



Electoral Reform and Political Stability in Lesotho

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Abstract

Although somewhat chequered, Lesotho's political and constitutional history has been relatively smooth and peaceful compared to what was experienced by many African countries. The struggle for independence and the ultimate handover of power to the Basotho King by Britain were free of violence. Yet this did not lead to a stable and consensual post-colonial society in Lesotho. Intermittent peace-threatening episodes pervade Lesotho's 37-year period of independence. This notwithstanding, the country has enjoyed short periods of constitutional rule, the first being from 1966 to 1970 while the second roughly extends from 1993 to today, that is 2003. What might have been a democratic transition for Lesotho was dealt a severe blow by Chief Jonathan's annulment of the first post-independence elections, which he had lost to his rival, Ntsu Mokhehle. Because of a 20-year one-party rule that followed, constitutionalism as understood today to mean espousal of certain

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values about the fundamentals of government and governance was barely able to take root within the Lesotho polity. The return in 1993 to constitutional rule and the reinstatement of popular elections as formulae for distributing power and appointing rulers are still the focus of party-political contentions as these are not anchored in an electoral system with an in-built conflict resolution mechanism. This paper explores these issues.

Political and Constitutional History of Lesotho

Lesotho's constitutional history should not be seen as an autonomous self-driving process or a series of events. It has as its anchor and catalyst in colonialism and its contradictions, mainly civilisation and/or modernisation through dispossession, exploitation and denial of political rights for the colonised peoples. The colonial rule imposed on Lesotho by Britain disrupted and denied what was set to become an autonomous political development rooted in the Basotho culture and the country's economic setting.

Yet colonial rule did not just supplant the Basotho chiefs-dominated system of rule but set the stage for the drive towards political modernity, that is, where ascription ceases to be a criterion for leadership. Such modernity was to be achieved through a corporatist and exclusionist administrative strategy. This double-pronged strategy enabled the colonial regime to co-opt and use the traditional authorities and other influential indigenous elites as administrative agencies while denying them political power. Thus, despite being incorporated into the new system, chieftainship was denuded of political power and converted into an apparatus of the colonial state. It could not be abolished since only through it could the colonial state control and govern the colonised population. The Basotho Paramount Chief used the institution of chieftainship's strategic role within the administration as a bargaining chip in his negotiations with the colonial government for increased role for chiefs in the system.

Therefore, the demand for a participatory form of government first came from the Basotho chiefs. Ostensibly responding to this demand, the first Resident Commissioner to Lesotho requested the High Commissioner in 1884 to agree to the establishment in Lesotho of a 'Council of Advice'. This was to be composed of chiefs and headmen 'nominated by Morena e Moholo (called Paramount Chief by Britain) but approved by the Resident Commissioner' (Machobane 1990:77). The tenure of chiefs was to be permanent but the

proposed council was not to make laws, this being the prerogative of the Queen of England. The council was to serve as a communication channel between the subject people and the colonial power. However, it took the High Commissioner 27 years to accede to the request, only establishing the council – styled the Basutoland National Council (BNC) – in 1903 though with ‘no statutory force until 1910 when the proclamation establishing it was promulgated’ (Machobane 1990:82).

In its present form, however, the council could not address the problems facing the Basotho ‘commoners’, mainly chiefly abuses and arbitrariness permeating land allocations. Hence, growing agitation among this class for a council that would be inclusive of commoners. Spearheading the agitation was the Basutoland Progressive Association (BPA) formed in 1907 by the educated Basotho elite. But, according to Thabane (2002:122), the BPA sought only to replace the chiefs whom it felt were *inadequately qualified* to partner the colonial government in its ‘attempt to civilise and modernize Basotho’ (sic). A new political movement under the name Lekhotla la Bafo (Commoners League) led by one Josiel Lefela emerged 12 years later in 1919. Challenging the legitimacy of the British colonial rule in Basutoland, the organisation did not seek to achieve political accommodation with the colonial state. Rather it demanded an end to colonialism and the restoration of the chiefs to their positions, provided that they feed their people and scale down their demand for tribute labour by keeping only one field (lira or national field) in respect of which the commoners would provide free labour (Edgar n.d:11).

