

The Lesotho General Election of 1998

Pontšo Sekatle*

Analysis of elections is an important exercise in political science. Because of this all previous elections in Lesotho were analysed. The 1998 elections were followed by controversy that brought the country to the brink of anarchy and civil war. Some political parties claimed that the elections were rigged. This was not the first time such claims were made after an election in Lesotho. Since 1965 all Lesotho elections have been conducted peacefully. However, the reaction of some losers has always been negative. The aftermath of the 1998 elections almost plunged the country into an unprecedented state of civil war. But this was an election declared free and fair by local and international observers. The majority of political parties that contested the elections also concluded that the elections were free and fair. This paper sets out to analyse the May 1998 elections. It argues that despite the time constraint faced by the Independent Electoral Commission the election went fairly smoothly and allowed the electorate to vote freely for the government of their choice. The paper shows that political parties had almost the same shopping list of campaign issues; selection of candidates for major political parties was controversial to the extent that some contestants had to seek redress from the courts of law.

Introduction

The second democratic elections since the end of military rule in Lesotho was held on 23 May 1998. The election outcome a landslide victory for the ruling Lesotho Congress for Democracy (LCD).¹ The LCD won 79 out of 80 constituencies.² The election was declared free and fair. However, some political parties opposed the election outcome and resorted to violent measures thus rendering the country ungovernable gravitating ominously to the brink of a civil war. The political crisis that followed climaxed with the military

* Dr. Pontšo Sekatle is a Lecturer and Head of the Department of Political and Administrative Studies, NUL.

intervention by forces of the Southern African Development Community (SADC) and the burning of Maseru, Mafeteng and Mohale's Hoek towns by supporters of the opposition.

This paper sets out to analyse the 1998 general elections in Lesotho. Such an analysis is necessary despite all what happened in the election aftermath. The structure of the paper is as follows: The first section sketches the administrative/logistical framework for the election. The second section discusses the actors and the last section considers the election results.

Framework for the Election

The most important measure undertaken to facilitate the election and to ensure that the process was acceptable to all stakeholders was the establishment of an Independent Electoral Commission (IEC). The IEC was in turn charged with responsibility to undertake the following processes to ensure that the elections would be free and fair: registration of voters, constituency delimitation, voter education, administering the nomination of candidates and the voting process.

Independent Electoral Commission (IEC)

For the first time in the history of Lesotho the election was administered by the IEC. This was an improvement on previous elections that were administered by the government controlled electoral office. In all those elections there were allegations of fraud. In 1965 the Basutoland Congress Party (BCP) successfully petitioned the results of two constituencies in the High Court. In 1970 Jonathan nullified the elections because of alleged irregularities (though he never submitted a petition in the court of Disputed Returns). In 1993 the Basotho National Party (BNP) challenged the election result in the High Court but failed to support its claim.

To avoid allegations of fraud and ballot rigging all political parties other than the then ruling BCP³ strongly felt that an independent body be set up to administer elections. Many observers of Lesotho politics received the establishment of the IEC positively and hoped that allegations of ballot rigging

and fraud would not surface in the 1998 general elections. As this paper will illustrate, this was not to be.

The IEC was established by Parliament in July 1997 and its Commissioners were sworn in on 12 September 1997. This means that this new body had barely nine months to deliver the election. Given the time constraint, the IEC had to work round the clock to facilitate the process.

Registration of Voters and Constituency Delimitation

Registration of voters by the IEC commenced in January and was completed in March 1998. The IEC published the provisional list of electors on 13th April and displayed it for inspection by the public for six days. (Report on the 1998 General Election).

The IEC refused to make copies available to political parties, BCP, BNP and Marematlou Freedom Party (MFP) which in turn sought the High Court's intervention. They asked the High Court to order the IEC to delay the elections until such time that they would have had a reasonable opportunity to study the electoral lists.⁴ The High Court ruled against the applicants.

