

## Chapter 2

### Political Background

#### **The Mixed Member Proportional System (MMP)**

Since Lesotho's independence, a number of post-election crises have arisen, due to the inadequacy of the First-Past-The-Post system (FPTP) in reflecting the number of popular votes secured by political parties in the allocation of parliamentary seats. Following the unrest and political crisis after the 1998 Parliamentary Elections, when opposition parties rejected the victory by the Lesotho Congress for Democracy (LCD), the Commonwealth, SADC, and other partners, agreed to provide support to Lesotho in exploring the possibility of creating a new system which would ensure the representation of all political groups in the political process.

The Commonwealth worked closely with other international partners in facilitating and implementing an agreement between the Government and the political opposition. Support was provided to the Interim Political Authority (IPA) which was established to deal with the crisis and electoral reform, including the strengthening of the Independent Electoral Commission (IEC), and reform of the system of political representation.

In July 2000, the Secretary-General appointed a senior Secretariat official as his representative to facilitate dialogue, with a view to promoting agreement on two major issues: the voter registration system and the formula for representation in Parliament.

In light of an extensive capacity building programme and support provided by the Commonwealth and UNDP, the IPA developed a voter register that enjoyed the confidence of major stakeholders. The passage of the Electoral Registration Act of 2000 conferred on the IEC the right to determine the system of electoral registration.

In March 2000 the Senate approved the fourth Amendment to the Constitution, by which a formula for representation in Parliament was adopted. It provided for a 120 member parliament, 80 of whom were to be elected on the first-past-the-post basis, and the remaining 40 on the basis of proportional representation.

It was on this basis that the 2002 Parliamentary Elections were conducted. The post-election environment under the Mixed Member Proportional (MMP) system was relatively calm and established people's confidence in the workability of the MMP system. The LCD under Dr Mosisili won the election, winning 77 out of 120 contested seats in the Lower House, and obtaining 54.6 per cent per cent of total votes cast. A Commonwealth Observer Group (COG), led by Sir James Mitchell KCMG, former Prime Minister of St Vincent and the Grenadines, concluded that 'the conditions existed for a free expression of will of the voters of Lesotho. Where we observed the process, the atmosphere was peaceful, the voters were

able to cast their votes freely and the secrecy of the ballot was assured’.

The COG also concluded that, in the lead up to the election, there was wide support for the MMP system of representation.

Confidence in the system was further reinforced by the successful conclusion of the first post-independence Local Government Elections in April 2005. In these elections, Lesotho adopted a quota system that reserved one-third of electoral divisions for women candidates. It resulted in women constituting 53 per cent of the victorious candidates.

On 13 October 2006, a new political party, the All Basotho Convention (ABC), led by Mr Tom Thabane (then Minister of Communications) emerged, when he and 17 other members of the Lesotho Congress for Democracy (LCD) crossed the floor, bringing the total number of non-government MPs to 59 in the 120-seat National Assembly. As a result of this development, the government decided to bring forward the election date.

The defections to the ABC instantly made it the third largest party in the lower house, the National Assembly – behind the LCD and the Basotho National Party (BNP) the main opposition – and reduced the ruling party's representation to only 61 out of 120 seats.

In November 2006 a faction of the BNP also formed a new party, the Basotho Democratic National Party (BDNP), together with four other BNP MPs (out of a total of 21). A group of smaller opposition parties also came together the same month and announced the formation of a united front, the Alliance of Congress Parties (ACP), which included the Lesotho Peoples’ Congress (LPC), the Basotho African Congress (BAC) and a faction of the Basotho Congress Party (BCP). The stated intention of the ACP was to reunite the numerous parties that had broken away from the BCP in recent years, ultimately merging into one party, although ironically the official BCP had declined the offer to join the alliance.

In late November 2006, His Majesty King Letsie III, on the advice of Prime Minister Mosisili, dissolved Parliament and announced that a new election would be held on 17 February 2007. Though the IEC had been working towards a May 2007 election, following contemporary political developments, it had geared itself for the possibility of a snap election.

The sudden nature of the election affected the period and process of voter registration. The IEC did not have the usual three month period required to register voters for the election. The registration period was therefore shortened, with the result that voters who were migrant workers and students based in South Africa, and some young people attaining the age of 18, could not register.

Due to the floor crossing and emergence of the ABC, the 2007 Parliamentary Elections held on 17 February were highly competitive.

In the election, the two larger parties, the ruling LCD and the main opposition party, ABC,

made arrangements with smaller parties whereby the larger parties contested only the constituencies and the smaller parties submitted only party lists for the compensatory seats; these lists then included members of the larger party. The understanding was that the smaller partner's supporters would vote for the larger partner's candidates on the constituency ballots; in exchange the larger partner's supporters would vote for the smaller partner on the party ballots.

In effect, the LCD fielded constituency candidates, while the National Independent Party (NIP) included LCD members on the NIP party list. The outcome of all this was that the LCD won 61 constituency seats and the NIP was allocated 21 compensatory seats giving the alliance 82 seats in the National Assembly, or 68.3 per cent of the seats.

The ABC made a similar arrangement with the much smaller Lesotho Workers Party (LWP). The outcome in this case was that the ABC won 17 constituency seats and the LWP was allocated 10 compensatory seats giving the alliance 27 seats in the National Assembly, 22.5 per cent of the seats.

As a result, in the 2007 Parliamentary Elections, the LCD and ABC obtained no party votes, while the NIP and the LWP performed far better than they had in the 2002 election.

