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Stephan Trappe

Eletoral violence and electoral reform in Lesotho

An assessment of the causal relationship between electoral systems and electoral violence and the prospects of addressing electoral violence through electoral system reform

Universität-Duisburg-Essen

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Stephan Trappe (MA Internationale Beziehungen und Entwicklungspolitik) Electoral violence and electoral reform in Lesotho. An assessment of the causal relationship between electoral systems and electoral violence and the prospects of addressing electoral violence through electoral system reform (Betreuer: Prof. Dr. Christof Hartmann, Dr. Daniel Lambach PD)

Content

List of abbreviations

ABC	All Basotho Convention
ACP	Alliance for Congress Parties
BAC	Basutoland African Congress
BCP	Basutoland Congress Party
BNP	Basotho National Party
DC	Democratic Congress
FTPT	First-past-the-post
IEC	Independent Electoral Commission
IPA	Interim Political Authority
LCD	Lesotho Congress for Democracy
LLA	Lesotho Liberation Army
LPC	Lesotho People's Congress
LWP	Lesotho Workers Party
MFP	Marematlou Freedom Party
MMC	Multi-member constituency
MMP	Mixed member proportional
MP	Member of parliament
NCA	National Constituent Assembly
NIP	National Independent Party
PR	Proportional representation
SACU	Southern African Customs Unions
SADC	Southern African Development Community
SADF	South African Defence Force
SMC	Single-member constituency

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1 Introduction

1.1 CONTEXT: THE DEVELOPMENT OF DEMOCRACY IN AFRICA SINCE THE "THIRD WAVE"

Beginning in the mid-1970s and lasting well into the 1990s, a trend of political liberalization that led to a remarkable increase in the number of countries recognized as democracies swept the globe. By the early 1990s this "third wave of democratization" (Huntington 1991), as it would soon become known, had reached sub-Saharan Africa[1] .

Here the interplay of external triggers, namely the geopolitical shifts caused by the end of the Cold War, and domestic factors such as popular frustration over economic turmoil and years of oppressive authoritarian rule created the preconditions for "Africa's second liberation". As mounting dissatisfaction with the status quo and demands for broader political participation placed pressure on autocratic leaders to open their political systems, a rapidly increasing number of African states adopted political reforms that eventually culminated in the (re)introduction of competitive elections. While this process of political change unfolded on the continent, almost all African states transitioned from various forms of personalist rule, military dictatorships, and single-party states to regimes that appeared to be appreciably more democratic than their predecessors.

The resulting political landscape differed significantly from the one that had predominated African politics at the end of the previous decade. Michael Bratton and Nicholas van de Walle succinctly note in the introduction to their seminal work detailing the political developments of this period:

«By 1994 […] not a single de jure one-party state remained in Africa. In its place, governments adopted new constitutional rules that formally guaranteed basic political liberties, placed limits on tenure and power of chief political executives, and allowed multiple parties to exist and compete in elections. To all

[1] Sub-Saharan Africa is comprised of 49 of the 54 countries on the African continent and is typically defined in contrast to the region of North Africa, which consists of the five Arab states bordering the Mediterranean Sea (Algeria, Egypt, Libya, Morocco, Tunisia) and is considered socially, politically, and economically more distinct from sub-Saharan Africa than the countries of sub-Saharan Africa are among each other. As is common practice in publications on the subject matter, the terms sub-Saharan Africa and Africa will be used interchangeably hereafter.

appearances, the African one-party state was not only politically bankrupt but – at least as a legal entity – extinct» (1997: 8, emphasis in original).

This widespread move away from authoritarian regimes and the subsequent adoption of multiparty systems and competitive elections initially evoked much enthusiasm among international and domestic observers of African politics and fuelled hopes of a continuing process of democratic transition and consolidation. Indeed, the developments underway in Africa and elsewhere were taken as signs that liberal democracy was bound for a historical triumph (Fukuyama 1992).

However, the general optimism of these early years began to subside soon thereafter and was replaced by a much more sobering assessment as the democratization process showed first indications of stalling and the constraints of the democratic transitions came to the fore. It became increasingly evident that in a number of countries further democratic progress was slow to appear and the ability of elections to affect meaningful political change was called into question as many of the old elites retained their dominance and democratic institutions remained weak (Diamond 1996; Ihonvbere 1996; Bratton and van de Walle 1997; Young 1999)[2] .

More than 25 years after these political developments were first set into motion, the state of democracy on the continent remains ambivalent and defies easy generalisations as both positive and negative trends can be noted (Lynch and Crawford 2011). While many African countries can rightfully claim to have made some progress toward more democratically governed political systems and a general regression toward the type of authoritarian politics that dominated earlier periods has remained absent, democracy continues to be encumbered in several significant ways.

A brief overview of the changes in the distribution of regime types in sub-Saharan Africa since the beginning of the "third wave" on the continent supports this mixed assessment. According to data from the Freedom in the World index published by Freedom House the number of countries in sub-Saharan Africa qualified as "partly free" increased from 11 (23%) to 20 (41%), while the number of countries considered as "free" climbed from 3 (6%) to 9 (18%) between 1989/90 and 2015.

[2] For comparative research attempting to account for the varied trajectories of countries that underwent an initial democratic transition, see the edited volume by Villalón and VonDoepp (2005).

Conversely, the number countries labelled as "not free" fell from 33 (70%) in 1989/90 to 20 (43%) in 2015 (Freedom House 2016)[3]. These figures demonstrate that a number of countries have made some democratic progress by introducing at least a limited number of democratic institutions as well as civil and political rights in the observed timeframe. At the same time, several sub-Saharan African countries have failed to meaningfully institutionalize the initial political liberalization altogether or are affected by violent internal conflict and state fragility. Nonetheless, the data indicates that today's situation differs decidedly from earlier periods in which various forms of authoritarianism were the most prevalent regime type. The balance has generally shifted in favour of regimes which – to a greater or lesser degree – can be considered to adhere to a minimum set of democratic requirements.

Several accounts analysing more specific facets of governance trends on the continent provide further insights into this broad, albeit ambivalent assessment of regime trajectories. For instance, Posner and Young (2007) detect a growing institutionalization of political power in Africa since the 2000s as regular elections and term limits have replaced death and coups d'état as the most common ways for African presidents and prime ministers to leave office. The repeated holding of elections, even when initially flawed, has also been accompanied by an improvement in the overall democratic quality of elections (Lindberg 2006a) and elected legislatures are increasingly emancipating themselves from the executive (Barkan 2008)[4]. At the continental and regional level, a number of intergovernmental organizations have committed themselves to the promotion of democracy by incorporating relevant norms into their agreements and prominently condemning and taking action against unconstitutional changes of government (Hartmann 2008; Leininger 2015). Positive trends can be observed in many other areas as well. On average, media are more free, civil society is stronger and the judiciary is more independent in Africa today than at any point before.

At the same time, the overall positive outcome of Africa's democratic experiments carries several caveats. Many scholars of African politics tend to acknowledge that the political impact of the (re)introduction of multiparty elections and other democratic institutions remains limited by a variety of factors. In many cases, political leaders have shown a reluctance to relinquish control

[3] Data from the 1989/90 report assessed democratic performance in the period between November 1988 and December 1989 (out of 47 countries in sub-Saharan Africa), while democratic performance in 2015 (out of 49 countries in sub-Saharan Africa) was assessed by the 2016 report.

[4] For a contrasting argument, see Azevedo-Harman (2011). A more detailed account of the role of legislatures in Africa consisting of a number of case studies is provided in Barkan (2009).

and to strengthen checks and balances on the power of the executive (van Cranenburgh 2008, 2011), while corruption and nepotism remain major challenges (Gyimah-Boadi 2015). Most recently, sitting presidents such as Rwanda's Paul Kagame, Burundi's Pierre Nkurunziza, and Congo-Brazzaville's Denis Sassou Nguesso have either altered or outright violated their countries' constitutions to allow themselves a third term in office adding to the long list of African leaders who have both successfully and unsuccessfully sought to extend their rule – a phenomenon occasionally referred to as "third term-itis" (Gyimah-Boadi 2015: 106; Rotberg 2015). Furthermore, incumbency continues to be provide a number of substantial advantages during elections (Lindberg 2006b; Cheeseman 2010) and the political landscape in many countries remains characterized by the predominance of a one party, a weak and fragmented opposition, and a lack of competition (van de Walle 2003; Bogaards 2004; Manning 2005; Rakner and van de Walle 2009).

These highly ambivalent developments regarding the state of democracy on the African continent have solicited the view that, after initial democratic gains, progress has given way to "stagnation" (Gyimah-Boadi 2015: 105) or even "retreat" (Diamond and Plattner 2010) and that many of Africa's democracies are "lost in democratic transition" (The Economist 2016)[5]. Such accounts argue that the limited scope of political reform and lack of democratic consolidation in Africa has produced a number of hybrid political systems which are neither staunchly authoritarian, nor fulfil the criteria of basic definitions of democracy (Schedler 1998; Carothers 2002; for Africa specifically, see van de Walle 2002)[6].

