict resolution/ management,	Germany (GTZ), Britain (DFID), Irish Aid	US\$ 210,126	2001-2003	IEC, Lesotho Network for Conflict Management, EISA

Source: IEC/ERIS Capacity Building project progress report

As much as internal politics have helped in determining the continuous decline in aid flows in Lesotho, they have also defined the direction and nature of democratic assistance to Lesotho in recent years. Current democratic assistance in Lesotho is largely determined by the new electoral processes in place and the electoral history that the Kingdom has undergone, and thus the needs that have arisen as a result of these changes. It has had less to do with donor influences or policy orientations. Following the May 2002 election, for example, the National Assembly has been inhabited by a total of 10 political parties; this is the most widely represented legislature Lesotho has ever had. This has provided space for international organisations to institute national governance programmes to enable political parties to rise above their traditionally adversarial relationships. It is not just the inability of old parties to share their political space in parliament that has become grounds for intervention by donors, but since the MMP system came into existence, many parties with very little political experience now have representation in parliament. Naturally, their capacity is limited and support in this area is not only timely but necessary. Similarly, a large percentage of foreign donors' democratic assistance in the 2002 election was earmarked for not only the institutionalisation, but also the maintenance of the new electoral processes in the form of reviewing internal working structures of parliament and developing appropriate committees to accommodate the expanded party membership.

Rigidity of donor funding

Election administration as well as other areas associated with elections has remained a top priority for some donors. A huge focus of donor assistance in the period preceding the 2002 election was on IEC financial and technical funding. The political conflicts that arose after the 1998 elections, which disrupted and challenged Lesotho's democratic process, was the main determinant for such support. Both donors and the Basothos did everything to avoid a repeat of the 1998 post-election violence by trying to ensure that the process is transparent and credible.

Each donor has its niche. For example, Ireland Aid focuses on civil society development, and GTZ (Deutsche Gesellschaft für Technische Zusammenarbeit), the German equivalent of Ireland Aid, is primarily involved in conflict resolution processes at local government level, as well

as engaged in the institutionalisation of democratically elected local councils. It seems that there are a set of focus areas that most donors are financing or supporting without any interest of breaking from that mould and funding new areas of need that facilitate other forms of democracy. Some donors asserted that this lack of flexibility is not a question of not having a clear needs assessment and equating funding ability to priorities, but rather a question of funding capacity. A strategy to synchronise and coordinate all donor assistance for electoral administration was designed to avoid duplication, with the UNDP acting as the process's coordinator between the IEC, donors, political parties and the government.

External funding to political parties

It is the external funding of political parties that stands as a challenge to political competition in Lesotho. Prior to Lesotho's May 2002 general elections, a total of 19 political parties appeared, all vying for support from an electorate of merely 820,000. The politics of Lesotho is characterised by a desperate struggle for political office in a poverty-ridden economy. As political office is the main source of income for many Basothos, political funding and the availability of private/foreign funding has come under serious scrutiny. Political parties depend mainly on membership subscriptions, rents, donations and in some cases fundraising activities. Over and above this, parties are allowed to receive unrestricted financial support from external sources. It is this *laissez faire* approach to sourcing external funds that creates inequality in political competition in Lesotho. Small parties in Lesotho are of the view that the easy access to foreign funding from sources such as Taiwanese and Chinese business groups by bigger parties, especially the ruling party, creates an imbalanced environment for competition. The ruling party, argue some opposition parties, has easy access to these funds not because of its strength in fund raising but simply because it is better placed to make economic promises to outside business groups. Other parties rely on their traditional relations with political parties in countries such as South Africa, China and even Russia to secure funding.

There are plenty of reasons why external funding for parties in a land-locked, poor country such as Lesotho should be allowed. As one donor asserted: 'Lesotho is a poor country, political parties have to accept money from whatever quarters they come.' For political parties to survive in Lesotho, it

is essential that they access external sources, especially if appropriate state funding structures are not in place to assist them and financial contributions from their members are insufficient. Given the poor state of its economy, outside funding has played a crucial role in cultivating political competition among political parties. However, if foreign parties / governments decide to fund political parties in Lesotho, then this kind of funding should be equitable and non-discriminatory. It is all the more important, then, for foreign donors to have clear guidelines and regulations for distributing and allocating their financial support to avoid discrimination. Essentially, these rules will dictate the role that foreign funding allocated for political parties can and should play.

