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The Electoral System and the Legitimacy of Representation in a Democracy: A Plea for Reform in Lesotho

Nqosa Leuta Mahao

Introduction

Territorial and population sizes and technical organisational forms of modern societies divorce these societies from direct participation in governance. In these circumstances the concept of democracy, where it is practised, assumes a form and content that have little in common with its Greek origins. Wherever it is practised, popular sovereignty is limited by these circumstances to indirect participation realised through representative democracy. It is an unavoidable reality of our historical times that, save in circumscribed arenas such as referenda, "the democratic ideal is imperfectly realized in existing political institutions: the processes of government are remote from the mass of the people, who participate only indirectly and to a limited extent in political decision-making".¹ Thus, by definition representative democracy is limited democracy. More importantly, if representative democracy is a panacea for the appropriation of the mandate to rule in our complex societies, it is also a delicate process which tends to sharpen social contradictions by throwing up conflictual claims to power. This is more so in historical conjunctures where social instability is often accentuated by diminishing resources, thus exaggerating the importance of capturing that most critical tool for the appropriation and distribution of societal resources - the state.

Without delving into details, it is important to appreciate the dilemmas facing Lesotho's experimentation with representative democracy and the immense challenges of responsibility shouldered by its people

¹ C. Turpin, *The British Government and the Constitution*, (London, 1985), p.21.

within the context of a myriad of historical, developmental and global impacts on its society. Firstly, Lesotho ranks high among those post-colonial societies where the debate as to whether the state has even emerged must still continue. This is due to the fact that the nature of the institutions of state power, their political and juridical authority, society's control over them, etc, have still not been conclusively settled. Secondly, the turmoil of instability in Lesotho is not an unique problem, but one which must be seen in the light of the continental crisis of the post-colonial state generated by, among others, globalisation. Not only has globalisation undermined the juridical sovereignty of many African states,² but evidence of the marginalization of the African state is taking place at both the conceptual and empirical levels.³ In this context, as the World Bank has argued, democratisation and freedom of expression within countries "can serve either to dampen or stimulate conflict".⁴ This makes the proper management of the democratic process critical.

While an electoral model used for the selection of rulers cannot by itself solve all the ills of society, it can nonetheless have important consequences for the representativeness, legitimacy and stability of the government born of it.⁵ An electoral system must form part and parcel of the repertoire which enables effective management of the democratic process. If it fails in this regard, it may well heighten conflict and precipitate the crisis of the state.

It is against this background that this article critiques whether the system hitherto used in Lesotho meets these criteria. The appropriateness of the First-Past-the-Post (F.P.P) system applied for the election of parliamentary representatives in Lesotho has increasingly become a subject of debate. With every election event since 1965 when the country had its first chance to elect government, instability has followed with such predictable pattern that constitutional and political

² S. P. Riley, "Political Adjustment or Domestic Pressure: Democratic Politics and Political Choice in Africa", 1992, Vol. 13, No. 3, *Third World Quarterly*, p. 542.

³ G. Hyden, "Rethinking Theories of the State: An Africanist Perspective," 1996, Vol. 26, No.1, *African Insight* p.31.

⁴ The World Bank, *Post-conflict Reconstruction: The Role of the World Bank*, (Washington, 1998), p. 17.

⁵ S. N. Ndengwa, "The Relevance of the Electoral System: A Simulation of the 1992 Kenyan Election", June 1997, Vol. 2, No. 1, *African Journal of Political Science*, p. 14.

analysts wonder whether the root of the problem is not the electoral system. Questions asked about the system are: What does it entail? Is it suited to the specific challenges of the developmental stage in the institutions of governance in Lesotho? Has it not accentuated the divisions which overshadow the legitimacy and representativeness of governments? Has it engendered political stability or instability as a result of governments being perceived either as fairly representative and therefore legitimate or unrepresentative and therefore illegitimate? An attempt is made below to interrogate the salient features of this model with the view to assess its impact on the legitimation of democratic representation in Lesotho. This exercise will also critique some of the propositions currently being considered by the Interim Political Authority (IPA) in its effort to design an electoral system suited to the needs of the country.⁶ Finally, the article advocates the adoption of simple Proportional Representation (P.R.) as an appropriate system for a country facing socio-economic and political pressures such as Lesotho.