The amount of pressure exerted by the two organisations helped to persuade the colonial government to make some political concessions, leading to a reformed administration that later guided the country to constitutional rule. Thus by 1960, for example, the BNC was a legislative body with 80 members of whom 40 were ‘indirectly elected through district councils and the other 40 consisting of 22 principal Chiefs and 14 members nominated by the Paramount Chief and four British officials’ (Gill 1993:204).

Another important reform measure, also a result of pressure by the two political organisations, is the administrative restructuring of 1938 that saw the introduction of policies that outlawed the ‘placing system’ started by Moshoeshoe I. Using the system, Moshoeshoe placed his sons as chiefs over other non-Koena groups throughout the country. The system had accelerated the growth in the number of chiefs, leading to serious problems such as ceaseless disputes over grazing and farming land. Further reforms were

introduced in 1948 that saw the erosion of chiefly power as the chiefs' courts were abolished and replaced by civil local courts that served as extensions of the modern judicial court system.

The reforms triggered significant political developments in the country. Four years later, in 1952, the first modern political party, the Basutoland African Congress (BAC) under the leadership of the late Ntsu Mokhehle emerged. Renamed the Basutoland Congress Party (BCP) in 1959, Mokhehle's party called for far more radical changes than those demanded by its predecessors. It demanded self-rule for Lesotho. But splits in the party in late 1950s set the stage for the emergence of the BCP's rivals, namely the Marema-Tlou Party (MTP) and the Basutoland National Party (BNP) formed in 1957 and 1958 respectively by Chiefs Samuel Seephephe Matete and Leabua Jonathan. The MTP later in 1961 merged with Makalo Khaketla's Freedom Party to become Marema-Tlou Freedom Party (MFP).

The tempo of constitutional development that was set in motion by the administrative reforms mentioned above and the emergence of the BCP gathered pace with the advent of the BNP and the MFP (Makoa 2002:7). The self-rule demanded earlier by the BCP was to occur within a pluralist multi-party competitive framework. Moreover, constitutionalism was to be the guiding principle for the post-colonial regime and the three national political parties vying for state power. Adopting an Oxford Dictionary definition, Professor Devenish (1998:3) sees constitutionalism as 'the system or body of fundamental principles according to which a nation, state or body politic is constituted or governed.'

Constitutional development in Lesotho was indeed expected to usher in a regime where political authority and the exercise of power followed agreed procedures and norms. But Devenish warns that 'a country's constitution is a product of its unique history...'. He also says that constitutions have normative premises such as the protection of human rights. They require that governing must accord 'with publicly articulated, perspective rules that enable citizens to access the legitimacy and property of public policies.' Noting that constitutionalism involves 'the use of values or norms in political practice and discourse... when political leaders and others respect the basic laws as a framework that cannot be ignored', Hyden and Venter (2001:3) point out that 'constitutions function only when everyone accepts that they represent a self-binding moral commitment to a set of rules that can only be sacrificed in very exceptional circumstances, if at all.'

Colonialism, though not unique to Lesotho, greatly shaped both constitutional development in the tiny southern African kingdom and its post-independence constitution. For example, at the outset, three parties spearheading the independence campaign negotiated and settled for the British Westminster parliamentary model of government for an independent Lesotho, and this was granted. Yet the Basotho negotiators did not necessarily believe that this type of constitutional arrangement was immaculate. They made this clear in a press statement, cited by Maqutu (n.d:9a), that they issued in 1958 when negotiating the 1959 Constitution that set Lesotho on an independence path. This reads as follows: ‘We recognize that the granting of a Constitution is not a specific for all difficulties. A very great deal will depend upon the calibre of men who work the Constitution and the spirit it is worked (sic)... but also in the sense of moderation which the Basotho have so often shown.’

Emphasising the prowess of those engaged in the actual making of the constitution as critical to the success of such a constitution, however, the Lesotho delegation tended to attach less importance to constitutionalism as appositely caricatured above by Devenish, and Hyden and Venter. In other words, what ought to be the normative sinews of the constitution were still a matter for serious contention as the country achieved its independence. A glaring evidence of this is the quibbling over the scope of the application of the constitution shortly before and after independence. This culminated a series of anti-government protests over the role of the King.