While the prospects for further democratic development under the circumstances of these "protracted transitions" (Barkan 2000) remain up for debate, even more optimistic observers have typically highlighted the dire need for increased political reform and enhanced government capacity for the process of democratic transition and consolidation to advance[7].

[5] The most radical interpretations have called into question the adequacy of the "transition paradigm" for describing these political developments (Carothers 2002). On the other hand, scholars such as Nic Cheeseman (2015: 3–6) concede that previous democratic advances are rather remarkable considering the seemingly adverse circumstances for the success of democracy in many African countries.

[6] A number of concepts which share this basic premise have been developed to describe these regimes either as diminished sub-types of democracy or as weak forms of authoritarianism (Collier and Levitsky 1997; Bogaards 2009): "competitive authoritarianism" (Levitsky and Way 2010), "defective democracy" (Merkel 2004), "delegative democracy" (O'Donell 1994), "electoral authoritarianism" (Schedler 2006), "hybrid regimes" (Diamond 2002), and "illiberal democracy" (Zakaria 1997), to name just a few prominent examples.

[7] For a collection of further excellent reviews of the state of democracy in Africa, see the essays in the section on democracy and electoral politics in the Handbook of Afri-can Politics edited by Cheeseman et al. (2013: 227–91).

1.2 PROBLEM STATEMENT: ELECTORAL VIOLENCE AND THE DILEMMA ELECTIONS OF AFRICA

Today, the previously unaddressed challenges of Africa's democratic transitions remain tangible. Despite clear improvements in democratic competition and participation, perhaps one of the most salient manifestations of these constraints in the context of Africa's democratic transitions is the persistent challenge of holding free, fair, and peaceful elections as well as the regular failure of electoral competitions on the continent to adhere to even modest and procedural democratic standards[8]. It is particularly the pervasiveness of physical violence in the context of electoral competitions throughout Africa that remains both a fact and a cause for concern. In the past, elections in Kenya (2007/08), Zimbabwe (2008), Côte d'Ivoire (2010), and Nigeria (2010/11) (Badza 2008; Cheeseman 2008; Lewis 2011; Zounmenou 2011) – to name just some of the most prominent examples – have been marred by instances of significant violence and gross violations of human rights.

In the cases of Kenya and Côte d'Ivoire election-related violence[9] reached magnitudes that have been considered crimes against humanity and were subsequently brought before the International Criminal Court (Fischer 2015). In 2016 alone, election-related violence – albeit less severe than in the above mentioned cases – erupted in the run-up to municipal elections in South Africa (Aucoin and Cilliers 2016), the presidential elections in Zambia (Sichalwe 2016), and after the announcement of election results in Gabon (Maclean 2016).

There may be little surprise in the occurrence of election-related disputes turning violent in authoritarian systems such as Gabon, in which electoral processes take place on a skewed playing field and often merely serve as a thin veneer to legitimize the autocratic regimes in power. However, the cases of South Africa and Zambia demonstrate that even countries which had previously been regarded as examples of young, yet relatively stable democracies with competitive multiparty systems on the continent are not impervious to electoral violence. The phenomenon of violence in the context of elections is thus not limited to authoritarian settings but also affects countries which had previously been regarded as examples of young, yet relatively stable and competitive multiparty democracies.

[8] The most prominent definition of this kind arguably is the concept of a "polyarchy" developed by Dahl (1971: 2–3).
[9] The terms electoral violence and election-related violence are used synonymously in the literature on the subject and in this paper.

In fact, it seems that the incidence of electoral violence has remained at a relatively constant level (Straus and Taylor 2012: 27–28; Goldsmith 2015: 831–33), even though African countries have become more democratic on average and other forms of large-scale organized political violence have declined in frequency and intensity (Straus 2012). In a broader analysis of multiparty elections in Africa between 1990 and 2003, Staffan Lindberg (2006b: 61) finds that roughly 80% of all elections experienced some form of electoral violence, but notes that most of it was of low intensity. Similarly, in a first quantative assessment focusing explicitly on the phenomenon in Africa, Scott Straus and Charles Taylor (2012: 23) report that some form of electoral violence occurred in 58% of elections during the 1990–2008 period under investigation. Yet, similar to Lindberg's findings, they determine that the majority of election-related violence remained at low levels of intensity (referred to by the authors as electoral harassment) with intense violence being limited to 20% of all elections. Two further studies by Arthur Goldsmith (2015) and by Idean Salehyan and Christopher Linebarger (2015) find election periods in Africa to be associated with an increase in the onset of violent events (cf. Straus and Taylor 2012: 32). However, Goldsmith (2015: 831–33) also finds that between 67% and 75% of elections in the 1990–2010 period experienced little or no electoral violence[10]. Furthermore, Straus and Taylor (2012: 24–27) as well as Goldsmith (2015: 829–31) also emphasize considerable cross-national differences in the distribution of election-related conflict. Despite the variation in results of these time-series, cross-sectional analyses and a lack of estimates regarding the number of fatalities attributable to electoral violence, the findings generally indicate that the prevalence of election-related violence in Africa is widespread enough to warrant serious concern about deployment of violent strategies during elections.

The phenomenon of electoral violence is not only empirically prevalent in Africa but also relevant in terms of its consequences. In severe cases of conflict, the immediate effects of election-related violence can be grave. The escalation of violence in the context of electoral competitions may, in some cases, border on civil war in terms of both scope and intensity and can have detrimental humanitarian, social, and economic consequences for the affected country and even entire regions[11].

[10] However, Goldsmith (2015) uses a narrow definition of electoral violence that omits violent acts initiated by formal state authorities.

[11] For example, disputes concerning the validity of election results of the general and presidential polls in Kenya in December 2007 plunged the country into a political crisis combined with widespread ethnic unrest that eventually left 1,133 people dead and more than 700,000 displaced (Cheeseman et al. 2014: 5). Furthermore, the onset of the violence in Kenya quickly caused supply shortages in several landlocked countries in the Kenya's neighborhood (Harneit-Sievers and Peters 2008: 141; Juma 2009: 424).

It is therefore hardly surprising that the integrity of elections and the threat of electoral violence remain a major concern for many African citizens ahead of the polls (Penar et al. 2016). Furthermore, instances of electoral violence may inhibit the process of general democratic consolidation by undermining the legitimacy of the overall electoral process, causing citizens to associate elections and democracy with violence and instability, weakening political institutions, establishing violence as a "normal" means of reaching political goals among political actors, and thus perpetuating uncertainty about the "rules of the game" (Höglund 2009: 417; Omotola 2010: 56–57; Bekoe 2012a: 4–5).

The frequent occurrence of electoral violence is therefore pertinent to political development on the continent as it highlights the challenge of potentially destabilising effects that fierce political competition and electoral processes pose for democratic consolidation in many of Africa's relatively young and fragile multiparty systems. It is particularly these far-reaching, negative effects observers intend to emphasize, when referring to the phenomenon of electoral violence as a "curse" (Motsamai 2010), "monster" (Omotola 2010: 52, 53), or a "nightmare" (Ibekwe and Adebayo 2012).

These observations lead to a seeming dilemma of elections in Africa: On the one hand, regular elections are a sine qua non – a necessary but not sufficient condition – of the concept of modern representative democracy (Dahl 1971: 2). Even though the principle of democracy encompasses a range of other principles and aspects, the ability to elect and remove political leaders to and from office as well as to influence policy choices by casting one's ballot are probably the features most commonly associated with democracy. In theory, elections are thus expected to ensure representation, accountability and legitimacy in the succession of power.

On the other hand, electoral competition has exhibited a tendency towards inciting violence that carries with it severe humanitarian consequences and may threaten prospects for long-term democratic consolidation in several of Africa's "new" democracies. This predicament has occasioned some observers to call the efficacy and viability of elections under the circumstances prevalent in poor countries – many of which are African – into question altogether (Collier 2009: 49). Others have cautioned that deficiencies in the electoral process should not be a reason to hastily jump to conclusions which consider elections under challenging circumstances as a lost cause from the outset. For instance, Jeff Fischer takes the view that "[w]hen conflict or violence occurs, it is not a result of an electoral process; it is the breakdown of an electoral process" (2002: 2).

In a similar vein, other experts, while acknowledging electoral violence as a serious issue, have pondered more practical steps for "[m]aking democracy safe" (Orji 2013) in order to enable elections to better fulfil their democratic purposes while avoiding violence and political instability. One set of measures that has frequently been proposed relates to the formal democratic institutions and their inability to adequately address issues on the political agenda, accommodate competing interests, and manage the peaceful settlement of societal disputes as structural cause of electoral violence. Particularly, the design of the electoral system is viewed to be a key variable in creating conditions which can restrain or encourage the use of violence in the context of the electoral cycle in societies with contentious politics (Molomo 2010; Fjelde and Höglund 2014). In most cases, however, this causal relationship is assumed rather than conclusively demonstrated and the causal mechanisms linking certain types of electoral systems to the incidence electoral violence, which has only gained attention in the academic debate as a distinct phenomenon more recently, remain under-researched and elusive.