Impact of donor funding on NGO's work

The donor community was instrumental in establishing the LCN and financing its operational costs. It seems this establishment has worked hard to earn the faith of the donor community and to occupy such a strategic position in terms of executing aid programmes.

This is an issue all Lesotho NGOs struggle with – to build credibility for themselves within the donor community, and hence create a firm financial foundation. It is not surprising then that all Lesotho NGOs are heavily dependent on donor funding. Most NGOs interviewed are of the opinion that they cannot manage without donor funding, and they base this view on the inability of the country to rise above the poverty levels it faces. Such dependence becomes accentuated by the disinterest of donors to ease this reliance. There is very little⁶⁶ evidence of donor funding / democratic assistance directed at building internal and organisational capacity. True, Lesotho's NGO sector is only in its infancy and perhaps requires as much assistance as necessary at this stage. However, few donors focus their assistance on capacity building and on developing internal institutional structures to enable the NGO sector to maintain some independence and remain sustainable.

A counter argument to this is that Lesotho's civil society at this juncture is terribly weak. As it stands, it may not be a great force that reflects the views of the Basotho; civil society nonetheless provides a much needed window of opportunity. Donors seem to appreciate this minimalist role of NGOs – most

are reasonably confident that the assistance they provide to this sector currently is what is needed and crucial to meet some of the democratic needs which can be delivered by NGOs. If, however, civil society remains weak, others asserted that it may fail to act as an efficient watch dog or as a force in the transformation process of Lesotho's democracy.

A further general observation concerns the degree to which pro-democracy NGOs influence the conceptualisation process and design of any of the programmes they implement. With the existence of so many assessments all attempting to question the efficacy of aid-driven programmes, of which many have concluded sadly that NGOs are mostly implementers of decisions taken by their aid givers, this assessment confidently reveals a similar conclusion – that Lesotho NGOs are no different. Many of the NGO's programmes in Lesotho are in fact influenced by the dominant donors' priorities and issues that are most popular within the donor community. From the small pool of donors interviewed, understandably most denied such imposition, a claim which, diplomatically, some NGOs supported. Issues that donors fund, they asserted, are internally decided and determined by the NGO itself and not influenced by donors. With further probing, NGOs revealed that the issues funded are indeed based on a needs assessment; an exercise that is carried out by international consultants. Several similar remarks revealed that such support is not completely immune from some intrusion and interference. 'Donors do have some constraints and conditions placed on their assistance. However, the level of interference is small and the extent of it borders on the advice they give; which cannot be regarded as real interference,' remarked a representative of one donor organisation.

The above observations in no way claim that donors set the NGO agendas across the board. In fact, there are some promising examples of how the situation is slowly changing, with increasing opportunities for NGOs and their communities to influence policies that affect them. A detailed examination of some of the donor-funded programmes emphasises this point. Many projects currently funded are designed not only to boost the values and objectives considered important by donors, but they are indeed workable solutions to the needs that have arisen in Lesotho's political reforms. Some of the most common democratic activities geared for these reforms have been voter and civic education programmes. These include activities that

are focused on making citizens more conscious of their rights – and what is democracy if it does not have a citizenry that is aware of their rights?

Indeed, poor civic and human rights inculcation in the Lesotho population has been identified as one of the main threats to the country's consolidation of democracy by a significant number of donors. Almost all donors have had a high profile in this area. The UNDP and Ireland Aid in particular have placed significant emphasis on this area – in the period 2000–2002 the UNDP spent just under US\$400,000, and in 1998 alone Ireland Aid contributed a total of US\$126,582 to the LCN for its civic and voter education programmes. Much within the realm of civic education programmes has been done to help generate a better understanding among the Basotho of their rights and obligations in a democracy. The programmes implemented prior to the 2002 elections were structured along four main election-related aspects: the Lesotho electoral law; how to vote; the importance of voting; and the relationship between elections, democracy, human rights and participation responsibilities. But much more needs to be done to continue to build on this new awareness among the people. Many stakeholders seem to agree with this conclusion, especially when some of the civic education programmes are put under the microscope.