The ruling BNP and the main opposition party BCP had exchanged their original positions on this issue. Not sure of an electoral victory, the BNP had supported the MFP’s suggestion that the King should be the final arbiter in the event of a disagreement or seemingly indissoluble political disputes. The BNP also felt originally, as the MFP did, that the King must have control over the army and the police. The BCP had on the contrary wanted a figurehead or ceremonial monarch. However, soon after losing the 1965 general election that paved the way for the country’s independence, the BCP supported the MFP’s position. After winning the election and assuming governmental power the BNP switched over to the position originally held by the BCP, imposing a regime that relegated the monarch to a ceremonial figure.

Unable to work together to achieve a mutually acceptable political settlement to the dispute, the disputing parties settled for a contending strategy – sanctions of which some encapsulated the use of violence that led

to bloodshed. These mutual antagonisms further deepened political polarisation among the Lesotho people, bringing the country to the brink of a full-blown civil war and setting the stage for a military coup that ended Jonathan's 20-year rule on 20 January 1986. While the military did eventually relinquish power to an elected civilian government in 1993, its intervention did not bring about a national reconciliation. Polarisation and rancour still pervade political relations in Lesotho. In summary, although it involved all the 'stakeholders' at its various stages, constitutional development in Lesotho has not engendered constitutionalism.

For some analysts, the country's electoral system as entrenched in the country's Westminster style constitution is one of the main culprits as, rather than spreading power, it centralises it in the hands of the dominant political party. Matlosa (1999:180), for example, argues that this 'gives unfair advantage to the dominant party over all others (sic).' Although it has been amended to accommodate 40 more parliamentary seats allocated on the basis of proportionality of votes, the electoral system is still not inclusive. Also noteworthy is that this token reform does not seem to have achieved its intended objective, namely assuaging the opposition. The BNP and the Lesotho Congress for Democracy (LCD) splinter organisation, the Lesotho Peoples Congress (LPC), are challenging the outcome of the May 2002 elections.

State and Constitutionalism

Two observations should be useful in providing some perspective on the state and constitutionalism in Lesotho. First, during the struggle for independence, the state, as elsewhere in colonial Africa, was not only the most powerful political force but also the most potent power contestant. Its contest for power, though indirect and subtle, was real and forceful. It jealously defended its prerogatives and spheres of interest, including overseeing and directing the process of political change, as it unfolded, in accordance with the civilised norms and standards of political behaviour as defined by Britain, the colonial power.

The colonial state was, therefore, not a passive observer waiting to enforce the law. It was an active participant in the unfolding constitutional development, imposing – borrowing Khadiagala's (1997:195) phrase – 'norms and setting the rules of communal conduct' to which the power contestants

were not immune. But this is not surprising. Upholding a social order is the *function* of the state. In any case, a motive force behind the initial political reforms, as indicated in the preceding section, the colonial state could not be an uninterested facilitator of constitutional development and constitution making in Lesotho.

Second, but in contradistinction to the above, the process of political change in this small kingdom did not entail – using Sean Jacobs’s (2002:50) phrase – ‘mediated deliberation’. Such a mediated deliberation is said to be dependent on the presence of powerful elite institutions, particularly the industrial classes and their media in various forms. Therefore, in the case of Lesotho, transition to independence did not have the necessary inputs from these critical forces.

The colonial state that was steering the country to independence had an unenviable task of alone acting as a framework for the political order that was to emerge from the struggles for independence. Yet in peculiar social and political conditions in Lesotho, it functioned as both the guardian of the process and setting, the latter determining how far-reaching the constitutional changes must be. Unsurprisingly, political standards in Lesotho during campaigning for independence were those set by the colonial state. This is the state that was to protect and uphold the national constitution in post-colonial Lesotho.