1.3 RESEARCH DESIGN

1.3.1 Aims and objectives

Despite the prevalence and significance of electoral violence in Africa, knowledge about solutions to the issue and their effectiveness remain underexplored and inadequate. The following thesis aims to contribute to the growing academic debate on the topic by further investigating the relationship between electoral systems and electoral violence in young democratic regimes.

The main objectives in this context are twofold: First, the thesis attempts to theorize more closely the causal mechanisms between electoral systems and electoral violence as it has been assumed that particularly elections in majoritarian electoral systems are at a greater risk being affected by violence. While drawing on existing knowledge in the field of electoral systems and violent conflict, the analysis moves beyond the previously predominant focus of the literature on civil wars by addressing electoral violence as a distinct type of political violence.

The working hypothesis, which is further elaborated in the theoretical part of the thesis, is that type of the electoral system, especially when interacting with other institutional factors, which motivate political actors to seek access to political power and control over the state's resources as well as a lack of integrity of elections, may be a crucial intervening variable influencing the stakes raised

by electoral competitions and thus incentivising or restraining the deployment of violence as a strategic means of influencing the electoral outcomes. As such, the thesis adopts a neoinstitutional approach that has been common in studies concerned with the relevance and effects of institutions on political behaviour, the characteristics of political systems, and democratic development in Africa (van de Walle 2003; Lindberg 2006b; Bratton 2007; Erdmann et al. 2007; Posner and Young 2007; Barkan 2008; Berg-Schlosser 2008; van Cranenburgh 2008; Azevedo-Harman 2012; Hyden 2013).

Secondly, the research investigates the extent to which electoral engineering, understood as a deliberate modification of the electoral system, towards a more proportional electoral system can contribute to mitigating the incidence of electoral violence. The thesis therefore seeks to identify the prospects of altering the propensity of political actors to strategically deploy election-related violence through a reform of the electoral system. The theoretical analysis is supported by a case study of the electoral reform process in the Kingdom of Lesotho which were primarily intended to address the issue of electoral violence in the country. This empirical part of the analysis seeks to assess the effectiveness of the reform efforts by carefully tracing the circumstances of initial conflict situation and the effects of the subsequent reform process.

1.3.2 Research question

While sound theoretical arguments will be made that different types of electoral systems influence the incentives that may lead political actors to engage in electoral violence, it is unclear under to which extent the reform process of an electoral system from a majoritarian to a more proportional type, which allows for broader proportional representation in parliament, can effectively address the issue of electoral violence in a society that has previously experienced significant election-related conflict. The research question that this Master thesis intends to answer therefore is the following:

To which extent can electoral reforms toward a more proportional electoral system mitigate the use of electoral violence by political actors?

1.3.3 Independent variable: Type of electoral system

The main independent variable of interest is the electoral system. The electoral system can be defined as a set of formal electoral rules that regulate "the way in which voters express political preferences for a party or a candidate; and […] the method whereby votes are translated into parliamentary seats or into

governmental offices" (Hartmann 2007: 145). For the purposes of the research the main characteristic used to distinguish electoral systems is the degree of proportionality with which they translate the distribution of votes into parliamentary seats. Consequently, the research question builds on the assumption that different electoral systems provide certain incentives that encourage or constrain certain types of political behaviour. The assumed mechanisms through which the different electoral systems, in interaction with other contextual factors, are expected to influence the behaviour of political actors will be elaborated upon in the theoretical section.

1.3.4 Dependent variable: Incidence of electoral violence

The specific type of political behaviour that the research question intends to explore as a dependent variable is electoral violence perpetrated by political actors. To this end, according electoral violence shall be defined as any form of "physical violence and coercive intimidation directly tied to an impending electoral contest or an announced electoral result" (Straus and Taylor 2012: 19). Further details about the various dimensions that can be used to distinguish different manifestations of this dependent variable will be provided in the theoretical section.

1.3.5 Case selection

An overview of electoral reforms in Africa by Christof Hartmann (2007: 155) shows that the only country to introduce major change to the electoral formula since the introduction of competitive elections has been Lesotho, which switched form a majoritarian to a mixed-member proportional (MMP) system in 2002. Incidentally, the reform of Lesotho's electoral system was driven largely by the incidence of large scale public unrest following elections in 1998 (Elklit 2002). Another modification of the MMP system was undertaken in 2011 in reaction to electoral violence that was sparked by the manipulation of the MMP system in Lesotho's 2007 elections (Elklit 2008). Despite being the only available instance of major electoral reform in Africa, "the case of Lesotho therefore offers a rare opportunity for a national experiment" (Cho and Bratton 2006: 732) to trace the effects of a different electoral systems on the incidence of electoral violence within the same societal setting. The units of analysis will be the subsequent elections held under different electoral systems.

1.3.6 Research method

While the causal mechanisms linking the independent variable to the dependent variable will first be examined on a theoretical basis, the research method of process tracing (for detailed discussions of the methodology see Beach and Pedersen 2013; Bennett and Checkel 2015) will be employed in to the detailed examination of the case study to identify with relative confidence the processes, pathways, and causal relationships that link the electoral system and the incidence of electoral violence. The case study will be conducted as a desk study, which will build on a body of existing research documents concerning individual aspects of elections, the electoral reform process and political developments in Lesotho.

1.4 STRUCTURE

In pursuance of the research objectives outlined above, the thesis proceeds in the following way: Following this introduction, the second chapter provides a brief overview of the state of the art concerning electoral violence and locates the topic of this research in the broader framework of existing academic debates. Chapter three is dedicated to a closer examination of the interaction between electoral violence and electoral systems. To this end, the chapter first more closely examines the various dimensions of electoral violence by synthesizing findings from the academic debate on the phenomenon of electoral violence that has received growing attention in recent years. The chapter the proceeds by focusing institutional theories and more closely defining the institutional context of elections in Africa, before turning to an exploration of the causal relationship between electoral systems and electoral violence and a discussion of the prospects of electoral systems reform for addressing the issue of electoral violence. Chapter four is dedicated to the empirical case study by providing an overview of contentious politics and electoral violence in the wake of the process of political liberalization, tracing the process of electoral reforms intended to address the issue of election-related violence, and assessing the effectiveness of the reforms in terms of their impact on election-related conflict and overall political stability in the country. While it is impossible to draw universal conclusions or recommendations from this single case study, the final chapter aims to summarize the findings and to provide tentative insights about the potential, challenges, and limits of electoral reforms in preventing electoral violence in young democracies.

2 Literature review

By investigating the causal relationship between electoral systems and electoral violence as well as the circumstances conducive to addressing electoral violence through electoral system reform this research ties into several existing academic debates.

First, the research can be located within the broader context of the debate on the relationship between democracy or democratization and the risk of armed conflict in general. As has been alluded to in the introductory chapter, in Africa and elsewhere the democratization processes at the end of the Cold War not only resulted in a mixed balance concerning the trajectory of regime types, but also coincided with an increase in various types of violent conflict (Joseph 1999: 4; Nzongola-Ntalaja 2001; Straus 2012: 184; Williams 2016: 5, 16–21). Indeed, the apparent relationship between democratization and violent conflict may be counterintuitive and puzzling at a first glance as the extensive literature on democratic peace theory (for overviews, see Gleditsch and Ward 2000; Hayes 2011) has considered democracy and international peace as concurrent and mutually reinforcing phenomena. While these comparative studies initially focused on the international arena, the argument has also been applied to the domestic context. Following studies generally confirmed the main hypothesis of democratic civil peace theory, but added the important caveat that intermediate regime types and polities experiencing political change appear to be more conflict-prone (Hegre et al. 2001; Kinsella and Rousseau 2009).

The relationship between democracy and violent conflict or the lack thereof is of particular practical relevance as, since the early 1990s, the promotion of democracy has formed the basis of strategies of the international community for achieving internal peace and strengthening socio-economic development in democratizing and conflict-affected countries (Call and Cook 2003; Paris 2004: 40–51; Grimm and Leininger 2012). However, a number of studies investigating the causal relationship between regime forms and the risk of violent conflict have associated the process of democratization and elections with an increased risk of both armed inter- and intrastate conflict – often based on ethnic affiliations (Snyder 2000; Mann 2005; Collier 2009; Cederman et al. 2012; for an overview, see Gleditsch et al. 2009). These conflicts in the context of democratic transitions have, among other factors, been linked to the nature of the transitions themselves (Dahl 1971: 33–47; Gleditsch and Ward 2000), security dilemmas emerging from the opening of the political space to competition and contestation (Lake and Rothchild 1996), and the lack of proper institutional

foundations such as democratic rules and norms (Mansfield and Snyder 1995, 2007; Salehyan and Linebarger 2015)[12].