The delimitation of constituencies was completed and published in a gazette on 15 April 1998.⁵ Fifteen constituencies were added to the previous 65 and this resulted in 80 constituencies.

Voter Education

Voter education forms an important exercise in the elections. This is especially so in those countries such as Lesotho where people were over a long period denied the right to participate in democratic elections. Voter education was launched by the IEC in October 1997. The IEC used posters, pamphlets, notices, public gatherings and radio and newspapers to disseminate information on elections. Posters, pamphlets and notices were distributed and displayed in villages, shopping centres, educational institutions, health centres, public gatherings and also published in newspapers. Other organisations that carried

out voter education were Lesotho Council for Non-Governmental Organisations (LCN), Churches as well as youth groups. (Report on the 1998 General Election).

Nomination of Candidates

The date for the nomination of candidates was 20 April 1998. This went on as planned except in four constituencies where the IEC was interdicted from allowing and confirming the nomination of some candidates. The affected constituencies were Maama, Matsieng, Rothe and Mafeteng. In all of these constituencies contestants who were not satisfied with the way candidates were selected within their political parties asked the High court to restrain the IEC from nominating their competitors. The affected political parties were BNP at Maama Constituencies, BCP at Matsieng and Rothe Constituencies and LCD at Mafeteng Constituency. Fresh primary elections were ordered by the High Court at Maama, Matsieng and Rothe. In Mafeteng the High Court ruled in favour of the applicant as candidate of LCD for the 1998 elections.⁶ A fifth applicant by a member of the BCP at Mt. Moorosi was also granted by the nomination that was made on 20 April reversed by the High Court.

Litigation that surrounded *candidature* within three main political parties- BCP, BNP and LCD- was an indication of the authoritarian and undemocratic manner in which Lesotho politics is conducted. Contestants in all these political parties went through primary election. However, the manner in which these were conducted in some constituencies left much to be desired and indicated the authoritarian tendencies prevalent in the administration of political parties.

Procedures for casting and counting of ballots

The procedures adopted by the IEC with regards to the casting and counting of ballots were the same as those that were adopted in the 1993 general election. The only difference was that at registration voters were issued with identity cards bearing their particulars. In 1993 voters produced passports at registration and at the polling station.

At the polling station a voter had to produce a voter registration card which was used by the electoral officer to check him/her in the voters' roll. The electoral officer gave the voter a ballot paper bearing the names of all candidates contesting the elections in the constituency. The voter had to go into the polling booth, make a cross against the candidate of his/her choice, fold the ballot and hand it back to the electoral officer who would tear off a perforated stub and put it aside. The electoral officer would hand back the folded ballot to the voter who would in turn deposit it back into a locked ballot box. To avoid double or multiple voting the electoral officer had to strike off the name of each voter after issuing him/her with a ballot paper and mark his/her finger with permanent ink.

At the end of the polling process counting took place on the spot. Each polling station had more than one polling point. Counting took place in each of these polling points. Each polling point was presided over by an electoral officer. Party agents and agents of independent candidates were present throughout the process. The electoral officer and agents had to sign for the result. Results of all polling points were added to arrive at the result for the polling station. The electoral officers would then announce the result to the public before reporting the result to the constituency centre. The official declaration of the result was made by the IEC in Maseru after all results of the polling stations were consolidated at the constituency centre.

Political Parties

Twelve political parties contested the 1998 general elections. These were BCP, BNP, LCD, MFP, Christian Democratic Party (CDP)⁷, Kopanang Basotho Party (KBP), National Progressive Party (NPP), National Independent Party (NIP), Lesotho Education Party (LEP), Popular Front for Democracy (PFD), Sefate Democratic Union⁸ and a coalition of two political parties, Lesotho Labour Party and United Democratic Party (LLP/UDP).⁹ A total of 30 independent candidates also contested the 1998 general elections.