Although the assistance has mostly been well received and often perceived by local stakeholders as having made an improvement, as the words of a representative of the NGO community confirm:

Voter education encourages people to vote and encourages them to believe in the manifestos of political parties. Also judging from the turnout of voters; that people knew what they were doing, clearly voters were keen on casting their votes.

Further examination and probing of some facts raised reveals that overall impact in this area may not be without complications. It must be emphasised that these are only preliminary observations, as a complete assessment of the impact of democratisation aid is laden with measuring difficulties. Despite this obvious shortcoming, the interview processes disclosed several possible weaknesses of the civic and voter education programmes. Currently, it seems that voter education programmes are being rehashed without much

thought or alignment with the needs at hand. This is a conclusion based on a statement repeated several times by a number of stakeholders regarding a specific characteristic of the Lesotho electorate – ‘that most voters cast their precious ballot for party leaders rather than what the party has to offer’.

Votes cast are usually based on tradition, heritage and personalities and less on political values and principles and even less on policy differences. Presumably, other than cultural and traditional influences, these programmes must bare part of the blame. They indirectly neglect or lack the ability to modify the perceptions of the electorate. They have little influence in encouraging the electorate to break away from their pre-structured, pre-designed political affiliations to choose instead their leadership along policy and issue determinants.

Other challenges cited, which have hampered the progress of some of these programmes, involved the delivery style of these activities. Several progress reports by those NGOs that delivered these programmes have commented that most often their activities are stifled by ambiguous donor expectations and the emphasis they place on workshops, rather than on other educational approaches that focus on all levels: the community; the home; and the village. In other words, the manner in which they are conducted is rigid and not very sensitive to the needs of the society – they need to go beyond workshop sessions to engage in diverse approaches and to target a broader society and audience. The commitment is there but it is a matter of finding the appropriate mechanisms by which to achieve it.

Conversely, it can be argued that the main reason why the impact of the numerous civic education programmes has been of minimal value to the Basotho electorate is that Lesotho’s democracy is still young. In the words of one of the donors:

When you talk about changing people’s perceptions, five years is nothing, and although more assistance should be focused on civic education, it should mean to transform such inhibiting traditions, with however frequent undertakings of impact assessments.

Almost parroting each other, most made similar statements to this effect:

Lesotho's democracy is still weak in terms of participation of people in politics and holding their parties accountable. A challenge for Lesotho's democracy right now is to have an electorate that is democratically oriented.

Donors' future focus

There are other examples of democratic programmes that have been implemented to assist and strengthen Lesotho's democratisation process. This support has been on making government institutions more efficient, and most importantly on 'changing the rules of the game', such as societal norms that guide political conduct. As a result this has led to support for institutions such as parliaments. Included here are also support for local government structures and conflict resolution processes. Parliamentary democracy has come to the forefront of Lesotho's democratic reforms since the introduction of the new electoral system, and donors have been hard at work solving the challenges and obstacles that have arisen as a result. Several innovative ideas and underlying challenges in support of this direction were suggested by a substantial number of stakeholders during the interview process.

The first challenge Lesotho has is to move away from a Westminster adversarial parliament and move towards a consensual parliament which is implied by the new electoral system. The reform agenda of parliament needs to look at ways of incorporating structures aimed at facilitating this shift.

Lesotho's parliament as it stands lacks the appropriate internal structures to promote inter-party cooperation and allow the legislature to perform most effectively. Despite the fact that it has standing committees, they are not very effective. Parliament has six standing committees. Like in most other parliaments all over the world, the Lesotho parliament conducts its business through what are termed sessional select committees. The membership of these committees ranges between six and nine. All the committees have a chairperson and a clerk. These select committees are established soon after each parliamentary session has begun. The 1967 Standing Orders provide for the formation of six select committees for running parliamentary business. Only five committees were found to be operative, while one was dormant.