Secondly, the thesis builds on and complements existing research into the phenomenon of electoral violence which can be located within the broader debate concerning the study of elections in democratizing and non-democratic contexts (Levitsky and Way 2002; Schedler 2006; Gandhi and Lust-Okar 2009; Levitsky and Way 2010; Schedler 2013; Norris et al. 2015). A significant part of the research in this area has focused on aspects such as the assessment of electoral integrity (Lindberg 2004; Norris 2013; Norris et al. 2013; Norris 2014) and strategies of electoral malpractice through which political actors attempt to influence the outcome of the elections in violation of democratic procedures (Schedler 2002; Lehoucq 2003; Birch 2011). The use of physical violence and coercive intimidation with the aim of influencing the electoral outcome or political development after the announcement of electoral results is generally considered as a subset of these strategies.

Scholars have frequently pointed out that, despite its prevalence and relevance, the phenomenon of electoral violence in Africa remains an under-researched subject (e.g., Bekoe 2012a: 2)[13], particularly in comparison to other forms of violence (Straus 2012: 192–93) – a fact that the introductions in the limited body of literature on the topic reliably (and with a trace of exasperation) point out. Notable early exceptions which approached the phenomenon of electoral violence include studies by David Rapoport and Leonard Weinberg (2000)[14] and Jeff Fischer (2002). More recently, however, the subject of electoral violence has gained attention among the academic community as a phenomenon worthy of scholarly inquiry as a distinct phenomenon and a growing strand of literature has emerged that attempts to better comprehend the issue[15]. Partly building on

[12] While many of these conflicts were initially characterized as conflicts between ethnic groups, the saliency of ethnic identities and the role that democratization processes played in these conflicts remains highly contested (Glickman 1995; Smith 2000; Fearon and Laitin 2003; Posner 2005; Cheibub and Hays 2017).

[13] Incidentally, this lack of scholarly research applies does not exclusively apply to the phenomenon of electoral violence but extends to many other constitutive elements and aspects of democratic systems in Africa, such as political parties, party systems, and electoral systems (Erdmann et al. 2007: 8).

[14] These authors also point to the bewildering state of neglect the phenomenon of violence in the context of elections has suffered from despite elections being the most studied subject among political scientists (Rapoport and Weinberg 2000: 16).

[15] A related strand of literature focuses on the challenges and timing of elections in post-conflict situations (Roeder and Rothchild 2005; Reilly 2008; Höglund et al. 2009; Gillies 2011; Brancati and Snyder 2012; Flores and Nooruddin 2012), which can thus be considered part of the broader academic debate on peacebuilding. However, it can be argued that elections under such circumstances face distinct challenges, such as the demobilization of combatants and the widespread availability of arms within society (Jarstad 2008), and that the logic of deploying violence in electoral contests significantly differs from the logic of violence in wartime (Straus and Taylor 2009: 18–19). While some studies do not specifically distinguish between electoral violence in post-

empirical insights from the abundance of existing case studies[16], scholars have attempted to more precisely define electoral violence, classify its manifestations along various dimensions (i.e., forms, motives, timing, actors and perpetrators, activities, and targets), and to systematically analyse its causes and consequences.

While some of these works investigate the phenomenon in a more generalized way (Collier 2009; Höglund 2009; Norris et al. 2015), many are specifically preoccupied with its manifestations in Africa (Laakso 2007; Mehler 2007; Matlosa et al. 2010; Motsamai 2010; Omotola 2010; Frazer and Gyimah-Boadi 2011; Bekoe 2012b; Burchard 2015). Furthermore, several quantative empirical studies have been conducted on the prevalence and patterns of election-related violence in Africa (Straus and Taylor 2012; Goldsmith 2015; Salehyan and Linebarger 2015). Other research has been concerned the incentive structures that may lead political actors to deploy or refrain from using violence at various stages of the electoral cycle and has typically highlighted factors revolving the support for incumbents and challengers among the electorate (Chaturvedi 2005; Collier and Vicente 2012; Hafner-Burton et al. 2014), electoral fraud and the perceived lack of legitimacy of an election (Norris 2012; Norris et al. 2015), and the presence of international election monitoring missions (Daxecker 2012, 2014). However, whereas a relationship between specific institutions, particularly the electoral system, and electoral violence is often assumed, the causal mechanisms connecting the two have rarely been examined explicitly[17].

Lastly, the research relates to literature debating the causal relationship between electoral institutions and the risk of severe forms of armed conflict such as civil wars and ethnic rebellion. In this context, the design of electoral systems is considered an important component of broader approaches of constitutional engineering that began to develop in the late 1990s as part of the democratization and conflict management literature in reaction to the disillusionment with the democratization process in many countries. Democracy promotion in these

conflict environments and scenarios in young (electoral) democracies that have experienced a relatively peaceful transition from (closed) authoritarianism (e.g., Collier 2009; Höglund 2009), this work explicitly focuses on the latter scenario for clarity of the argument.

[16] For a compilation of case studies on electoral violence in Africa featuring but not limited to some of the examples referenced in the introductory chapter, see Bekoe (2012b).

[17] A notable exception is a study by Hanne Fjelde and Kristine Höglund (2014), which develops a similar argument to the one presented here and finds elections under majoritarian electoral systems to be more prone to electoral violence in a cross-national comparison of African elections between 1990 and 2010. However, while providing valuable insights about the dynamics between electoral systems in place and electoral competition, the study does not scrutinize the circumstances of electoral system reform in addressing the issue of electoral violence. For arguments relating electoral systems to electoral malpractice, see Birch (2007).

countries initially had narrowly focused on economic and political liberalization and expected a linear sequencing from democratic opening to consolidation (Carothers 2002). However, this strategy increasingly proved unsuccessful as several countries were affected by the breakdown of democratic processes, proliferation of violent internal conflict and descent into state failure. Instead, policies, which centred on creating or strengthening efficient, legitimate and viable domestic institutions and governance, emerged as a necessary means to guide democratization processes (Säve-Söderbergh and Nakamitsu Lennartsson 2002).

A consensus has since emerged that formal political institutions play a significant role in structuring the relations among political actors – including both political elites and citizens – and in shaping their behaviour. Following this logic, the approach of constitutional engineering has sought to address contentious politics, manage violent conflict and enhance the prospects for democratic consolidation in young democracies through the deliberate design of formal political institutions (Reynolds 2002; Kuperman 2015b). Specifically, the design and reform of electoral systems, referred to as electoral engineering, has been identified as an important mechanism for shaping political competition and democracy (Norris 2004; Reynolds et al. 2005) and thus a relevant instrument for democracy promotion and conflict management (Sisk and Reynolds 1998; Reynolds 1999; Diamond and Plattner 2006)[18]. Various studies conducted on elections in settings with contentious politics suggest that an appropriately designed electoral system can mitigate violent conflict, whereas inappropriately conceived electoral systems can exacerbate it. In this context, the debate on electoral systems has typically revolved around the relative merits of majoritarian, proportional, and – more recently – mixed systems. However, a divide between scholars favouring constitutional designs based around accommodation and representation of various societal interests and those proposing integrative strategies persists (Reilly and Reynolds 2000), particularly as these positions tend to be based either on purely theoretical arguments or on empirical insights from individual case studies[19].

[18] The other two being the form of government (i.e. presidential or parliamentary) and the nature of state structures (i.e. unitary or federal, including other territorial autonomy arrangements) (Belmont et al. 2002).

[19] The limited number of exceptions comprise cross-national studies investigating the effects of electoral systems on democratic consolidation (Bohrer 1997; Reynolds 1999; Birch 2005) and armed conflict (Cohen 1997; Reynal-Querol 2002; Saideman et al. 2002; Schneider and Wiesehomeier 2008; Selway and Templeman 2011).

Much of the work in this field, however, has not focused specifically on instances of violence during times of election, but more generally on the prevention of severe forms of violence and instability like civil wars and disintegration of the state in ethnically divided societies (Lijphart 2004). Therefore, it is questionable whether the conclusions concerning the causal mechanisms between electoral systems and severe armed conflict can equally be applied to the phenomenon of electoral violence since previous studies have emphasized the distinct character of electoral violence (Höglund 2009: 415; Salehyan and Linebarger 2015: 25). Whereas more severe forms of armed conflict such as civil wars generally represent a breakdown of from the constitutional order and a substitute to electoral politics, electoral violence and other strategies of electoral misconduct – despite violating constitutional rules – are pursued within the electoral arena (Straus and Taylor 2009: 18–19; Dunning 2011). In a similar fashion, Christof Hartmann (2016) points out in his review of a more recent addition to the research debate on the role of formal political institutions in managing societal conflict edited by Alan Kuperman (2015b) that it remains unclear which type of constitutional response may be most appropriate for which types of conflict and under which circumstances it is likely to succeed in addressing the specific causes of the conflict.

