

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE
UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone: 011-551 7700 Fax: 011-551 7844
Website: www.au.int

Country Profile: Lesotho

Table of Contents

- I. Introduction 3
- II. Political History 3
- III. Structure of Government 5
 - a. The Executive 5
 - b. The Legislative 6
 - c. The Judiciary..... 6
- IV. Legal framework for elections 6
 - a. The Electoral System 6
 - b. The Legal Framework 6
- V. Elections management 7
- VI. Voter registration..... 8
- VII. Political Parties and Candidates 8

I. Introduction

The kingdom of Lesotho is a mountainous Southern African country entirely surrounded by South Africa. It borders KwaZulu-Natal to the East, Eastern Cape to the South, and the Free State to the North and West. It is a country of about 1,930,493 people and covers around 30 300 square kilometres. The country is divided into 10 administrative districts; Berea, Butha-Buthe, Leribe, Mafeteng, Maseru, Mohale's Hoek, Mokhotlong, Qacha's Nek, Quthing and Thaba-Tseka. Maseru is the Capital City of Lesotho. However, for electoral purposes, the country is divided into 80 electoral constituencies.

II. Political History

The Kingdom of Lesotho as now called was formerly Basotho land following King Moshoeshoe alliance with clans and chiefdoms of southern Sotho people around 1818. After becoming a Kingdom, Basotho land suffered strife and war especially from Shaka, the then King of Zulu. Their internal strife with neighbours and drought eventually made them vulnerable and around 1820, Basotho land suffered a new kind of threat when Dutch missionaries arrived and occupied Mohokare valley therefore forcing Basotho to seek refuge at mountain and remote rock shelters out of the reach of horses. The arrival of the missionaries opened route for white settlers to come in numbers around 1830s. In order to ensure the safety of the Kingdom, Moshoeshoe settled for tactical diplomatic relationship in dealing with white settlers. Attempts by white settlers to encroach in the Basotho Kingdom's land led to arms war around 1851 in which Moshoeshoe called on support and ousted the Major Warden. This then triggered British action against Moshoeshoe in 1852 leading to further arms war. Meanwhile, the British struggled to manage the neighbouring Orange Free State and decided to withdraw from Bloemfontein in 1854. The British withdrawal left a gap especially in terms of clear boundary between Basotho Kingdom and their neighbours culminating into war with Senekal in 1858. The conflict and arms war between Basotho Kingdom and its neighbours continued till 1861. In order to check further escalation of conflict and arms wars, Moshoeshoe in 1861 requested British protection from Sir Philip Wodehouse, the new High Commissioner of the Cape. This did not immediately avert the danger, as further war with the Orange Free State followed in 1865 until 1867. In 1868, the British cabinet granted Sir Philip Wodehouse proposal to annex the country and on 12 March 1868 Sir Philip Wodehouse proclaimed Lesotho a British Territory.

Lesotho gained independence from Britain on 4 October 1966 and adopted constitutional monarchy. Prior to the 4 October 1966 independence, Lesotho had already set in place a political transition from a colonial country to an independent country following the 1965 election that set the pace for Lesotho to become an independent country. The outcome of the election handed the (Basotho National Party) BNP victory with 31 seats, the Basutoland Congress Party (BCP), 25 and the Marematlou Freedom Party (MFP) only 4 seats out of 60 seats. Invariably, the BNP led Lesotho to independence in 1966. The outcome of the election was questioned

by the BCP who felt that the electoral system was not fair and transparent and accused the British of rigging the election in favour of the BNP.

The 1965 election was followed by another election in 1970 in which the BCP gained more seats than the BNP securing 36 seats to the BNP's 23 and MFP 1. It was thought that BNP would hand over to BCP but pressure from BNP cabinet members led to the nullification of the 1970 election, declaration of state of emergency and arrest of opposition politician and the King. Attempts to resolve the political impasse was scuffled when the British government unilaterally resumed its aid intervention programme to Lesotho. In 1973, the government formed a National Assembly appointed by Leabua the leader of BNP, which included BCP members who has broken away from the leadership of Mokhehle the BCP leader.

The nullification of the election led to BCP forming an armed wing, which started disrupting events and causing political instability. Following both internal and external pressure especially from the armed wing of BCP and foreign donors, the BNP reluctantly proposed that representative elections would hold in 1985. However, other political parties boycotted the elections and BNP won overwhelmingly. That only served to exacerbate already growing tension in Lesotho. Afterwards there was a blockade of Lesotho by South Africa in January 1986, which was eventually followed by a military coup d'etat that overthrew Chief Jonathan Leabua in the same year.