Only two political parties, BCP and LCD, were able to place candidates in all 79 constituencies. The BNP was not able to place a candidate at Maama

Constituency because of infighting. The BNP lodged a complaint with the High Court on the grounds that it was prevented by the IEC from contesting the elections at Maama Constituency (see CIV/APN/245/98).

The Campaign

Political parties and independent candidates had a number of campaign issues. These ranged from education, economic development, poverty alleviation, stock theft, religion, agriculture, Monarchy, Chieftainship, health, industrial development, mineral resources development, tourism, highlands water scheme, stability, employment generation, crime prevention, privatisation, village water supply, and social welfare. The following paragraphs will highlight campaign issues of some political parties.

The BNP promised to remove the Education Act of 1995. The purpose of the Act was to consolidate all the enactments relating to education in the country. The Act covered a wide spectrum of issues relating to the provision of education in the country. These included registration of schools, management committees of schools, establishment of the National Curriculum Committee, Lesotho Teaching Service, Appointment of teachers, conduct of teachers, retirement of teachers, teaching service commission, adjudicator, and joint reference committee.

Churches were severely opposed to this Act, particularly the Roman Catholic Church. The main criticism was that the government was taking over Church schools. The government has since independence been the main financial provider in terms of recurrent and capital budgets for schools. Churches were responsible for the administration of schools. The 1995 Act was intended to formalise this hitherto existing partnership between the government and Churches in the provision and management of schools. It also provided for the participation of parents in the provision and management of schools. In other words the Act formalised the partnership between parents, government and Churches. The Roman Catholic Church was particularly opposed to issues concerning the partnership in the appointment of teachers and management of schools. The BNP promised to remove the 1995 Education Act and restore the

administration of schools in the sole hands of the Church. The BNP further promised to support Church schools and promote religious education arguing that education without religion has a negative impact on the moral values of children.

The BNP further promised to upgrade teachers' salaries (Mohlanka, 27 March 1998). The BCP government increased teachers' salaries by 64% and 75% for primary and secondary school teachers respectively in February 1995. The increase was in accordance with a memorandum of understanding signed by the government and teachers' representatives on 22 September 1994. Teachers were paid increased salaries for only two months, February and March. The increase was reversed with the explanation that it was too high and government would not sustain it in the long run. This led to teachers' strikes countrywide (Moeletsi, 20 August 1995).

The BNP also promised to promote agricultural development through the use of the highlands water for irrigation. It also promised to resuscitate the Food-for-Self-Sufficiency Programme (Mohlanka, 27 March 1998). This was the programme that was initiated by the BNP government in the 1980s. The programme collapsed under the BNP because of graft.

The BCP's campaign issues covered all sectors of the economy. It promised the following firstly to promote good governance through cultivating a democratic culture, tolerance and reconciliation; combating corruption in the public service; self reliance; fostering good relations between the government and the Monarchy as well as chiefs; training security forces; and strengthening relations with Churches and Church organisations. On this last point the BCP indicated that it would, among others, normalise relations between government and churches in the administration of education and hospitals.

The BCP promised to provide education that is both academic and technical; The party promised to ensure that opportunities for education are equally available and accessible to all Basotho; teachers are involved in the planning of education; government controls the establishment of schools and prohibits foreigners from establishing schools. It further promised to rationalise school

fees such that it is affordable and to strive for eventual free education in primary schools. The party's programme covered other issues relating to pre-school education, special education, primary education, secondary education, technical and vocational education, teacher training, the university, and non-formal education.

For the first time the BCP had a clear promise on gender balance. In 1993 the party did not pay special attention to gender balance. In 1998 the BCP acknowledged the existence of gender imbalances between men and women. It promised to protect women against discrimination and harassment. It promised to: strengthen the execution of such laws; review all laws to achieve gender balance in land distribution, inheritance and independence in financial transactions; establish a National Commission for Basotho Women; establish credit unions in order to enable women to fight against poverty.