An imposed alien phenomenon, however, this type of state was not equipped to meet the challenges of independence, which included the inculcation of political and social values that fostered constitutionalism. This was its *Achilles heel*. It lacked the requisite ideological or political resources that would enable it to become the nation’s ‘spirit’ in the Gramscian sense, that is, ‘as an educator in that it tends precisely to create a new type or level of civilization’ (Carnoy 1984:76). In other words, despite the enormity of its coercive power, the state that was inherited by Lesotho’s neo-colonial regime was not a hegemonic force accepted without question as the ‘nation’s will’ with autonomy to be the final arbiter rather than just a tool for use by power incumbents.

Its ability to develop as an autonomous and a kind of a universally accepted force was further undermined by the country’s chronic external dependence for jobs and consumer goods that forced out over half the male population to become oscillating migrants at any given time. In 1966 there were hardly 500 industrial jobs in Lesotho (Selwyn 1975:83). Employed in and exploited by the South African mines and commercial farms, the Lesotho

migrant workers were largely beyond the purview and influence of the colonial state. With no form of economic leverage over the majority population, even after being bequeathed to Lesotho, the inherited state enjoyed little or no relative autonomy that would enable it to act independently to protect the constitution. The Basotho nation has unwillingly put up with this legacy to date, having a constitutional rule without constitutionalism with a strong economic underpinning.

At independence there was neither the respect for the constitution nor consensus as to the fundamentals of governance. Not even the monarch who supposedly symbolised national unity seemed to appreciate the challenges of the constitutional rule accepted by his Basotho nation. He headed what seemed to be a campaign of civil disobedience in 1965/66, ostensibly calculated to unseat a legitimate government in violation of the constitution. Also disregarding the provisions of the constitution, the King dismissed pro-government Senators appointed by him and called on the people to resist what he called attempts by the ruling party to reduce him to a 'ghost' (Maqutu 1990b:263). Disregard for the constitution was even more blatant in 1970, with Prime Minister Jonathan declaring a state of emergency and refusing to hand over the administration of the country to his rival and winner of the elections held in January of that year, Ntsu Mokhehle.

With Jonathan's seizure of power any hope that there would be constitutionalism in Lesotho dissipated, while the role of the state changed from being nominally one of protecting the constitution and democracy to one of being an anti-democratic bulwark. As Mothibe (1998:47) puts it, Jonathan's action 'set in motion an authoritarian agenda characterised by brute force, naked oppression and de facto one-party rule'. Thus for the subsequent period of 27 years between 1970 and 1993, Lesotho had a state with no democratic agenda and which, therefore, could not inculcate the norms and values that might conduce constitutionalism. Democratic avenues having vanished, the struggle for constitutional rule assumed a different character. The BCP, the only rallying centre for those struggling against the Jonathan regime, resorted to an armed struggle, but this exacerbated the chasm in the Lesotho polity because of the vengeful murders and retributive violence that followed.

Electoral Process and Electoral Reform Imperatives

Between 1993 and 1998 the conduct of elections and management of the electoral process in Lesotho rested with the Director of Elections who was a state employee. The electoral regime as a whole had been agreed prior to the elections by all the stakeholders, and the agreement entrenched in the national constitution, but the country's main opposition parties campaigned successfully for the replacement of the incumbent Director of Elections with a three-man independent electoral commission. This had a chairman with a law degree, and two other members commanding public respect.

The reasons advanced by the opposition for its stance was that the Director's status made it impossible for him to act independently of the government, his employer, which has direct interest as one of the main competitors in the electoral process. In addition, the opposition felt that government control over the Director of Elections and his staff had bureaucratized the electoral process of which the consequences included the lack of transparency and restricted access to him. In any case, Section 66 of the constitution made provision for the establishment of an independent electoral commission. Thus made within this context, the demand was certainly not outlandish. It was apposite and necessary.

Probably fearing a repeat of the 1994 incidents such as the army infighting, police and prison officers strikes, seizure of ministers by members of the armed forces, and the assassination of the Deputy Prime Minister, the government caved in to the pressure and, accordingly, facilitated the proposed change. Varied interpretations of these incidents appear in the works of many writers on this issue and, therefore, need not detain us here (Makoa 1995, Mahao 1997, Mothibe 1998, Thabane 1998). Another important factor was a condition imposed by the troika countries – Botswana, South Africa and Zimbabwe – for the reinstatement of the BCP regime after its overthrow by the King in 1994.