The First-past-the-post System and Representation

As is true of most of the institutional values forming Lesotho's national constitutional order, the F.P.P. is borrowed from Westminster. It is, in fact, followed by a slight majority (32%) of the countries of the world.⁷ In the Lesotho political system, the model is indirectly enshrined in the Constitution. For purposes of the National Assembly election, the Constitution, in Article 57 read with Article 67, lays down that the country shall be divided into eighty electoral territories of roughly equal voting populations, otherwise called constituencies. These clauses make reference to "single-member-constituencies". This means that a constituency must elect only one Member to represent it in the National Assembly. Often the F.P.P is assumed to be simple to manage and understand. In reality, the operational rules of the system are a hallmark of obscurity especially to an unsophisticated electorate such as there is in Lesotho. Below, we review some of the problems emanating from the rules of the system which often result in what may

⁶ The IPA was established by the Interim Political Authority Act, 1998 in the aftermath of the intervention of SADC which restored the LCD Government after what is called the August to September 1998 creeping coup de'tat with the mandate to review Lesotho's electoral system, among others.

⁷ A. Reynolds and B. Reilly, *The International IDEA Handbook of Electoral System Design*, (Stockholm, 1997), p. 20.

be termed secondary causes of instability.

The Obscurity of the Rules

A key feature of the F.P.P. is that it postulates an individual rather than a political party as the legal entity to represent the voters in the elected House of Parliament, the National Assembly. That is the reason why it is said to be *individual-based* rather than party-based. In this regard, Articles 58 (2) and 59 of the Constitution prescribe qualifications for candidature in the National Assembly elections only for "persons" other than other legal entities. The National Assembly Election (Amendment) Act, (1997) reinforces this position by envisaging the registration of "individual persons" as candidates in the elections and refers to no other legal entities for this purpose.⁸ The import of these provisions of the Constitution and Electoral Law is to exclude the candidature of political parties in the National Assembly elections. The Act limits their role to "endorsing" individual candidates.⁹ In this context, endorsement of candidates must be understood to mean that a party formally declares its sponsorship of those candidates officially associated with its policy objectives. On the other hand, candidates who are not endorsed by parties are usually called "independent candidates" to distinguish them from those whose quests to be elected are sponsored by political parties.

Several important consequences flow from the fact that it is individuals and not parties who become candidates in the elections. The first logical consequence is that, for the purpose of the law, political parties do not exist in the elected House in a system modelled around the F.P.P. Their presence is purely informal and their authority over Members is not institutionalised through legal mechanisms, but rather through political devices such as party caucuses and whips. Indeed, as Maqutu, J., has correctly explained in *Ntsu Mokhehle V Molapo Qhobela*,¹⁰ even where the Constitution refers to a "political party or coalition of political parties" in the clause referring to the appointment of the Prime Minister, "political party" in this sense does not carry its literal sense. It means any formation of individual Members of Parliament (M.Ps) who share a similar objective of supporting one of

⁸ See Sections 19 and 20, The National Assembly Election (Amendment) Act, 1997.

⁹ See, particularly, Section 18.

¹⁰ CIV/APN/75/97 (unreported Lesotho case).

their number to be appointed as a Prime Minister. Maqutu, J., argues that this is because the Constitution recognises them "as individuals despite the use of the term political party..." It is clear, therefore, that a Prime Minister can very well be the so-called independent candidate, in as much as he can be an endorsed candidate. What is critical is that he enjoys the support of the majority of members of the House, not whether he was endorsed by a party. For one to attain this position, he may well have been supported by a cocktail of formally independent and party endorsed candidates.

Secondly, the F.P.P. system is designed around the concept of territorial or geographic representation. This is the reason why Section 57 of the Constitution of Lesotho referred to above lays down that the country shall be divided into constituencies for the purposes of election. The link between the MP and the territorial entity is claimed to enhance accountability. Hence, Reynolds and Reilly argue that "(a)ccountability involves far more than the mere holding of regular national election; it also depends on the degree of geographical accountability"¹¹. For the purposes of the law, this form of representation raises a relationship between the M.P. and the electorate which is often not fully appreciated. In reality, the M.P. neither represents the party which endorsed him nor even the section of the voters who elected him. He represents the entire electorate in the constituency including those who actually did not cast their votes for him. This representation of the entire electorate in the constituency is another reason why the M.P. enjoys legal autonomy from his political party and is to be guided by his own conscience presumably informed by what he considers the best interests of his constituency. This is the basis upon which the right for the M.P. to cross the floor in Parliament finds.