During military rule, the King was given executive powers while political parties were banned. The military ruled from 1986–1993 during which there were internal struggles in the military between the monarchists and those that favoured continued military rule. The internal tension inside the military continued and in 1990, the monarchists within the government were removed and the King dethroned and forced into exile. The military leaders then crowned Prince Mohato as Letsie III in November 1990. However, the leader of the military government Major General Lekhanya promised that the country would return to democracy but hardly a year after he introduced some reforms towards democracy, a military mutiny occurred over disagreement in pay rise, deposed Lekhanya and replaced him with Major-General Ramaema who eventually continued on the democratic programme initiated by Lekhanya.

In line with the democratic programme, the 1966 constitution was amended and bans on political parties lifted. Lesotho then held another election in 27 March 1993. The BCP won landslide victory securing all 65 constituencies. The election was declared free and fair but the BNP challenged the election result and alleged that numerous instances of electoral fraud had occurred. The election was followed by internal political struggles that culminated into a palace coup in August 1994 when King Letsie III suspended the constitution and created an interim government. However the coup failed to galvanise support internally and externally as neighbouring countries like South Africa, Botswana and Zimbabwe intervened and restored the democratic structure and also reinstalled Moshoeshe II as the King of Lesotho.

Despite the landslide success of BCP in the 1993 elections, the party was rocked by internal leadership crisis that led to breakaway and formation of the Lesotho Congress for Democracy (LCD), led by Ntsu Mokhehle. The LCD leadership also lured majority of former BCP members to LCD ahead of the 1998 elections. In 1998, LCD won 65% of votes and secured 78 seats out of 80 in the National Assembly. Both the BCP and BNP contested the outcome of the election claiming different forms of electoral fraud. The BCP contestation emerged from enmity between the two parties over the formation of LCD. The BNP contested the new electoral system of first past the post claiming that it did not give room for broad representation. However, regional and international observers ruled that the election was free and fair notwithstanding some minor electoral irregularities. Despite international confirmation of the result, opposition groups started civil unrest beginning of August 1998 for nearly two months. There was also division in high echelon of the military between pro and anti government within the military. In support of peace and democratic transition in Lesotho, the South African April 1999.

Since the 1998 elections had further polarized the country, an Interim Political Authority (IPA), which comprised of representatives from 12 political parties, was established in October 1998 to evaluate both the political and electoral systems and to further prepare for new elections. This provided the opportunity for all the major stakeholders to take part in the design of a new political future for the country. At the end, the reforms undertaken by the IPA paved the way for peaceful legislative elections in 2002.

The legislative election in February 2007 was hotly contested but opposition parties contested how the electoral law was applied to award seats in the Assembly. Once again, the SADC had to intervene politically to prevent the situation from further degenerating. The political agreement facilitated by the SADC led to the amendment of the Lesotho Electoral Law and the Constitution in preparation for the 26 May 2012 legislative elections. The ultimate outcome was the presentation of the Electoral Bill 2011 and the 6th Amendment to the Constitution to the National Assembly in March 2011, which were subsequently passed by the National Assembly. The new Electoral Act bans political alliances during election campaigns.

III. Structure of Government

The three main arm of Government in the Kingdom of Lesotho include the Executive, Legislature and the Judiciary:

a. The Executive

The Kingdom of Lesotho has a hereditary monarch as the Head of State known as King of Lesotho. The Prime Minister is the Head of Government elected by Parliament and is usually the leader of the majority party in the National Assembly. The Cabinet of Ministers consists of the Prime Minister and other Ministers. According to Section 87 of the Constitution of Lesotho, the Cabinet is led by the Prime Minister who is appointed by the King on the advice of the Council of State. On the advice of the Prime Minister, the King appoints other Ministers from among members of the National Assembly or Senate to form the Cabinet. The Cabinet is

responsible for all government policies and the day-to-day running of the affairs of the state. The Cabinet is also collectively responsible to the National Assembly.

b. The Legislative

The Kingdom of Lesotho operates a bicameral legislature; the Senate and National Assembly. The National Assembly is made up of 120 members and is elected for a 5-year term of office. Out of 120 members, 80 of the members are elected through plurality votes in a single-member constituency system, while the remaining 40 members are elected through a closed-list proportional representation system to serve a 5-year term. The Senate consists of 33 nominated members; 22 principal chiefs and 11 other members appointed by the ruling party. Under Lesotho Constitution, legislative authority is entrusted in both the Government and the two chambers of the Parliament (the Senate and the National Assembly).

c. The Judiciary

The Constitution provides for an independent judicial system free from all interference from the Executive and Legislature. The judiciary is made up of the High Court of Lesotho, the Appeal Court, Magistrate Courts and traditional system that operate in the rural areas.