The troika pressured the King and the Prime Minister to sign a memorandum of understanding detailing a set of conditions for reinstating the latter's administration. One of them was that the 'recognition of the basic rights of individuals and groups in a pluralist and civil society shall be duly observed and fulfilled' (Memorandum of Understanding 1994). The replacement of the incumbent director as the sole manager of elections was secured one year and a few months ahead of the 1998 disputed elections. Not only was he subordinated to the newly instituted Independent Electoral

Commission (IEC) but he was also to cede some of his powers and responsibilities to it.

However, by the time the elections were held there was already a groundswell of complaints by the opposition, of which some became the subject of arbitration by the High Court, against the IEC. Among the complaints brought to the Lesotho High Court was the IEC's apparent refusal to furnish political parties with the voters' lists. For unexplained reasons, however, the High Court did not deliver judgement before the polling day and this further poisoned the relations between the IEC and the complainants. Thus by the election day mutual trust and confidence between them had evaporated. The attrition did not augur well for the elections for, indeed, their outcome was rejected as fraudulent by the main opposition BNP, and the BCP and the MFP. This precipitated a stand-off with the government that could only be broken by external military intervention.

According to the country's electoral law – National Assembly Election Order 1992, Section 22 – political parties competing in a national election must be furnished with constituency voters' lists – provisional and final – to afford them the opportunity to scrutinise them for possible errors. But whether the failure to provide the lists in time affected the outcome of the elections is a matter for conjecture. It was, however, among the important factors that influenced the three parties' reaction to the outcome, and their subsequent decision to stage prolonged protests in August-September, 1998 – which were ended violently on 22 September by the intervening South African and Botswana armed forces in front of the King's palace. The intervention came after both internal and external mediators had tried unsuccessfully to persuade the protesting parties to change their tactics. But it helped to bring the warring parties to the negotiating table, enabling negotiations to begin in the following month under the guidance of South Africa, which represented the Southern African Development Community (SADC).

Until the second post-military elections in 1998, Lesotho's electoral process occurred in a winner-takes-all political framework. However, based on the majoritarian principle, it marginalised or excluded the losers of elections from participation in the national decision-making process for only the winners of constituency seats could be members of parliament. Thus, only those who voted for the candidates who came out victorious in individual electoral constituencies were represented in the legislature. But doubts as to the appropriateness of the system for a country that had barely enjoyed stability since independence have to do with the fact that the 1993 elections

had delivered a one-party parliament, there being no indication that this outcome would not be repeated in subsequent elections. This was dangerous, more so because the real protagonists in Lesotho's political power contest, 'the BNP and the BCP, were in principle still at war when these elections were held' (Makoa 2002:5). Through its South African backed Lesotho Liberation Army (LLA), the BCP had between 1979 and 1986 been fighting to overthrow Jonathan's government. Later episodes underlined the need for electoral reforms. The 1998 general elections delivered an almost *single-party* parliament, rekindling the latent conflict between the erstwhile belligerents, Jonathan's and Mokhehle's followers, now boxed into the BNP and the newly formed LCD. The pattern has been repeated in the May 2002 election, with the ruling LCD winning all, but one, constituency seats.

The doubts were, in particular, triggered by the King's overthrow of the BCP government and support for the coup by the losing competitors, namely the BNP and the MFP and small parties such as the United Democratic Party (UDP). However, unconcerned about representation in the legislature, these political parties initially called *not* for a parliamentary system based on the proportionality of the total vote but a government of national unity. Pressure for an inclusive political system came from the civil society which, although fragmented and weak, in 1995 persuaded the government to sponsor a national conference to consider this option.