The interpretations discussed above are important particularly because they highlight the discord between the law and popular public perceptions in Lesotho. Empirical evidence suggests that when a voter casts his vote, he believes that he is voting for a political party. On account of this perception, M.Ps are also thought to represent either their parties or only those voters who voted for them. The grave implications of this dissonance between perceptions and the law for constitutional stability could not have been thrown into sharper relief

¹¹ A. Reynolds and B. Reilly, *supra*, p. 12.

than the events triggered in 1997 when Prime Minister Mokhehle and some M.Ps defected from the Basutoland Congress Party (BCP) to form the Lesotho Congress for Democracy (LCD). Although Mokhehle continued to enjoy the support of the vast majority of the M.Ps, calls were made that he should resign the premiership on the grounds that "his action was unconstitutional and morally reprehensible as he had been sworn in as Prime Minister in his capacity as leader of the BCP".¹² The country came close to the brink of a constitutional crisis when King Letsie resisted to act on petitions of the BCP, Basotho National Party (BNP), the Marematlou Freedom Party (MFP) and a host of others calling upon him to dismiss the government on these grounds in a replay of the events which precipitated the 1994 Royal coup d'état.

The Problems of Legitimacy

On the other hand, the F.P.P. system has tendencies which may have far-reaching implications for the legitimacy of representation: Firstly, a Member elected on this principle needs not be a candidate who enjoys the support of the majority of the voters in the constituency. For a candidate to be elected, he is only required to obtain the highest tally of votes of all contesting candidates in the constituency. The notion of first-past-the-post derives precisely from the fact that whoever gains an edge over others becomes the sole winner of the constituency. For example, in the 1965 Lesotho elections six of the thirty one seats (roughly 20%) held by the BNP candidates were won on minority votes. Similarly, in the 1998 elections fourteen of the seventy-nine seats (roughly 18%) captured by LCD candidates were also won on minority votes. Naturally, this tendency undermines the legitimacy of M.Ps elected in this manner.

More importantly, since constituencies can be won on minority votes, a political party may win the majority of seats in the National Assembly and, thus, be able to establish government while it does not represent the majority of the electorate. This was true of the BNP in 1965. The BNP controlled 31 seats (equivalent to 52%) in the National Assembly with only 42% support of the electorate. But the combined strength of the voters who had opted for the defeated parties was 58% of the entire

¹² P. Sekatle, "The Establishment of Lesotho Congress for Democracy: Implications for the 1998 General Election," December 1998, Vol. 3, No. 2, *Lesotho Social Science Review*, p. 70.

electorate. The system had allocated to this 58% a mere 48% of the National Assembly seats. This meant that a duly elected government represented less than half of the voters. In this way legal legitimacy, whose requirements the BNP government fulfilled, sharply contrasted with political legitimacy. For this reason and others the losing parties, the BCP and the MFP, joined forces in a protracted adventure aimed at the overthrow of that government resulting in the Thaba Bosiu debacle in which many people lost lives.¹³

Secondly, the F.P.P. is often favoured because it ensures strong governments. This is because "it tends to produce single-party governments".¹⁴ It is generally believed that single-party governments are necessarily strong because they are unencumbered by the need to negotiate compromises on policy issues which becomes imperative for partners in coalition or plural-party governments. Often coalition governments are not able to survive where the partners are unable to reach some kind of consensus especially on key policies. In order to avoid losing power, coalition partners have to make "deals" among themselves. This is done either at the cost of watering down the implementation of contentious policies which divide them, or of avoiding implementation of such policies altogether. Assuming that it is true that voters elect parties because of their programmatic promises, deals among partners in a coalition government reduce the electoral mandate to a mockery and may encourage future voter complacency.

Thus, the virtue of the F.P.P. is said to lie in its tendency to produce results which often do not make coalition governments necessary. As already illustrated, this was the case in the 1965 election where the BNP's 42 percent share of the national vote translated into a clear majority of seats in the National Assembly, thus enabling it to form government on its own. But why does the F.P.P. system tend to produce single-party governments? Two important observations about its consequences are noteworthy: Firstly, the system tends to marginalise minority parties. This consequence happens in two ways. In the first place the system locks the electoral contest between the two strongest parties. These parties benefit from the tactical voting of

¹³ Ironically, in what has become a pattern of behaviour for losing parties, instead of imputing blame on the electoral system, the BCP claimed that the election had been rigged.