Taking this argument one step further, it can be argued that not only do the dynamics and causes of different forms of violence vary considerably, but that the same applies to the various phenomena subsumed under the term electoral violence. As the following sections will demonstrate, not all election-related conflicts are of equal nature but differ in terms of intensity, timing, the actors involved, and their motives. It is therefore debatable whether certain institutional measures, particularly a reform of the electoral system, are equally effective in addressing various instances of electoral violence.

Further questions emerge when moving beyond a discussion of the effects of electoral systems currently in place to the appropriateness of electoral system reform in addressing the issue of electoral violence. These concern the feasibility of the reform process itself and its concomitant circumstances. Previous assessments of constitutional reforms and, more specifically, electoral engineering have revealed the difficulty of implementing such efforts and the contingencies involved in the reform process (Basedau 2002; Miller 2010; Tansey 2013; Kuperman 2015a: 232–33). Even if a causal link between certain types of electoral systems and specific instances of election-related conflict can be plausibly demonstrated, thus indicating that electoral reform may be a technically appropriate solution, it is unclear under which circumstances such reforms aiming to alter institutions such as the electoral system can be effectively implemented

and which challenges they must overcome to meaningfully effect the behaviour of political actors.

3 Theory and concepts

3.1 ELECTORAL VIOLENCE

As has been pointed out in the previous chapter, while large-scale and high-intensity forms of armed intrastate conflict such as civil wars, ethnic rebellions, and genocide have been the subject of considerable body of scholarly research, less severe and more transient forms of violent political conflict such as election-related violence have only gained attention in the academic debate more recently despite their relative frequency and their significance[20]. The exercise of mapping the various manifestations of electoral violence and distinguishing it from other forms of violent conflict is therefore essential to any investigation into measures of preventing and managing the phenomenon[21]. In this regard, Kristine Höglund argues that "it is particularly the timing and motive that distinguishes electoral violence from other types of violence" (2009: 415). However, as the following paragraphs will demonstrate the types of violent political conflict typically subsumed under the term electoral violence also exhibit a great degree of variance in themselves when further disaggregated along motives, timing, actors, intensity, activities, and targets[22].

3.1.1 Motives and nature of the conflict

Since research on electoral violence is a young field, no generally accepted definition of the term exists. However, previous studies on the issue of electoral violence have generally emphasized its primary objective of influencing the electoral process as a distinguishing characteristic. In their empirical contribution

[20] According to Doriana Bekoe (2012a: 4) this scholarly oversight may be attributable to the fact that electoral violence often manifests itself as "a brief, time- and event-bound period of violence, with generally low levels of tension", although the assessment regarding the intensity of election-related violence certainly is debatable. Other scholars, such as Collier (2009), have attempted to cover various forms of political violence simultaneously. For a resource providing an overview of high-intensity, armed conflict in Africa, see Williams (2016).

[21] For arguments in favour of locating different manifestations of political violence along a continuum according to their magnitude and form, see the seminal monograph on the topic by Gurr (1970: 9–12). On the difficulty of clearly delineating one form of political violence from another, see Gersovitz and Kriger (2013) and Sambanis (2004a, 2004b).

[22] For a previous review of the conceptual work on electoral violence, also see Swain (2011).

to the emerging literature on the phenomenon Scott Straus and Charlie Taylor (2012: 19) define electoral violence as "physical violence and coercive intimidation directly tied to an impending electoral contest or an announced electoral result"[23]. Similarly, Jeff Fischer (2002: 3) refers to electoral violence as "any random or organized act or threat to intimidate, physically harm, blackmail, or abuse a political stakeholder in seeking to determine, delay, or to otherwise influence an electoral process." A definition provided by Liisa Laakso (2007: 227–28) describes electoral violence as an "activity motivated by an attempt to affect the results of the elections – either by manipulating the electoral procedures and participation or by contesting the legitimacy of the results."

These definitions indicate that several, more specific motives may be pursued in the context of the general objective of influencing the electoral process, thereby revealing significant differences in the nature of electoral conflicts. For instance, Kristine Höglund (2009: 415–16) subdivides instances of electoral violence into four main categories: (1) the objection of elections as a method for the transfer of power in principle, (2) the objection of the circumstances under which the elections are held (e.g. electoral rules, timing), (3) the attempt to influence the outcome of the election, and (4) the attempt to contest an electoral outcome[24]. In part, these central motives are logically connected to the different manifestations of electoral violence along the other dimensions outlined below.

3.1.2 Timing

Elections should not be merely conceived of as the events that occur on polling day. Instead, elections can best be understood in terms of a cycle with different stages, at each of which certain forms of electoral violence may occur. Höglund (2009: 416) proposes a framework regarding the timing of electoral violence that distinguishes between (1) the pre-election phase, (2) the day or days of the election, and (3) the post-election phase[25]. Violence in the pre-election phase

[23] Straus and Taylor (2012: 19) concede that "in some instances it can be difficult to know whether violence is directly related to an election." This challenge of operationalizing electoral violence, particularly when attempting to distill incidents from larger datasets comprising other forms of (non)violent conflict, is acknowledged by other quantative studies as well (Fjelde and Höglund 2014: 306–07; Goldsmith 2015: 822–23; Salehyan and Linebarger 2015: 31–32).

[24] Alternatively, Rapoport and Weinberg identify three main motives: "the election principle might be *rejected;* the principle might be valid but the *application* is not, as when citizens belong to different communities; and the most common and complex occurs when participants understand a particular instance to be *unfair,* but they do not explicitly reject the principle or system" (2000: 34, emphasis in original). Fischer distinguishes between five different types of electoral conflict: (1) identity conflict, (2) campaign conflict, (3) balloting conflict, (4) results conflict, and (5) representation conflict (2002: 9–10).

[25] Fischer's typology of conflict motives is also compatible with this framework as he locates each type of electoral conflict within one of these three intervals. However, he emphasizes that both the pre- and post-election phases may each be associated with two distinct kinds of conflict (2002:

may occur during the process of voter registration or campaigning and is associated with the logic of influencing the electoral outcome "as political actors seek to shape voting behavior, preferences, and patterns" (Straus and Taylor 2012: 20). Chux Ibekwe and Akanmu Adebayo (2012: 12) vividly depict that:

«[i]n period the leading up to elections […] violent conflicts occur at party nominations and primaries and at campaign rallies. Often, the goal is not to present and explain the party's platform and candidate's promises to the electorate; rather it is to intimidate the electorate, assassinate political opponents, and cause general instability under the cover of which electoral malpractices (such as stealing voting materials, preventing the safe and orderly arrival of polling staff, etc.) may be carried out.»

The authors (2012: 12) go on to describe that "on election day, therefore, anarchy reigns. Candidates and their supporters have been known to carry weapons into the polling station, fire guns into the air, snatch ballot boxes, stuff the boxes with pre-voted ballots, and force electoral officers to validate forged results." In contrast, post-election violence can be interpreted as a response to an electoral outcome and may be related to several scenarios such as the alleged manipulation of the electoral process and results, the inability of judicial bodies to resolve disputes over the election results and to credibly establish their legitimacy in a timely manner, or the unwillingness of the incumbent to accept defeat and cede power – at times through the official annulment of the election (Straus and Taylor 2012: 19–20). Furthermore, such attempts to contest an electoral outcome may also result in the violent suppression of protest by incumbents.

Findings regarding the question, in which phase of the electoral cycle electoral violence is the most prevalent remain inconclusive due to a lack of sufficiently detailed qualitative data. Straus and Taylor (2012: 28) state that electoral violence in sub-Saharan Africa occurs "overwhelmingly in the prevote period." Contrary to the vivid description above, the polling process itself often has been found to be the most peaceful period of the electoral cycle. Ursula Daxecker (2014) as well as Alberto Simpser and Daniela Donno (2012) explain that since it is often closely monitored by international election observation missions, political actors are incentivized to engage in violent tactics and other forms of electoral malpractice in less keenly observed parts of the electoral cycle (e.g., the pre-election phase). Arthur Goldsmith (2015: 829) finds election-related

9–10). Curiously, Straus and Taylor (2012: 20) only distinguish between pre-election and post-election violence, thereby leaving open to interpretation where they locate violence that occurs on election day.

onsets of violence to peak shortly after election day, while this may be attributable to his case selection.

3.1.3 Actors

A variety of actors may be perpetrators of electoral violence and can generally be distinguished by whether they are acting in support of the incumbent or the opponent in the electoral contest or in general opposition to elections as such. While electoral violence on behalf of both the incumbent or opponent may be perpetrated by members of similar groups (e.g., party members and youth wings, party supporters, militias)[26], incumbents can often additionally draw on actors that are part of the coercive apparatus of the state (e.g., police, secret service, military)[27] (Laakso 2007: 228; Höglund 2009: 416–17; Straus and Taylor 2012: 20). In contrast, electoral violence which is perpetrated in opposition to elections in principle or their circumstances may include members or supporters of parties boycotting the elections, but also rebel, guerilla, or terrorist groups operating outside the electoral arena[28].