First, the Business Committee arranges the daily business of the House and determines the order in which it will be conducted and advises the Speaker accordingly. This Committee is chaired by the Leader of the House. Second, the House Committee is charged with the mandate of ensuring the comfort and convenience of members during the parliamentary session. All problems identified are presented to the Speaker for appropriate remedial action. This Committee may be chaired by any one of the members chosen for such task. Third, the Committee on Standing Orders is charged with the task of interpreting and fine-tuning the rules, regulations and procedures of the House as enshrined in the Standing Orders and to consider other matters which the House may determine from time to time. It is chaired by the Speaker, and the Clerk of the House acts as its Secretary. Fourth, the Public Accounts Committee scrutinises budget allocation for the government and liaises with the Audit Office to ensure proper use of funds on the basis of stipulated financial rules and regulations. It is chaired by any one of the members so designated. Fifth, the Committee of Privileges considers and investigates complaints of alleged breaches of privileges and rights of members and/or contempt against the House, officers and/or the Speaker. It is also chaired by any member so designated. Sixth, the Standing Orders provides for the formation of the Staff Committee to consider all matters connected with staff of the National Assembly and advises the Speaker accordingly. This Committee, however, has not been established because all staff matters of the Assembly are handled by the Public Service Commission (PSC) and regulated by the Public Service Act of 1995. Although most committees are operative, the Public Accounts Committee was found to be the most active. In general, 'the committee system is inadequate and does not allow the expanded political membership to exercise their responsibilities fully to the electorate'.⁶⁷ The other striking feature of the select committees as they stand now is that they are concerned with purely administrative and technical aspects of the business of the House rather than matters of national policies. How helpful is this type of focus? For instance, why is it that there are no committees on, say, foreign affairs, defence, education, rural development, local government or health? The current focus of the select committees suggests that much of the parliamentary debate revolves around administrative-cum-technical matters of the House than on sectoral policy formulation. In that way, policy formulation remains the preserve of the executive arm of government and the legislature merely rubber-stamps the

process. This tendency reduces the policy effectiveness of the legislature and throttles critical policy debate in parliament.

Developing parliamentary processes is unquestionably an area that will help facilitate democracy. There has never been an active opposition in parliament, and the government has never had to defend its policies under such institutions or structures. This is an area donors are only now moving into and to which they need to provide a more focused agenda. For example, the British High Commission has just begun to design a modest programme towards deepening democracy in parliaments. The most recent activity carried out under this programme was a visit from a retired clerk from Westminster to help parliamentarians devise standing orders and implement systems in the committees.

Local government elections and building capacity within local level structures is slowly becoming another area of support by donors. The Government of Lesotho is currently engaged in a process of instituting democratically elected local councils – a significant change from the previous system of centralised control through the Ministry of Local Government.⁶⁸ As noted by a political party representative: ‘To proceed with local government elections is to finish the democratisation process, from the perspective of having local government officials help with the delivery of services.’

Until now there has only been one principal donor that has officially supported this area and that is the GTZ. Others are presently assessing the needs and concerns before such support can be confirmed. The UNDP has promised to build the skills of local government officials to enable them to act appropriately in the transformation process. It is also working with the local government ministry to help it deliver elections in a given time and agree on the institutional and personal goals as well as to monitor the process to ensure that they are on course. The running costs of the local government elections are estimated at 1.5% of Lesotho’s GDP.⁶⁹ A significant number of donors, however, are currently holding back and have pledged to offer support provided the process proceeds positively and without any glitches. These are mostly donors who are not convinced about the democratic value of local government elections, and are neither optimistic about the length of time to which parliamentarians were given to discuss and agree on a

consensual and constructive course for this transformation nor are they hopeful that local government structures will be in a position to deliver accordingly.

International donors have also accorded high priority to conflict resolution programmes mainly through the Lesotho Network for Conflict Management (LNCM), whose original establishment was coordinated by the Centre for Conflict Resolution. Since its inception the LNCM has been securing generous funding from the Open Society Institute, the American Embassy in Lesotho and GTZ. The aim of LNCM conflict management activities is to support the process of trust building and political dialogue between disputant parties.⁷⁰ In Lesotho this process is usually complicated by several types of conflicts: intra-party conflicts; parliamentary conflicts; military-civil conflicts; and conflicts between local government and traditional chiefs. Conflict resolution processes at local government level date back to 1997, however, the institutionalisation of elected local councils targeted for the beginning of 2004 will inevitably bring about some social changes at the district level, which will require even more conflict resolution activities aimed mainly at facilitating the co-existence of traditional governance with democratic governance structures.