¹⁴ A Reeve and A Ware, *Electoral Systems*, (London, 1992), p. 6.

supporters of the less established parties eager to make a direct impact on the results by voting for parties with better chances of winning the elections.¹⁵ Because of this tendency, the F.P.P. is a system which encourages the development of a two-party system rather than a multi-party democracy. Furthermore, the system disadvantages the smaller parties in other ways. Notably, it penalises those parties whose support may not be sufficiently concentrated to capture a constituency seat.¹⁶

Secondly, while already the model favours the two biggest parties as indicated above, it has a further tendency "to exaggerate the lead of the largest party over the second party"¹⁷ by granting to it a bonus of seats in Parliament. Invariably, the system allocates seats which are more numerous and disproportionate to such a party's share of the national vote. Empirically, this has been the case with all the elections held in Lesotho since 1965. The table below shows the results of the 1965, 1993 and 1998 elections and the standing of the two leading contesting parties in terms of seats allocated and the sharp contrast with their individual national percentage poll.

TABLE A

Year	1st & 2nd Parties	Seats Won	% of Votes	Seats as %
1965	BNP	31	42	52
	BCP	25	40	42
1993	BCP	65	75	100
	BNP	0	23	0
1998	LCD	79	60	99
	BNP	1	25	1.3

What the table reveals is a remarkable contrast in the way the share of

¹⁵ N. L. Mahao, "The 1993 Election and the Challenges for the Development of Constitutionalism in Lesotho", 1997, Vol. 3, No. 2, *Lesotho Social Science Review*, p. 7; See, also, J. Curtice, "The British Electoral System: Fixture without Foundation" in *Electoral Politics*, D. Kavanagh (ed) (Oxford, 1992), p. 189.

¹⁶ S. N. Ndengwa, *supra*, p. 15.

¹⁷ J. Curtice, *supra*.

the national poll of the winning party translates into seats in the National Assembly. While in 1965 the BNP enjoyed only a two percent larger share of the national vote than the BCP, this translated into six more seats than those allocated to its rival. The 1993 results reflect even more serious disparities: While the BCP was slightly more than three times more popular than the BNP, the model exaggerated the BCP seats in the National Assembly to a hundred percent control of the House! In other words, the model gave the impression that the BNP did not have any support at all among the electorate. Suffice to say that once again the leaders of the losing party - this time the BNP - failed to locate the problem in the electoral system. They claimed that ballot papers had been electronically doctored to award the votes of other parties to the BCP.¹⁸ However, the party was unable to sustain these claims in the Court of Disputed Returns where it was unsuccessful in all the twenty eight petitions it filed.¹⁹ The absurdity of over-representation of one party at the expense of others was repeated in 1998 when the LCD won almost a hundred percent of the seats in the Assembly with only 60 percent of the share of the national vote. Although the BNP had the support of just under half of the LCD support, it was compensated with only one seat! Mesmerized by this outcome, the BNP once again conjured up the claim of the electronic manipulation of the result, thus setting the stage for the campaign to overthrow the LCD government which resulted in the August to September, 1998 crisis.²⁰

An extrapolation of British elections confirms the tendencies discussed above. These tendencies are captured by the table below which is based on the last two elections held in 1992 and 1997.²¹

¹⁸ P. Sekatle discusses these claims in *Democratisation and Demilitarisation in Lesotho*, R. Southall and T. Petlane (eds), (Pretoria, 1995), pp. 109-110.

¹⁹ See M. Mamashela, "Democracy in Lesotho: Electoral Laws", 1993, Vol. 8, No. 2, *Lesotho Law Journal*, p. 193.

²⁰ This campaign was mounted in spite of a confidential letter dated May 28, 1998 from OF & A, a South African firm of forensic experts on doctored documents, assuring Chief E. R. Sekhonyana, the leader of the BNP, that it had examined a sample of the ballot papers and found it to be of good quality indicating that there had been no alterations or fraudulent erasures.

²¹ This table is worked with figures extracted from Whitaker's Almanack, (London, 1999), p. 234. The figures were rounded up for convenience.

TABLE B

Year	Party	% of Votes	Seats Allocated	Seats as %
1992	Tory	41	336	52
	Labour	35	270	42
	Lib. Dem.	18	20	3
1997	Tory	32	165	25
	Labour	45	418	64
	Lib. Dem.	19	46	7

Firstly, this table merely reflects a pattern in all British elections in the last hundred years of producing minority governments. With regard to the tendency of the system to marginalise minority parties, the third column highlights an interesting and yet consistent pattern with respect to the performance of Britain's third party - the Liberal Democrats. While in 1992 the party polled slightly above half the national vote of Labour and somewhat under half of Tory national vote, this 18% was translated by the F.P.P. to an equivalent of 3% of the seats in the House of Commons. Respectively, the Tory party's and Labour's seats became seventeen and thirteen times bigger than those allocated to the Liberal Democrats. Similar patterns were repeated in the 1997 election.