The BCP further promised to promote the youth through the provision of more educational facilities; introduction of laws that would protect the rights of the youth; promotion and facilitation of youth participation at all levels of national development. The BCP raised other issues such as water affairs, construction of roads, dams, justice system, health, agriculture, allocation and use of land, industry, Basotho entrepreneurs, foreign and internal trade, privatisation, natural resources, labour, environmental protection, tourism, energy, foreign affairs, transport and communication. The BCP promised to implement local government immediately after the elections. (BCP Manifesto, 1998).

PFD's election programme was almost the same as that issued for the 1993 general election. It sought to promote the democratisation of the country, foreign policy, sound trade policy and land policy. The party also advocated the protection and promotion of the rights of the workers, rights of women, as well as the rights of the youth. On education PFD promised to provide free and compulsory education until the age of eighteen and provision of technical skills. It advocated partnership between teachers, parents and pupils in the formulation and management of schools. On health PFD promised that it would ensure that trained personnel is available, provide subsidised medical services, and improve working conditions for health workers so that every citizen can have access to

health services. The party further promised to provide subsidised housing to low income earners. PFD recognised the accelerating rate of crime as linked to increasing incidence of urban and rural poverty. It criticised the government for lack of political will to fight crime. It alleged that many of the criminal gangs were supporters of the government. (Programme of the Popular Front for Democracy).

LCD promised to campaign for public awareness on ways of combating disasters such as drought; to create and sustain peace and stability and to fight against crime; to eradicate poverty, unemployment, soil erosion. The Party's education policy promised to provide compulsory primary schooling; night schools for herd boys. LCD promised to provide social welfare in the form of money for the aged and disabled. LCD promised to attract foreign investors to mine mineral resources such as diamonds; to promote electrification through competition; to assist farmers with regards to irrigation, marketing of their produce and establishment of co-operatives; range management and processing of wool and mohair.

In concluding this section it is important to note that many analysts tend to argue that Lesotho elections are not fought on issues. This is valid to a certain extent. One reason for this is that issues raised by political parties in almost all elections are more or less the same. If campaign issues are the same then the electorate is bound to look for other considerations outside campaign issues. But I would also like to differ with this contention to a certain extent. My argument is that as political parties promise almost everything the electorate does pass a verdict on the basis of performance. The BNP lost in 1970 because of its poor performance in running national affairs. The BNP lost in 1993 because once again of its performance during the 1970-1986 period of authoritarianism. The total percentage for both the BCP and LCD in 1998 was slightly less than that of 1993, an indication that some people who voted for the BCP in 1993 either did not vote or voted for other parties.

I would also like to draw the reader to the question of gender, especially as it relates to women. Unfortunately political parties that attract the larger proportion of the electorate pay lip service to the plight of women. At best they

are indifferent. Such indifference was displayed by the BCP during the 1993 general elections. In 1998 the LCD was indifferent about issues of women and youth.

Election Result

Though many political parties placed more candidates than in 1993 the contest was mainly among three political parties, BCP, BNP and LCD. They polled 10.6%, 24.4% and 60.6% respectively. The result shows that the voting behaviour of the electorate has not changed significantly. Table One shows the percentage votes polled by each political party in 1993 and 1998. The Table also shows percentage votes polled by new political parties in 1998. The percentage vote polled by each political party shows that there were minor gains and losses compared to the 1993 result.

Table One: The Election results of 1993 and 1998

Party	Votes cast		Share of Votes		Seats Won	
	1993	1998	1993	1998	1993	1998
LCD	-	364,290	-	60.6	-	78
BCP	398,355	63,445	74.7	10.6	65	-
BNP	120,686	146,566	22.6	24.4	0	1
CPD	-	1,185	-	0.20	-	0
KBP	417	174	0.078	0.03	0	0
LEP	63	92	0.011	0.02	0	0
LLP	244	-	0.045	-	0	-
LLP/UDP*	-	357	-	0.06	-	0
MFP	7,650	7,546	1.43	1.27	0	0
NIP	241	1,644	0.045	0.28	0	0
NPP	-	2,897	-	0.49	-	0
PFD	947	3,077	0.17	0.52	0	0
SDU	-	3,160	-	0.20	-	0
UDP	582	-	0.10	-	0	-
IND	2,753	6,536	0.51	1.10	0	0
TOTAL	532,678	593,955		100%	65	79

NOTES:

*LLP and UDP contested the 1998 elections under an alliance, whereas they

were independent in 1993.