The challenge presently for both the Basothos and foreign donors is to ensure impact from this assistance is not undermined by the country's impoverishment. Lesotho's landlocked-ness, its small size and poverty, does not provide the necessary economic base for it to sustain any of the viable development programmes. These same detrimental factors, ironically, were initially the government's major bargaining sources for foreign aid. In essence, there are many factors outside this foreign aid realm that directly reduce the impact of current forms of democracy assistance. In Lesotho's case, poverty has limited the progress of many viable development programmes. Given that SACU revenues – the main source of income for the government – are dropping with the new income-sharing formula, government revenue will decline, and the situation looks grim for the long term.

Donors may want to focus primarily on political reform, for obvious reasons. Given the recent political instabilities of the country, any efforts directed at

developing an enabling economic environment will be wasted if the political context is not complementary and constructive. Nonetheless, more attention now needs to be placed on creating just such an environment, else the impact of any of this valuable democratic assistance will likely be undermined. The few bilateral and multilateral donors left behind are aware of this and are well informed about Lesotho's urgent economic needs. The issue here, they argue, is not insufficient aid but rather lack of sufficient capacity to efficiently absorb this aid.

CONCLUSION

While this research has found that Lesotho has made progress in terms of democratic consolidation, it does not exclude the possibility of a reverse process. Given the scale of Lesotho's social, economic and political problems, and the limited resources available to confront them, it remains a real possibility.

Changes to the electoral system from FPTP to MMP and restructuring of the armed forces have substantially reduced the risks of the rejection of election results and political violence. However, there is a need for continued vigilance. Lesotho's political culture remains adversarial, and the problems of political violence and poor accountability should not be regarded as solved. The underdevelopment of political parties should be regarded as one of the greatest obstacles to Lesotho democratisation. The challenge is how to firmly institutionalise the party system in Lesotho. Unless Lesotho overcomes the structural rigidity of party politics based on personalities and factionalism, the prospect for democratic consolidation seems very slim.

Other immediate challenges facing Lesotho would include the creation of a new genre of political leadership which has enthusiasm for multiparty democracy, while simultaneously working for the creation of a better life for all the people. Lesotho must continue to work to improve on its political system to achieve accountability and effective representation both inside and outside parliament. Equally important is the need to achieve greater gender balance at all levels of political institutions. It is the weakness of civil society that created a serious vacuum in the effort to strengthen the democratic process. Despite the fact that it has played a critical role in the promotion of democracy, it is not able to organise quickly enough to respond

to the emerging challenges and to propose alternative approaches. This is an area that requires massive support.

There is no doubt that where democracy has been introduced without clear strategies to produce change in the treatment of citizens, cynicism about the whole notion of democracy is likely to result. Indeed, Lesotho needs to consolidate its achievements in the area of formal democracy, which has brought peace and political stability to the country. The importance of peace cannot be over-emphasised. But peace alone would not protect Lesotho's new-found democracy. In the interest of democracy, greater attention needs to be paid to substantive democracy. Lesotho's democracy would only be sustained if the government is accountable and responsive to the needs of society. It is here that international donors could find space for meaningful intervention. Lesotho's poverty makes it highly dependent on foreign aid, and the government's capacity and independence are conditioned by this fact. International donors must ensure that their interventions correspond to Lesotho's own realities and needs. One way of achieving this is to enter into a genuine partnership with the Basotho people.

There is no doubt that despite the recent transformation in the political system, Lesotho remains an enfeebled and fragile democracy. Equally, there are encouraging signs that Lesotho is increasingly moving towards some form of institutional and systemic framework for deepening and consolidating democracy. Lesotho's new leadership must, however, understand that democratisation goes far beyond the essential formal elements of a democracy – elections, multiparty systems and institutions – which are not sufficient to guarantee broad-based participatory democracy. For democracy to be consolidated, space would have to be created for the empowerment of the broad majority of people who have been left out of economic and social development and decision making. It will also require efforts to alleviate poverty as well as to redress inequalities in income and gender.