On the other hand, the 1997 election throws into sharper relief the other central weakness of the F.P.P. of exaggerating the seats of the biggest party. In this regard Labour obtained 13% more votes than the Tories. And yet this 13% lead gave Labour 253 more seats than the Tories, enabling the party to command a 178 absolute majority in the 659 strong House of Commons. This absolute majority distorts the fact that with a 45% share of the national vote, Labour remains otherwise a minority party among the electorate.²²

²² After eighteen uninterrupted years of minority Tory rule, even the Labour party, which is traditionally wedded to the F.P.P., converted to the reform of the system. The party has, since assuming office, appointed the Lord Jenkins Commission to review the system.

IPA Proposed Modifications of the F.P.P.

It may be appropriate at this juncture to interrogate whether any of the two modifications of the F.P.P. proposed for evaluation by the Interim Political Authority (IPA) would remedy these very serious defects. The implications of these options worked on the assumptions of the 1998 Lesotho election patterns would be as reflected by the tables below. IPA option 1 assumes that the National Assembly is retained with the present total of eighty seats, half of which are contested on the F.P.P. and half on the P.R. IPA option 2 assumes that there are one hundred and twenty seats in the National Assembly, two-thirds (eighty) of which are contested on the F.P.P. and one-third (forty) on the P.R.

TABLE C
IPA OPTION 1 (50/50)

Party	%	Seats per FPP	Seats per PR	Total Seats
LCD	60	39	24	63
BNP	25	1	10	11
BCP	10	0	4	4

TABLE D
IPA OPTION 2 (80/40)

Party	%	Seats	Seats per PR	Total Seats
LCD	60	79	24	103
BNP	25	1	10	11
BCP	10	0	4	4

These tables reflect the fact that in terms of option 1, the LCD's 60% share of the national vote entitles it to a disproportionate 79% of the parliamentary seats, thus conceding only 21% of the seats to roughly 40% of the electorate which supports other parties. Parallel representations emerging from option 2 are 86% for the LCD and 14% for the combined opposition. What they illustrate is the fact that both

options are a negligible tinkering which does not seriously affect the iniquities afflicting Lesotho's Parliamentary representation. The options merely legitimise the current skewed system by introducing a token representation for significantly large segments of the electorate.

Thus, the tendency to exaggerate votes for the winning party is another Achilles heel of the F.P.P. system. Therein also lies its delegitimising consequence. The Lesotho experience shows that while the system may produce the so-called strong single-party governments, it may engender instability for the political system as a whole. It engenders a feeling of exclusion on the part of the small parties and of being cheated and disadvantaged by the second largest party. The end result is that the sentiments so generated are susceptible to manipulation by the political elites to precipitate instability. This throws into sharp relief the charge that often electoral systems tend to focus on the introduction of democracy but neglect their role in conflict resolution²³. It is against this concrete experience of bitter lessons with the experimentation with the F.P.P. system that the next section of this article briefly reviews the alternative electoral system, the P.R. model.

The Proportional Representation System

The P.R. system has its own basic assumptions, consequential strengths and weaknesses. The comments here are particularly related to the more common form of P.R. - the party list. Firstly, the model assumes that for purposes of national election, useful divisions in society are those based on differences of opinion rather than geographic divisions which inform the F.P.P. system. That is the reason why the P.R. system is said to be opinion-based. The competing policy programmes are believed to be what guide the voters in their choice of one or the other contestant in the election. The system proceeds from the premise that it is these diversity of competing programmes which must be represented in Parliament and not geographic entities. For this reason, where a simple P.R. system is practised, the country is not divided into smaller electoral territories. Instead, the country constitutes a single large constituency. The entire national vote of each party is put together to determine the party's standing in the election.

²³ A. Tekle, "Election and Electoral Systems in Africa: Purposes, Problems and Prospects", June 1998, No. 60, *The Review*, p. 176.