Accordingly, these diverse actors are likely to use violence for different reasons, at different stages of the electoral cycle and in different contexts (Khadiagala 2010: 18–21). Incumbents and groups under their control, however, have been found to be the most common perpetrators of both pre- and post-election violence (Straus and Taylor 2012: 29–31). Victims may thus include candidates, supporters, and voters of opposition parties challenging the incumbent or those involved in clashes between rival opposition parties. Notably, in some cases, initial victims of electoral violence may launch retaliatory attacks and thus themselves become perpetrators of violence (Bekoe 2012a: 3).

3.1.4 Intensity, activities, and targets

Election-related violent conflict may vary in intensity and involve different activities and targets. In their study, Straus and Taylor (2012: 21–22) generally distinguish between four different levels of electoral violence: (1) no electoral

[26] On the difficulty of attributing the violent actions of perpetrators without official party membership to incitement by party officials or individual decisions, see Mehler (2007: 199–201).

[27] In his analysis, Goldsmith (2015: 822) explicitly excludes cases of electoral violence initiated by state security forces – a significant perpetrator of electoral violence according to other sources (e.g., Straus and Taylor 2012). For a study that focuses exclusively on the use of state-sponsored electoral violence committed by incumbents, see Hafner-Burton et al. (2014).

[28] In some cases, these groups may choose to pursue their aims by simultaneously deploying violent tactics outside the electoral arena and participate in elections (Höglund 2009: 416)

violence, (2) violent harassment, including "police or security forces breaking up rallies, party supporters brawling in the streets, confiscation of opposition newspapers, candidate disqualifications, and limited short-term arrests of political opponents"[29], (3) violent repression, "indicated by high-level assassinations and targeted murder combined with long-term high-level arrests of party leaders, the consistent use of violent intimidation and harassment", and (4) "a highly violent campaign with generalized violence – that is, repeated, widespread physical attacks leading to a substantial number of deaths over time (interpreted as twenty or more deaths […])".

However, aside from this general classification, certain patterns depending on the timing of violence relative to the election date can be identified (Fischer 2002: 9; Höglund 2009: 417; Straus and Taylor 2012: 33–36). Following the logic of electoral violence prior to election day, acts of violence at this stage of the electoral cycle may attempt to influence the electoral outcome in two major ways. One strategy entails the direct targeting of the political competition, thereby increasing the costs of participation in and likelihood of withdrawal from or boycott of elections. Most often this encompasses acts of both generalized or targeted harassment, assault, intimidation, detention, and assassination of candidates, party members and campaign workers; as well as vandalism against or wanton destruction of party offices, campaign material, and campaign resources. The second group of violent pre-election activities aims at influencing the behaviour of voters and may include intimidation, violent coercion or wide-scale displacement of certain groups of voters in strategically important areas or districts in order to force voters to vote for the perpetrator or to abstain from voting for other contestants; the destruction of voter registration data; and the targeting of representatives of media outlets critical of the perpetrator. In any case, the activities targeting voters are meant to shift voter turnout in favour of the perpetrator. Acts directed at competitors and voters may either be perpetrated by the incumbent government and security forces under its command or rival parties and their supporters.

Similar tactics of intimidation and overt physical violence may continue during the day or days of the election and are most likely to be directed at voters, election workers; observers such as members of the press and official election monitors; and electoral facilities and material such as polling stations, ballot boxes, and the documentation of tabulated vote results. Once more the major aim is

[29] This classification shows that the distinction between acts of electoral violence and electoral fraud may be fluid and that both tactics are often pursued simultaneously (Schedler 2002; Lehoucq 2003).

to influence the electoral process in a way that is likely to yield a favourable outcome for the perpetrator.

Following the closure of polling stations or the official announcement of election results electoral violence is most likely to emanate from public protests against the legitimacy of officially announced election results or the annulment of the election. Such demands for the incumbent to cede power or hold new elections may start peacefully but can also take on a violent form. In both cases, protests will likely be perceived as a threat to the incumbent government's hold on power and may provoke it and its supporters to respond with generalized violent repression against protestors, leading to a spiral of violence (Hafner-Burton et al. 2014). This implies that post-election violence will differ from pre-election violence not only in regard to the objectives and the specific activities, but is also more likely to manifest itself in the form of large-scale, intense violence.

The empirical findings of Straus and Taylor (2012: 33), who observe that "electoral violence is generally much more likely to take place before the polling date than after, but if it occurs after the polling date, that violence is likely to be at a higher level" seem to confirm this.

3.2 EXPLAINING ELECTORAL VIOLENCE THROUGH THE INTERACTION OF INFORMAL AND FORMAL INSTITUTIONS

In more consolidated democracies, elections typically do not foment violence as the prospect of electoral defeat is not sufficient to motivate political actors to engage in election-related violence against their opponents[30]. In order to address the issue of electoral violence, it is thus imperative to better understand the root causes that provide the conditions for the phenomenon in many of Africa's young democracies. At the same time, it is important to note the considerable variance of the incidence, form, and intensity of electoral violence both between and within countries across time (Höglund 2009: 419; Straus and Taylor 2012: 24–27; Goldsmith 2015: 829–31), which begs the question how these differences may be explained.

[30] It is important to note that electoral violence was a common feature of democratizing polities. In their historical overview, Rapoport and Weinberg (2000) demonstrate that, in earlier periods, electoral violence regularly occurred during elections in Western democracies like Great Britain and the United States.

It has been established that electoral violence can be understood as either (1) an attempt to influence the electoral process in a way that decreases uncertainty about the electoral outcome by reducing the chances of defeat (when perpetrated by the incumbent) or increase chances of victory (when perpetrated by a competitor) or (2) a reaction to an electoral outcome seeking to assert a claim – be it rightfully or not – to victory and, in logical consequence, to the illegitimacy of the opponent's victory or to avert the loss of power. So what are the enabling factors that in many elections contribute to this general distrust in the electoral process and the winner-takes-all attitude of political actors epitomized by the attempts to seize electoral victory at all costs and the deep-seated fear of losing power?

It is argued here that the type of the electoral system, especially when interacting with other institutional factors which motivate political actors to seek access to political power and control over the state's resources, may be a crucial intervening variable influencing the stakes raised by electoral competitions and thus incentivising or restraining the deployment of violence as a strategic means of influencing the electoral outcomes.

By focusing on these factors the thesis attempts to explain electoral violence by employing an institutionalist perspective. It holds that the behaviour of political elites and citizens, particularly their propensity to engage in violent actions during elections, is shaped by and can be explained in reference to the institutional context in which these actors make decisions. In this sense, the following section attempts to provide a brief overview of the relevant neoinstitutionalist debates and the way institutions are thought to constrain or incentivize the behaviour of political actors.

3.2.1 Defining institutions

While there is a wide diversity within the neoinstitutionalist debate of how institutions and their effects should be understood[31], in order to approach the

[31] Neoinstitutionalism, occasionally also referred to as new institutionalism, marked a revival of the study of institutions in political science, which began in the late 1980s and early 1990s in reaction to the individualistic approaches of behaviouralism and rational choice theory predominant in the discipline at the time. Within the neoinstitutionalist debate, political scientists have not been able to agree on a singular approach to institutions. Instead, several different – arguably, both competing and complementary – strands have developed within the neoinstitutionalist debate. As emphasized by Peter A. Hall and Rosemary C. Taylor (1996), it has become common to distinguish among three predominant approaches, namely sociological (also known as normative), historical, and rational-choice institutionalism (more fine-grained distinctions also exist, cf. Peters 2005). The framework chosen here should therefore be regarded as a selection of the arguments most relevant to the research topic at hand rather than an exhaustive overview of the various strands and sub-strands within the neoinstitutionalist debate. For further and more comprehensive accounts of neoinstitutionalism, see Peters (2005) as well as the volumes edited by

concept of institutions and for the purposes of the main argument of the thesis it seems most appropriate to build on a set of common assumptions and more generalized definitions of what constitutes institutions Goodin (1996a: 21) and which distinguish formal and informal institutions. A commonly cited definition of institutions was proposed by Doulgass C. North (1990: 3), who describes institutions as "the rules of the game in society or, more formally, […] the humanly devised constraints that shape human interaction". North further distinguishes between formal institutions as explicit, written rules enforced by law and informal institutions as "conventions and codes of behavior" (1990: 4) typically enforced by members of relevant social group. In a similar vein, Gretchen Helmke and Steven Levitsky (2004: 727) define institutions as "rules and procedures, both formal and informal, that structure social interaction by constraining and enabling actors' behavior". The authors also go on to argue that formal and informal institutions can be conceptually separated by the way they are codified and enforced. They suggest that formal institutions are "rules and procedures that are created, communicated, and enforced through channels widely accepted as official", whereas informal institutions are "socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels" (2004: 727). This dichotomous distinction is also employed by Hans-Joachim Lauth (2000: 24) who defines formal institutions as "openly codified" rules which are "guaranteed by state agencies and […] sanctioned by that state". In contrast, he notes that

«informal institutions are based solely on the fact of their existence and of their effectiveness. The power of sanction involved with them is linked largely to social mechanisms of exclusion, or is based quite simply on the condition that its non-utilization minimizes the chances of gaining access to goods and services. Informal institutions are equally known and recognizable publicly; however, they are not laid down in writing» (2000: 24).