NOTES

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- ² Robert Dahl, *Polyarchy: Participation and Opposition*, New Haven, Yale University Press, 1971.
- ³ Jessica I. Vener, Prompting democratic transitions from abroad: International donors and multi-partyism in Tanzania. *Democratization*, 7(4), 2000, p137.
- ⁴ Tom Lodge, Denis Kadima and David Pottie (eds), *Compendium of Elections in Southern Africa*. Electoral Institute of Southern Africa, Parkprint, Johannesburg, 2002, p86.
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- ⁶ The ISAS/HSRC survey indicated that only 19% of the population 'trusted' the political parties. By contrast 62% said they trust the national government and 79% said they trust churches. While the electoral reforms have intrinsic merit in terms of ensuring greater representivity in parliament and 'improved' electoral administration, these changes may further alienate a population with already low levels of commitment to democracy. S. Rule and N. Mapetla (eds), *Lesotho 2000: Public Perceptions and Perspectives*. Human Sciences Research Council, Pretoria, South Africa, 2001.
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- ⁸ The contract for the AFVIS was worth US\$2 million for the 800,000 registered voters. 'New IT giant, arivia.com awarded Lesotho election contract', <www.arivia.co.za/press/announcements/20010807.htm> 7 August 7 2001.
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- ¹⁰ It is important to note that the credibility of the electoral process has always been questioned since 1965.
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- ¹² Frank Martin, High Commissioner, British High Commission.
- ¹³ S. Kimyaro, Resident Representative, United Nations Development Programme.

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- 29 Southall, op cit.

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- ³¹ Interview with J. Lekhayana, BNP, 6 June 2003.
- ³² Interview with B. Nkuebe, President, Sefate Democratic Union, 2 June 2003.
- ³³ M. Mosala, Former President, Lesotho National Council of Women, 3 June 2003.
- ³⁴ B Manyanye, Transformation Resource Centre, 4 June 2003.
- ³⁵ For example, Paul Collier et al., Breaking the conflict trap: Civil war and development policy, World Bank Policy Research Report, 2003, <econ.worldbank.org/prr/CivilWarPRR/text-26671/>.
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International organisations (NDI, Heinrich Boll Stiftung, CRS, OSISA, IDASA, AWEPA).

- ⁶² Official development assistance is given as grants and loans and administered with the aim of promoting development and welfare in the recipient country.
- ⁶³ 50% is for public-private support, 20% for transport, 20% for water and sanitation, and 10% for non-state actors on HIV / AIDS – Rasmus Kai Hoist Andersen, Third Secretary, Delegation of the European Commission to the Kingdom of Lesotho, 6 June 2003.
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- ⁶⁵ Using the rate of US\$1 to R7.90, average exchange rate in June 2003.
- ⁶⁶ With the exception of the LCN.
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LIST OF RESPONDENTS

Political Parties

Mr B. Nkuebe,
President, Sefate Democratic Union
2 June 2003

Mr L. Rakuoane
President, Popular Front for Democracy
Former Party Representative, Interim Political Authority
3 June 2003

P. Moeno
Deputy Secretary General, Lesotho Congress for Democracy
4 June 2003

Mr J. Lekyana, President
Mr M. Hanyane, Youth League President
Basotho National Party
6 June 2003

Non-Governmental Organisations

Mr M. Tsebo
Director, Democracy and Human Rights Programme
Lesotho Council of Non-Governmental Organisations
2 June 2003

Mrs M. Mosoang, President
Mr S. Jonathan, General Secretary
Mr R. Mathepu, Assistant General Secretary
Lesotho Trade Union Congress
2 June 2003

Catholic Peace and Justice
3 June 2003

Mrs M. Mosala
Former President, Lesotho National Council of Women
3 June 2003

Mrs V. Letho, Democracy Education Programme
Mr B Manyanyg, Transformation Resource Centre
4 June 2003

Mrs Mohapi
Director, Selibeng
4 June 2003

B. Van Tonder, Director
Thabo Lamouane
Highlands Church and Solidarity Action Centre/Electoral Institute of
Lesotho
6 June 2003

Donors

Ms L. Mokhothu
Programme Advisor, Irish Aid, Lesotho
3 June 2003

Ms S. Kimyaro
Resident Representative, United Nations Development Project, Lesotho
6 June 2003

Frank Martin, High Commissioner
Mark Watchorn, Deputy High Commissioner
British High Commission, Maseru
5 June 2003

Rasmus Kai Hoist Andersen
Third Secretary, Delegation of the European Commission to the Kingdom of
Lesotho
6 June 2003