The conference recommended reforms to the present electoral model that included in the main adopting an electoral system that ensured proportional representation. The proposed model, all the conference participants except the ruling party and the government argued, was a peace and stability strategy. However, without the support of the government and the ruling party, this came to naught. The governing BCP and the government dismissed the entire proposal as a ploy used by the defeated opposition party leaders to gain entry into parliament through an unconventional channel – 'through the backdoor', as they put it. *Serious consideration of this alternative had to await the 1998 post-elections crisis that brought the country to a standstill.*

South Africa and Botswana intervened militarily to restore law and order to the country. But ultimately this was to be a negotiated order since the crisis had paralysed the government and greatly boosted the opposition's bargaining power. On the other hand, with the legitimacy of their action questioned by their own people, media, Lesotho's opposition parties and the international community, South Africa and Botswana sought an easy exit from Lesotho, and this increased the pressure for a negotiated post-military

intervention political order. Working out a deal that was satisfactory to both the opposition and the government was, therefore, imperative.

A meeting of the belligerents to be chaired by the South African Minister for Safety and Security was convened early in October 1998 to begin the negotiations. The outcome was an agreement that the opposing parties must work together in search for peace and solutions to the wide political problems in Lesotho. This included the establishment of a political structure – termed the Interim Political Authority (IPA) – that was to facilitate this process by preparing in co-operation with the government the country for fresh elections in a 15-18 months period. The IPA's functions would include scrutiny of the present electoral model with a view to reforming it where necessary so that it would take account, in future elections, of every vote cast. The IPA, in which each of the political parties that contested the elections had two representatives, was established in November 1998 (cf Interim Political Authority 2000).

Regarding the electoral model, the IPA recommended combining the first-past-the-post (FPTP) system with proportional representation (PR), to transform parliament into an inclusive body with a multi-party outlook representing and servicing the entire nation, and to create a politically stable environment. The recommendation was approved by the Lesotho Parliament after some modifications. The Lesotho electoral model, operational since the May 2002 elections, thus combines the FPTP and PR approaches. Parliament's composition has accordingly been transformed, and now has 80 members elected directly from the country's similar number of constituencies and 40 members qualifying on the basis of their parties' overall performance at the polls – that is, the proportion of the total number of votes cast. However, the model does not translate to increased capacity for conflict resolution or management.

Electoral System and Conflict Management

A corollary of and reflecting Basotho elite's persistent failure to strive for domestic solutions to internal disputes (Makoa 1999), the new system is devoid of an extra-legal, independent and neutral conflict management institution that manages or resolves elections-related conflicts. The lack of such a 'citizens' mechanism means that courts of law and the IEC have monopoly on conflict resolution. Admittedly, ad hoc measures have been

taken by the non-governmental organisations (NGOs), particularly the churches, to try and settle some of the damaging political disputes. But these have been ineffective largely due to a lack of formal recognition by the state, deep-seated animosities and mutual distrust among the Lesotho people, and doubt as to their neutrality. The ad hoc conflict resolution measures coming via the NGOs have also not been effective because of the nature of the electoral laws. As noted below, these preclude access to and examination of the matters and objects that are central to conflict such as the ballot papers and other voting materials. The importance of gaining access to the objects of conflict was underscored by an investigation of fraud allegations with respect to the outcome the 1998 elections. While its report did not apportion blame to any of the disputants, the *Langa Commission investigating the allegations* noted irregularities and discrepancies raising serious concerns, and that 'the means of checking this has been compromised and created much room for doubt' (cited in Matlosa 1999:132).

In terms of Section 6 of the National Assembly Elections (Amendment) Act 2001, the IEC is empowered to resolve complaints concerning elections. Complaints against the IEC and its staff, and disputes between the IEC and interested parties are, therefore, by law or in principle, subject to arbitration, conciliation and mediation by the commission. While they may strictly adhere to the principle of impartiality, the problem is bound to arise with regard to the cases where the commission and its staff are perceived to be blameworthy. It is even more problematic, if not useless or absurd, where complaints cannot be settled without auditing the entire electoral process that the commissioners and their staff manage, or by gaining access to secrets regarding the management and operations of the process.

In fact, while any interested party is entitled under the electoral law to complain against the conduct of the IEC and its staff, he/she is denied access to secrets and data that are basic to his/her complaint. Such secrets and data can only be released with the order of the High Court. However, in Lesotho's political history this is unknown. The High Court has dismissed every case in this regard and by so doing, has encouraged a lack of accountability and transparency in the country's electoral process for it says that the IEC's conduct is not amenable to popular scrutiny.