Despite these important conceptual differences in regarding codification and enforcement mechanism, both formal and informal institutions are acknowledged to have an ordering effect on the organization of a polity by creating shared expectations and predictability about the behaviour of political actors and providing organized settings for interaction through their enabling or constraining nature.

Gandhi and Ruiz-Rufino (2015) and Rhodes et al. (2006). Despite this diversity a core assumption of all neoinstitutionalist approaches is that institutions matter for political outcomes by shaping norms, beliefs, and actions of individuals and thus collective behaviour. Central research themes have been concerned with "the relations between institutional characteristics and political agency, performance, and change" (March and Olsen 2006: 4).

3.2.2 The effect of institutions on political behaviour

The crucial link between institutions and collective political outcomes is the way in which institutions affect the behaviour and the range of choices regarding the decisions of political actors. While the general consensus of neoinstitutionalist positions is that 'institutions matter', they diverge over "to what extent, in what respects, through what processes, under what conditions, and why institutions make a difference" (March and Olsen 2006: 8; also see Koelble 1995). To this effect, it is possible to distinguish among three schools of neoinstitutionalist thought, namely historical institutionalism, rational-choice institutionalism, and sociological institutionalism (Hall and Taylor 1996).

At their core, these three perspectives differ in regard to the nature scope of institutions, the processes through which they relate to the preferences and resulting behaviour of actors (i.e. what they are motived and what they are able to do), and the extent to which they are shaped by and amenable to change by human behaviour. Within these perspectives, a central point of contention is the autonomy of and relationship between behaviour (agency) and institutional properties (structure), specifically whether the preferences and behavioural choices of political actors are largely predetermined by institutions or whether political actors are able to shape the institutional context they operate in. Despite the different emphases among these variants, all "share a great deal of common analytical ground on which the insights of one approach might be used to supplement or strengthen those of another" (Hall and Taylor 1996: 955) so that the most comprehensive understanding of various aspects of research on institutions may be gained from a combination of the approaches.

Rational choice institutionalism builds on important premises developed by behaviouralism and rational choice theory, which define individuals as rational actors who act strategically to maximize their own utility in the context of their own set of subjective, well-defined preferences as well as external constraints. Rational choice institutionalism adds to this the notion that institutions significantly influence the cost-benefit-calculus of individuals by providing incentives for or imposing constraints on certain kinds of behaviour[32]. As B. Guy Peters succinctly describes this logic of rational choice institutionalism:

«[T]he institutional variants of the [rational choice] approach focus attention on the importance of institutions as mechanisms for channelling and constraining individual behaviour. The fundamental argument of the rational choice

[32] This description focuses on the core assumptions of rational choice institutionalism relevant to the argument made here as a more detailed account of the various strands of rational choice institutionalism would go beyond the limited scope of this thesis. For more comprehensive overviews, see e.g. articles by Shepsle (1989, 2006) and Weingast (2002).

approaches is that utility maximization can and will remain the primary motivation of individuals, but those individuals may realize that their goals can be achieved most effectively through institutional action. [sic] and find that their behaviour is shaped by the institutions. Thus, in this view, individuals rationally choose to be to some extent constrained by their membership in institutions, whether that membership is voluntary or not» (2005: 48).

Outlining the process through which institutions structure the strategic behaviour of rational actors according to this perspective, Peter Hall and Rosemary Taylor (1996: 939) argue that institutions foster predictability by providing "actors with greater or lesser degrees of certainty about the present and future behaviour of other actors" and thus shape "the expectations an actor has about the actions that others are likely to take in response to or simultaneously with his own action". Rational choice institutionalism therefore seeks to explain "how institutions constrain the sequence of interaction among the actors, the choices available to particular actors, the structure of information and hence beliefs of actors, and the payoffs to individuals and groups" (Weingast 2002: 661). While institutions are thought to be created intentionally and be structured according to the interests and strategic interactions of rational-choice actors and, once in place, they are believed to enable and constrain certain types of behaviour occurring within their framework from thereon out. However, institutions do not determine the preferences of individuals themselves which are conceptualised as exogenous to the processes of decision-making (Hall and Taylor 1996: 944) and may be subject to change when the strategic interaction between actors necessitates so. The strength of the rational-choice institutionalism therefore specifically lies in providing explanations for behaviour within existing and intentionally created sets of rules (properties that are most likely to be fulfilled by formal institutions), rather than explaining the process by which institutions are created (Peters 2005: 59–62).

Sociological institutionalism[33] offers an explanation of human behaviour largely in contrast to the framework proposed by rational choice institutionalism. It posits that the utility-maximizing framework of rational choice institutionalism provides limited explanatory value for certain types of collective outcomes and particularly emphasizes the social embeddedness of human behaviour and the role of (informal) institutions (March and Olsen 1984: 741). Perhaps most importantly, sociological institutionalism defines institutions as a collection of

[33] Corresponding with the previous section, this description only focuses on the core concepts of sociological institutionalism. The sociological institutionalist perspective was established in the discipline of political science largely through the seminal works of James G. March and Jonathan P. Olsen (1984, 1989). For a more detailed discussion of the central concepts of the approach, see Peters (2005: 25–45).

norms, rules, understandings and routines (March and Olsen 1989: 21–26). According to the perspective of sociological institutionalism, institutions do not merely function as incentives and constraints on the instrumental, utility-maximizing calculus of rational actors, but rather play an important constitutive role for actors' preferences by defining appropriate types of behaviour. Human behaviour is therefore driven and, to some extent, conditioned by certain norms and values, which are adopted by individuals through the socialization process. These provide important reference points, through which individuals interpret the world, and thereby influence both the preferences of individuals and the course of action they decide upon. Summarizing the mechanism by which institutions are presumed to affect human behaviour through the lens of sociological institutionalism, Peter A. Hall and Rosemary C. Taylor describe institutions as providing

«moral or cognitive templates for interpretation and action. The individual is seen as an entity deeply embedded in a world of institutions, composed of symbols, scripts and routines, which provide the filters for interpretation, of both the situation and oneself, out of which a course of action is constructed. Not only do institutions provide strategically-useful information, they also affect the very identities, self-images and preferences of the actors.» (Hall and Taylor 1996: 939)

Accordingly, sociological institutionalism first and foremost sees individual behaviour as motivated by a logic of appropriateness (Peters 2005: 30), thereby emphasizing "the collective, as opposed to individual, roots of political behaviour" (Peters 2005: 43). Thus, a crucial aspect of sociological institutionalism is the normative rather than coercive nature of institutions and their effect on human behaviour. Consequently, specific formal institutions can best be understood as manifestations of the broader, underlying cultural framework rather than entities which result from the conscious creation by utility-maximizing actors.

Finally, rather than focusing on the mechanisms through which institutions shape individual behaviour historical institutionalism is concerned primarily with aspects of institutional change and the way prior institutional arrangements shape actors' subsequent decisions about the institutions themselves, making it more of a complementary than competing approach to the two presented above. The "deceptively simple" idea at the heart of historical institutionalism is that institutional choices made when an institution is formed, will have a continuing influence on its future development (Peters 2005: 71). The concept therefore emphasises the historical dimension of institutional development which results in the relative stability and persistence – a concept known as 'path-

dependency' – of institutional arrangements once they have been established and has sought to explain how institutional arrangements produce such paths (Hall and Taylor 1996: 941).

3.2.3 Formal and informal institutions

Notwithstanding the different perspectives variants of the neoinstitutionalist debate provide for understanding how institutions are thought to develop and influence the behaviour of political actors, a related but separate matter concerns the interaction between the two main types of institutions distinguished above, namely formal and informal institutions.

Particularly the different mechanisms through which formal and informal institutions are enforced have important implications for the interaction between the two forms. Since informal institutions are socially reproduced by recognition of the actors they do not possess a centre which directs and coordinates their enforcement. Therefore, if alternative institutions are available that are able to provide behavioural alternatives, a lack of recognition by a sufficient number of actors will ultimately lead to them ceasing to exist (Lauth 2000: 25). A divergence between informal institutions and the broader social framework in which they exist in is therefore highly unlikely. Furthermore, "[c]hange within such traditionally driven institutions turns out […] to be an extremely lengthy process, as they are internalized by the participating actors and reproduce themselves by shaping future behavioural expectations" (2000: 24). By contrast, formal institutions, per definition, are enforced by a central authority (typically the state) and can thus "be shaped and changed by actors with rule-making authority" (2000: 24–25).