Electoral Management Body

Mr L. Thoahlane, Chairman

Mr K. Ralitsie, Director of elections

Mr M. Likate, Commissioner

Independent Electoral Commission

4 June 2003

ABOUT THE EDITOR

Claude Kabemba is the Programme Manager in the Research Department at EISA. He holds a Masters Degree in International Relations from the University of the Witwatersrand, Johannesburg. His research interest lies in the area of democratisation and governance in Africa, as well as trade, regional integration, conflict resolution and social policies. He has observed elections in many African countries and has evaluated election administration in specific countries. He was part of the team that drafted the SADC Principles for Election Management, Monitoring and Observation and also participated in the drafting the Norms and Guidelines for Election Observation on the African Continent on behalf of the African Union.

ABOUT EISA

The Electoral Institute of Southern Africa (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 is currently the secretariat of the Electoral Commissions Forum (ECF) composed of electoral commissions in the SADC region and established in 1998. EISA is also the secretariat of the SADC Election Support Network (ESN) comprising election-related civil society organisations established in 1997.

VISION

Realisation of effective and sustainable democratic governance in Southern Africa and beyond.

MISSION

To strengthen electoral processes, democratic governance, human rights and democratic values through research, capacity building, advocacy and other strategically targeted interventions.

VALUES AND PRINCIPLES

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

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

OBJECTIVES

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

CORE ACTIVITIES

- Research
- Conferences, Seminars and workshops

- Publishing
- Conducting elections and ballots
- Technical advice
- Capacity building
- Election observation
- Election evaluation
- Networking
- Voter / Civic education
- Conflict management
- Educator and Learner Resource Packs

PROGRAMMES

EISA's Core Business revolves around three (3) main programmes namely (a) Conflict Management, Democracy and Electoral Education; (b) Electoral and Political Processes; and (c) Balloting and Electoral Services.

CONFLICT MANAGEMENT, DEMOCRACY AND ELECTORAL EDUCATION

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

ELECTORAL AND POLITICAL PROCESSES

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

BALLOTING AND ELECTORAL SERVICES

The programme enhances the credibility and legitimacy of organisational elections by providing independent and impartial electoral administration, management and consultancy services. The key activities include managing

elections for political parties, trade unions, pension funds, medical aid societies, etc.

EISA'S SPECIAL PROJECTS INCLUDE:

- Rule of Law, which examines issues related to justice and human rights;
- Local Government, which aims to promote community participation in governance ; and
- Political Parties, which aims to promote party development at strategic, organisational and structural levels through youth empowerment, leadership development and development of party coalitions.

EISA'S SUPPORT SERVICES INCLUDE:

- Research
- Publications
- Library
- Information and Communication Technology (ICT).

EISA PRODUCTS

- Books
- CD-ROMS
- Conference Proceedings
- Election Handbooks
- Occasional Papers
- Election Observer Reports
- Research reports
- Country profiles
- Election updates
- Newsletters
- Voter education manuals
- Journal of African Elections
- Election database

GOVERNANCE STRUCTURE

Patrons

EISA's patrons are His Excellency Sir Ketumile Masire, former President of Botswana and the instrumental broker of the peace negotiations that ushered peace and reconciliation in the Democratic Republic of Congo in 2002 and Mr. Cyril Ramaphosa, a key negotiator during the political transition to democratic governance and majority rule in South Africa in 1994 and a businessman of standing in the new South Africa.

BOARD OF DIRECTORS

EISA has an International Board of Directors comprising the following:

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PROF. PETER KATJAVIVI Former Vice Chancellor of the University of Namibia and the current Ambassador of Namibia to the European Union (EU) in Brussels

JUSTICE L. MAKAME Judge of the Appeal Court in Tanzania and Chairperson of the Tanzanian National Election Commission

JUSTICE ANASTASIA MSOSA Judge of the Supreme Court of Appeal in Malawi 1992-1997 and judge of the High Court of Malawi 1993-1998 and Chairperson of the Electoral Commission of Malawi in 1994

MS. DREN NUPEN Former Executive Director of EISA and currently Africa Executive Director of the Open Society Initiative

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MS. ILONA TIP Senior Advisor, Department of Conflict Management, Democracy and Electoral Education at EISA