IV. Legal framework for elections

a. The Electoral System

The Kingdom of Lesotho uses the Mixed-Member Proportional Representation (MMP) method. On the day of elections, voters are given two ballots; the first is used to vote for a candidate in the nominal tier, while the second is for the party list tier. The party list ballot is used to determine the number of seats each party would receive if the system were fully proportional. Seats are allocated using a variant of the Hare Quota. The total number of votes cast on the party ballot is divided by the total number of seats at stake in the National Assembly in a given election. The number of vote(s) received by each party on the ballot is divided by the quota to determine number of seats for each Political Party. By calculating the quota with the total number of open seats, it would be determined how many seats a party should have won if the system was perfectly proportional. This number is then compared to the number of seats a party won in the nominal tier to determine how many seats it should be awarded in the list tier.

b. The Legal Framework

The 1993 Constitution, the National Assembly Electoral Act of 1992 and the National Assembly Election Amendment Act 1 of 2001 govern the legal framework for elections in the Kingdom of Lesotho. Following the post-election challenges in 2007, in March 2011 further Constitutional Amendment (6th Amendment) and the enactment of new Electoral Act (2011) produced a new electoral reform that guided the legislative elections on the 26 May 2012.

V. Elections management

The Independent Electoral Commission (IEC) is in charge of Election management in the Kingdom of Lesotho. The Second Amendment to the Constitution, which abolished the constituency delimitation commission, instituted the IEC and the office of the Chief Electoral Officer as contained in Articles 66-66D of the 1993 Constitution of Lesotho. The IEC is an independent body free from both executive and legislative interference and direction.

The IEC is composed of a Chairperson who has held, currently holds or is qualified to hold, high judicial office and two other members who either possess the same qualifications as the Chairperson, or who have considerable experience or competence in administration or in the conduct of public affairs in accordance with Article 66 (1-6) of the 1993 Constitution of the Kingdom of Lesotho. The King on the advice of the Council of State, which before nomination solicits for candidates from all registered Political Parties, makes appointment of Commission members. Members are not allowed to be an office-bearer of a political party, a member of a local authority nor in public office, other than a Judge of the High Court or the Court of Appeal. Members of the IEC may be only removed from office through gross incompetence or misconduct, which is determined by a tribunal selected by the Chief Justice. The tenure of office of Commissioners is 6 years non-renewable term.

According to the Article 66 of the 1993 Constitution, the Commission has the responsibility to

- Conduct and supervise National Assembly and local government elections and referenda and ensure that they are free and fair
- Delimit constituencies
- Register voters and to create and maintain a voters roll
- Promote knowledge of electoral processes
- Register political parties and
- Adjudicate disputes.

The National Assembly Election Order 1992, also defines additional duties which are to

- Establish and maintain relations with civil society actors and political parties
- Undertake and promote electoral research
- Review legislation and make recommendations for improvement
- Promote civic education
- Facilitate the development and transfer of electoral technology and
- Develop and maintain a register of candidate and party political symbols.

VI. Voter registration

Voter Registration is open to all nationals of the Kingdom of Lesotho who are 18 years and above. This requirement is also applied for voting unless otherwise disqualified by very important Constitutional or Electoral provisions. The country's National Assembly Act of 1992 gave power to the Director of Elections to establish and maintain a general list of all registered voters. Registration of voters should as a provision capture Electorate's name, sex and date of birth including identity and all other important information. The Constitution and the National Assembly Act of 1992 provided reasons for qualification and disqualification of voters. The voters' register for the last election was revised in April 2012.

VII. Political Parties and Candidates

Fifteen (15) political parties submitted applications of candidates that contested the May 2012 elections to the Independent Electoral Commission (IEC). The 15 parties include:

- 1) All Basotho Convention (ABC);
- 2) All Democratic Corporation (ADC);
- 3) African Unity Movement (AUM);
- 4) Areka Covenant Front for Development (ACFD);
- 5) Basotho Batho Democratic Party (BBDP);
- 6) Basotho Congress Party (BCP);
- 7) Others are Basotho Democratic National Party (BDNP);
- 8) Basotho National Party (BNP);
- 9) Democratic Congress (DC);
- 10) Lesotho Congress for Democracy (LCD);
- 11) Lesotho People's Congress (LPC);
- 12) Lesotho Workers Party (LWP);
- 13) Lekhotla La Mekhoa le Meetlo;
- 14) Popular Front for Democracy (PFD); and
- 15) Marematlou Freedom Party (MFP) and Senkatana Party.

According to the IEC, besides the 15 political parties, four independent candidates also submitted their candidacy for the poll.