- (a) LCD, NPP, SDU and SDU were formed after the 1993 general elections.

Table One above shows that the BNP polled 24.7%, a slight improvement on the 22.6% polled in 1993. The NPP, which broke away from the BNP after the 1993 elections polled 0.49%. The BCP polled 10.7% compared to the 74.7% polled in 1993. The LCD, a breakaway party formed in June 1993 after a split from the BCP, polled 61.6%. It is necessary to consider the total votes for the BNP and NNP on the one hand and BCP and LCD on the other. The total share of the votes for both the BNP and NNP is 25%. The total share of the votes for both the BCP and LCD is 71.7%. On the whole the results reflect a slight gain for the BNP/NPP.

Conclusion

This paper has given an overview of the 1998 elections with regards to the registration of voters, constituency delimitation, voter education, the casting and counting of votes, political parties and their election programmes, the election result. Out of twelve political parties that contested the elections only three protested. The majority of political parties, including PFD, NPP, KBP and LCD maintained that the elections were conducted under a free and fair atmosphere.

It is also important to note that some of the leaders within the protesting political parties agree that the election was not rigged. They state that their protests were intended to push for government of national unity. They did not achieve government of national unity but succeeded to force the government to the negotiating table for a review of the electoral system. The IPA's mandate is to review the electoral law with the ultimate objective of adopting a more representative and inclusive electoral system. Most observers and analysts agree that the first-past-the-post electoral system is not inclusive enough in a fledgling democracy such as that in Lesotho. Debates for and against these issues cannot be discussed in this paper. They form a full paper on their own.

Notes

¹ LCD was formed in June 1997 after a split within the then ruling Basutoland Congress Party (BCP). It was formed under the leadership of the then Prime Minister and leader of BCP, Ntsu Mokhehle. Ntsu Mokhehle continued to serve as Prime Minister as he commanded the support of the majority of members of the National Assembly. The LCD replaced the BCP as the ruling party.

² Eighty (80) constituencies were drawn for the 1998 elections. Elections were held in 79 constituencies only on 23 May. Elections in one constituency, Moyeni, were not conducted because a candidate for Sefate Democratic Union (SDU) died few days before the 23 May. Elections in this constituency were conducted in August.

³ A split within the BCP facilitated the IEC's establishment in June 1997. For a detailed analysis of the BCP split see P. Sekatle, "The establishment of Lesotho Congress for Democracy: Implications for the 1998 general election", in *Lesotho Social Science Review*, 3,2 December 1997.

⁴ Judgement delivered by Chief Justice J.L. Kheola on 19 May 1998 in the matter between Basotho National Party and other Vs Independent Electoral Commission and Attorney General.

⁵ See Legal Notice No. 38 of 1998. (The National Assembly Election Order 1992, Constituency Delimitation Order).

⁶ Judgement delivered by Honourable Justice M.M. Ramodibeli on the 6th day of May 1998. CIV/APN/160/98.

⁷ CDP was formed in 1998 during the run-up to the elections.

⁸ The then representative of Qeme constituency, Bofihla Nkuebe, formed SDU in 1993 in the National Assembly. Nkuebe was elected as an independent candidate after the BCP national executive committee refused to endorse his candidature in a by-election. He won the election and immediately after joining the National Assembly formed SDU and became its leader.

⁹ For a detailed explanation of those political parties formed before the 1993 general election see Khaketla, 1972; Macartney, 1973; Southall, 1995.

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