Secondly, the P.R. system is essentially a political party-based system. In this regard, it is normally the parties, as legal entities (and not individuals), which formally register to compete in the election. Therefore, the presence of political parties in Parliament is not only a political reality but more importantly, a fact recognised by law. In this way, the system would conform more closely with popular perception in Lesotho that M.Ps represent their parties in Parliament. And yet, it must be indicated also that a number of both positive and negative consequences may flow from this legal fact. First, the individuals who occupy the seats allocated to the party do not do so in their own right, but as representatives of the party. These individuals are designated by the party leadership or by some other principle which the system or the party itself may improvise. The party can, therefore, recall an M.P. and simply substitute his name with someone else's. In principle, crossing the floor is not consistent with the P.R. The rationale is that it is not the individual but the party which was elected to Parliament. For this reason, most jurisdictions provide for the individual to lose his seat as soon as he has made up his mind that he can no longer support the policies of the party which designated him to Parliament. In consequence, this model would have led to completely different results during the 1997 BCP split that gave birth to the LCD government. All those M.Ps who defected to form the LCD would have been faced with the choice between losing their seats in Parliament or staying on with the BCP.

As a result, the P.R. system tends to place the party (particularly its leaders) in a position of inordinate power over its M.Ps. This may restrict individual M.Ps' ability to freely speak their mind if their views are not acceptable to the parties they represent. The system renders M.Ps accountable to the party and less so to the electorate. The tendency is to promote sycophancy and politics of patronage. The fact that in this system M.Ps are often not linked to constituencies may also accentuate lack of accountability to the electorate. This is the P.R's principal weakness which many jurisdictions used to F.P.P. judge as its fundamental flaw.

A feature of the P.R. system which makes it generally attractive to polarised societies is that "it consciously translates a party's share of the national votes into corresponding proportion of parliamentary

seats".²⁴ Thus, it ensures a sense of fairness and inclusiveness. Normally, all parties with some degree of support are represented in Parliament. More importantly, no party benefits from the gerrymandered over-representation associated with the F.P.P. The system, thus, ensures that the elected House of Parliament is the microcosm of the nation by reflecting fairly all opinion preferences of the electorate. In consequence, the model tends to produce weak governments because it has a tendency of leading to coalition governments. This will normally be so where none of the parties commands more than 50 percent support of the voters. On the other hand this may well be its strong advantage for emergent democracies since it encourages governance driven by consultation, compromises and a large degree of consensus.

Were this model adopted in Lesotho, the results of the three elections held in 1965, 1993 and 1998 would have produced different configurations in the National Assembly and in, at least, one case it would have forced a coalition government. Table E, below illustrates this fact.

Table E

Year	Party	%	Seats per FPP	Seats per PR
1965	BNP	42	31	25
	BCP	40	25	24
	MFP	17	4	10
1993	BCP	75	65	49
	BNP	23	0	15
	MFP	1	0	1
1998	LCD	60	79	48
	BNP	25	1	20
	BCP	10	0	8

²⁴ A. Reynolds and B. Reilly, *supra*, p. 60.

The last but one column illustrates the official results in terms of seats in these elections which were based on the F.P.P. system. Were the elections conducted according to the P.R. system, they would have been as illustrated in the last column. The marked difference between these columns is obvious. It highlights the importance of these models on the consequences of elections. Two observations can be made about these differences: Firstly, the de facto one-party which we had in 1993 and almost reproduced in 1998 distorts the real picture of party support among the electorate. This means that in both elections the country would have had a fairly broadly representative and hopefully vibrant National Assembly were the P.R. the system followed. Secondly, in 1965 the BNP should not have been able to form government on its own because it had not gained sufficient support among the voters. In this instance, a coalition government would have been imperative. It may well be that a coalition government would have ensured different political ethos necessary for sowing the seeds of national consensus at such a crucial turning point in the history of Lesotho's experimentation with democratic governance.

Conclusion

Lesotho clearly needs an electoral system which will mitigate the multi-faceted divisions in society, infuse greater legitimacy in governance, engender higher levels of national consensus and retrieve faith in the nation-state. Primary national responsibility for countries such as Lesotho at the crossroad between collapse and survival is to design institutional systems and frameworks which take into account their special deep-seated problems. It has been correctly argued that "(i)n many instances, political instability and the collapse of political order can be traced to 'inappropriate' electoral systems which continue to exclude, under-represent, or permanently marginalize segments of the population".²⁵ Conventions and institutional practices inherited from developed societies, which at any rate do not face the same levels of intensity of crises, may not be much helpful. A functioning democracy must be one which not only provides the nation with mandated rulers, but one also able to hold together a society under intense socio-economic and global pressures. In this regard, an electoral system on which that democracy is based must cease to be an incendiary which ignites societal conflict into a conflagration of passions, and, as seen

²⁵ S. N. Ndengwa, *supra*, p. 13.