The existing framework, in particular, has mystified both the electoral process and elections. This has political costs. Those managing the electoral process have no obligation to account to their principal – voters and their legitimate institutions. It has externalised the elections, hence alienating the

voter from the electoral process. That is, elections become the property of the IEC, and because of this, the voter has only the right to vote. This is a curious paradox – where people only have the right to complain but cannot access data that are crucial to finding the solutions. The lessons of 1998 made it clear that Lesotho needs a conflict resolution mechanism that facilitates scrutiny of both the process and those managing it in order to confirm or falsify what is alleged. The opposition parties reacted the way they did because of their feeling of powerlessness in relation to the electoral management regime that they could neither influence nor challenge in terms of the existing constitutional setting.

Key Policy Challenges for Democratic Governance and Stability

The analysis suggests several important policy challenges for democratic governance and stability in Lesotho. The first is developing policies that address what Moyo (1998:5) terms the ‘genetic problem’. This means ‘discovering value principles’ that facilitate transition from an old to a new stage of political development. These will serve as building blocks for and foundations of the transcendent political order. As indicated earlier, what would have been an autonomous political development in Lesotho was interrupted by colonialism. However, this did not provide such a bridge as suggested above for transition into modernity. The reason for this is that it was unable significantly to change the Basotho’s social values, for the colonial state that guided Lesotho to independence lacked the requisite resources to support such change.

Nor did it equip the ‘modernising’ elite, that is, the petit bourgeoisie that spearheaded the campaign for independence, for this task. Admittedly, as the analysis suggests, this will be difficult to achieve without a radical structural change, involving economic transformation that generates an indigenous middle class ready to assume political leadership. Also important as a policy challenge for the system is evolving norms and structures that would mitigate the effects of political competition and, instead, increase inter-party collaboration and co-operation. The government and the ruling party must forge a partnership with the nation rather than simply leading it. In other words, accepting qualified opposition groups to lead in various community development projects is another important innovation. In sum, it

means expanded political participation as a national norm rather than a vagary of political outcomes.

However, this calls for a change in attitude of the ruling party towards the opposition. The people have passed their judgement. Policies that exclude or marginalise the opposition should be abandoned. With this, elections will cease to be the zero-sum game that it is, while confidence in democratic rule will increase. It also means reforming the present electoral model in order to make the national assembly more inclusive and representative of society, and lead to greater transparency and to the building of mutual confidence and trust. A truly democratic atmosphere fosters inter-group interactions, free discussions and exchange of ideas. It 'can offer an effective means for peaceful handling of deep-rooted differences through inclusive, just and accountable social frameworks' (Harris & Reilly 1998:17). The beneficiaries of expanded democracy in Lesotho would include the IEC and the electoral system in that they would cease to be phenomena external to and confronting the electorate. It is imperative also to facilitate the evolution of a universally acceptable conflict resolution mechanism in Lesotho. External interventions have only created dependency without solving the country's problems.

Conclusion

Our conclusion cannot but start by noting the unbreakable interdependence and interconnectedness between the triad of elections, constitutionalism and political stability. Alone, as this Lesotho-focused analysis has tried to show, each of these issues, on its own, cannot solve political problems such as mutual antagonisms, electoral fraud, non-acceptance of election outcomes and disregard for a constitution. Together, these are critical sinews of democracy and foundations of peace. Unfortunately, however, the process of decolonisation and the framework in which it occurred facilitated the emergence of an elective regime with a written constitution without inculcating proper attitudes. The conditions in Lesotho made a more favourable outcome difficult if not impossible. Opportunistic politicking, based on societal divisions, therefore took root with disastrous consequences. Instruments of democracy such as elections, political parties and parliament have thus become means and mechanisms for gaining power and denying basic rights to opposition groups outside government. The resulting political climate has made it impossible for

the state and its traditional apparatuses to intervene as neutral forces when disputes arise. Crucial institutions such as courts of law, the police, army, the constitution and elections directorate have lost or are fast losing credibility. Policy reforms suggested above should help in bringing about some improvement to the situation.

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