A major observation of the Commonwealth Expert Team (CET) which observed the Parliamentary Elections was that the FPTP mindset was carried over to the MMP system. This was manifested in a number of ways. One of these was that there was undue emphasis on constituency seats, at the expense of the proper consideration of the function of the party list seats, which had the effect of distorting the proportionality of seats allocated in parliament. This distortion subsequently dominated the political landscape in Lesotho and the relationship amongst political parties.

### **Mediation efforts**

SADC pursued mediation to resolve the situation. A SADC Eminent Persons Mission visited Lesotho in August 2008 to consult with stakeholders on a revised road map for Lesotho dialogue.

During this period, an assassination attempt on Prime Minister Mosisili took place in April 2009. A Commission of Inquiry on this matter was subsequently conducted. It produced a report entitled Attacks on the Makoanyane Military Base, State House and against the residents of Maseru, which was released in April 2010. A number of recommendations were made, including that the security of the Prime Minister should be the direct responsibility of the Commander of the Armed Forces.

Ongoing negotiations to resolve the dispute stalled in July 2009, after Sir Ketumile Masire resigned as the SADC-appointed mediator. Mandated at a subsequent SADC summit to follow up on Sir Ketumile's report, the SADC 'Troika' of foreign ministers from Mozambique, Swaziland and Zambia visited Lesotho in late October 2009. In early 2010, SADC tentatively

resumed its efforts to help to resolve the dispute. A visit of the SADC Troika (Mozambique, Swaziland and Zambia) took place in February 2010, during which an attempt was made to relaunch the political dialogue.

The SADC Troika announced that it would grant its support to the Christian Council of Lesotho (CCL) in its role as the mediator in the post-electoral political dialogue. The Troika also agreed to appoint, with immediate effect, a Team of Facilitators to assist the CCL in this mediation to provide technical support and to facilitate the communication with the relevant SADC structures. Thereafter, both the SADC Team of facilitators and CCL would bring together the stakeholders to agree, through an all-inclusive and participatory process on a roadmap comprising a list of major contentious issues and how to handle them, including, among others, the allocation of responsibilities for what to be done among the different stakeholders. The roadmap also agreed on a timeframe to review both the Constitution and the Electoral Law.

Although relations between the ABC and LWP strengthened to the extent that LWP leader, Macaefa Billy, was appointed Secretary-General of the ABC, the ABC announced that it was terminating its alliance with the Lesotho Workers' Party (LWP) in July 2010.

In mid-November 2010 the LCD held preliminary discussions with other political parties regarding possible changes to the electoral system in advance of the 2012 elections. The talks were convened by the IEC and attended by all parties except the ABC, which refused to work with the IEC because of its alleged bias towards the ruling party. The LCD had by then accepted the need to modify the system.

During the discussion the LCD tabled a proposal suggesting, among other things, that voters should cast only a single vote to indicate preferences for both constituency and proportional representation components. This change, along with other electoral reforms, were introduced in a National Assembly Electoral Act, enacted in August 2011.

Local Government Elections were conducted in October 2011 after an earlier postponement. The IEC was criticised for its conduct of these elections, with allegations that there were many organisational and logistical shortcomings.

The Commonwealth Secretariat provided technical support for the delimitation of electoral boundaries for the local elections. The Secretary of the Independent Electoral Commission (IEC) of Botswana, Mr TGGG Seeletso, provided the expertise for the exercise.

Two rival factions emerged during youth league elections in the LCD. An anticipated cabinet reshuffle subsequently occurred in mid-October 2011, with the first changes since the 2007 election and the biggest shake-up since Dr Mosisili became prime minister in 1998. All the major positions were won by supporters of Mr Monyane Moleleki, the Minister for Natural Resources. The other faction was led by Mr Mothejoa Metsing, the LCD Secretary-General and Minister of Communications.

## **Formation of the Democratic Congress (DC)**

Protracted differences and factionalism within the LCD led to a split in the LCD. This resulted in the Prime Minister and 44 MPs breaking away to form a new party, the Democratic Congress (DC), in February 2012. There was a vote of confidence in the National Assembly on 29 February 2012, which was won by Dr Mosisili's group, with the support of some members of the opposition. Parliament was dissolved on 15 March 2012 and fresh elections were called.

Several political parties expressed concerns about the process and the legitimacy of the caretaker government following the dissolution of parliament on 15 March 2012, as the Speaker, and not the King, declared the DC as the caretaker government.

## **Political parties contesting the 2012 Parliamentary Elections**

A total of 18 political parties were registered to contest the 2012 Parliamentary Elections:

1. All Basotho Convention (ABC)
2. Areka Covenant Front For Development (ACDF)
3. All Democratic Corporation (ADC)
4. African Unity Movement (AUM)
5. Basotho Batho Democratic Party (BBDP)
6. Basutholand Congress Party (BCP)
7. Basotho Democratic National Party (BDNP)
8. Basotho National Party (BNP)
9. Democratic Congress (DC)
10. Lesotho Congress for Democracy (LCD)
11. Lekhotla La Mekhoa le Meetlo (LMM)
12. Lesotho People's Congress (LPC)
13. Lesotho Workers Party (LWP)
14. Marematlou Freedom Party (MFP)
15. National Independent Party (NIP)
16. Popular Front for Democracy (PFD)
17. Lekhotla La Senkatana (SSD)
18. The White Horse Party (WHP)