Due to these differences in the functioning and sustaining mechanisms of formal and informal institutions the two types may stand in different relationships to one another: "the complementary type, in which they co-exist side by side and mutually reinforce and support each other; secondly, the substitutive type, in which either formal or informal institutions are effective in the sense of being functionally equivalent to each other; finally, the conflicting type, when the two systems of rules are incompatible" (2000: 25). Helmke and Levitsky (2004: 728–30) further refine this typology of institutional interaction by introducing two dimensions: one regarding the degree to which formal and informal institutional outcomes converge (convergence or divergence), the other regarding the effectiveness of the relevant formal institutions (effective or ineffective). The combination of these two dimensions yields a four-field matrix of complementary,

accommodating, substitutive, and competing relationships between formal and informal institutions.

In accordance with the competing relationship postulated by both Lauth (2000) and Helmke and Levitsky (2004) it is argued here that electoral violence can be explained as an outcome of the interaction between formal and informal institutions. More specifically it is argued that, when combined with certain types of formal electoral rules, the incentive structure provided by powerful informal institutions substantially increases the cost compliance with institutional principles of democracy, namely the competitive nature of free and fair multiparty electoral contests, the substantial uncertainty they produce about electoral outcomes, and the perspective of electoral defeat.

3.3 THE INFORMAL INSTITUTIONAL CONTEXT OF ELECTIONS IN AFRICA

3.3.1 Informal economic institutions: the spoils of office, neopatrimonialism and grievances

As has previously been pointed out, many African states face extremely difficult economic circumstances, namely limited levels of economic development (despite recent increases in growth), marginalization in the world economy, a strong vulnerability to external economic shocks, and high levels of poverty and social inequality (Hyden 2013: 16–18; African Development Bank 2016). These structural conditions result in general or relative material deprivation among large parts of the population that in themselves may foster a propensity for violent conflict (Gurr 1970; Collier and Hoeffler 1998) and impact democratic survival (Przeworski and Limongi 1997). Moreover, it should be noted that African states, despite their weak institutionalization and limited policy reach, nonetheless wield control over considerable revenues from aid, resource exports, and customs duties relative to these conditions of scarcity. In this context, access to and control over state resources and benefits becomes essential to many political actors and constituents.

This situation is further compounded by the practices of neopatrimonialism and clientelism which are defining traits of the state-society relations in most African countries (van de Walle 2003; Bratton 2007; Diamond 2008; Hyden 2013: 97–116)[34]. In essence, neopatrimonial systems of governance can be

[34] For a discussion of neopatrimonialism in the context of armed rebellion and conflict, see Reno (2007) and Williams (2016: 67–85).

understood as a type of rule in which authority is exercised through a combination of legal-rational bureaucracy and personalized systems of power involving clientalism and patronage (Erdmann and Engel 2007). While the distinction between public and personal realm is officially declared and referenced by political actors and state institutions, in reality, the logic of patrimonialism often permeates the political and administrative system that is formally structured and officially operates on the basis of a rational-legal logic. This type of mix produces a significant degree of uncertainty over which of these two frameworks will prevail in driving the decision-making in any given interaction between societal and state actors. Furthermore, neopatrimonial systems of rule lead to a factionalization of society as resources of the state are regularly misappropriated by patrons to reward certain groups of the population for political support and marginalize political opponents. This distribution of resources and services on the basis of patron-client relationships rather than the indiscriminate provision of public goods and general welfare benefits generates and exacerbates cleavages, grievances, and the desire for retribution among disadvantaged groups in society and can therefore be considered as inherently instable.

In the context of electoral contests, the pervasiveness of neopatrimonial modes of governance increases the costs of defeat and thus the economic stakes of elections for political elites and voters alike (Lindberg 2003; van de Walle 2003; Wantchekon 2003; Bratton 2008; Höglund 2009: 420–22; Lynch and Crawford 2011; Fjelde and Höglund 2014: 301–02)[35]. For individual elected leaders and officials with access to political power, the lack of accountability and public scrutiny produced by the neopatrimonial nature of politics provides substantial opportunities for self-enrichment through the appropriation of public funds and political corruption[36]. For constituents embedded in specific patronage networks, the political loyalty of clients to "big men" is typically rewarded with tangible material benefits such as employment in the public sector, preferential treatment in the distribution of government tenders, access to community services, and – in the case of "vote buying" – direct cash transfers. Under these conditions, politicians are likely to mobilize support on the basis of promises for particularistic economic benefits to be provided to specific sub-sections of the population – often on the basis of regional or ethnic identity – rather than

[35] For a contrasting argument that finds neopatrimonial and clientelistic structures to have a stabilizing role that decreases the risk of violence, see Arriola and Johnson (2012).
[36] Bratton (2007: 98) defines corruption as "the misuse of public office for private gain".

broad-based programmatic appeals (van de Walle 2003; Lynch and Crawford 2011)[37].

Through this amalgamation of political power and economic benefits as well as the exclusionary nature of patronage networks, elections have wide-ranging redistributive implications and competitive politics contribute to a factionalization of society: Defeat in an electoral contest does not only imply political marginalization but may have detrimental economic consequences for both political elites and the voters sustained benefitting from patronage networks. Consequently, elections are likely to be perceived as zero-sum contests over resources between incumbents and opponents (and the respective communities rallying in their support). Broadly speaking, in societies in which neopatrimonialism is a salient feature of politics, the stakes involved in elections may incentivize political elites to decrease the uncertainty of the electoral outcome and their chances of electoral defeat by influencing the electoral process[38] or to override an unfavourable electoral outcome through violent electoral tactics of repression and dissent while their support base of voters may tolerate or even actively participate in such behaviour.

3.3.2 Informal political institutions: the lack of electoral integrity and-legitimacy

According to Adam Przeworski (1991: 10–14) the central characteristic of democracy is "institutional uncertainty" about the outcome of elections, guaranteed through a set of formal rules and institutions which regulate the transfer of power in the electoral process. The appropriateness of these rules and the commitment of relevant political actors to them ensures that political actors are willing to participate in elections (rather than competing for power by force) and to accept electoral outcomes as legitimate. Furthermore, this procedural legitimacy enables political actors to accept electoral defeat as they are reassured that they will have the opportunity to compete for power under the same circumstances in the future. Similarly, Robert Dahl (1971: 2–3) states that a democracy (referred to as "polyarchy") is defined by citizens having "unimpaired opportunities" to "formulate", "signify", and "have their preferences weighted equally". More specifically, his definition includes not only the requirement of 1) free, fair and competitive elections but also emphasizes the importance of 2)

[37] For an investigation into the saliency of ethnicity and regional identity as determinants of party preferences in Africa, see Basedau et al. (2011) and Basedau and Stroh (2011).
[38] Consistent with this argument, Chaturvedi (2005), Collier and Vicente (2012), and (Salehyan and Linebarger 2015) show that the use of violent electoral tactics is particularly pronounced in "close races".

inclusive suffrage, 3) civil and political freedoms (e.g., freedom of association, freedom of the media), and 4) institutions to ensure that government policies depend on the votes and preferences of citizens. Both definitions conceptualize elections as a necessary but not sufficient element of democratic rule and stress the importance of surrounding conditions and procedures to enable elections to meaningfully exercise their function. The legitimacy of elections therefore hinges on the acceptance of electoral procedures and confidence that they will be adhered to by the political actors involved.

Consequently, a number of studies have focused on elaborating concepts of electoral integrity and electoral governance (Mozaffar and Schedler 2002; Alvarez et al. 2012; Norris 2013), assessing the quality of elections (Elklit and Svensson 1997; Elklit and Reynolds 2005; Norris et al. 2013), delineating the impact of electoral quality on the legitimacy of elections and chances for democratic consolidation (Pastor 1999; Elklit and Reynolds 2002; Lindberg 2009; Norris 2014), as well as improving and enforcing democratic standards through election monitoring (Hyde 2011; Kelley 2012)[39], capacity building, and the introduction of election management bodies (Opitz et al. 2013). Conversely, other scholars have examined the phenomena of electoral malpractice and maladministration (Schedler 2002; Lehoucq 2003; Alvarez et al. 2008; Birch 2011)[40], through which the legitimacy of elections may be compromised and which may ultimately lead to a failure of elections (Norris 2015). In this context, it is important to note that just as electoral integrity should be understood as a multidimensional concept comprising several aspects of the electoral process (Elklit and Svensson 1997; Pastor 1999; Mozaffar and Schedler 2002; Elklit and Reynolds 2005; Norris et al. 2013), electoral malpractice may take on a variety of forms, which may occur at different levels or at various stages of the electoral cycle (Schedler 2002; Birch 2011)[41].

[39] On the difficulties and dilemmas involved in detecting more subtle forms of electoral manipulation, see Hartlyn and McCoy (2006).

[40] The terms "electoral malpractice", "electoral misconduct", "electoral manipulation", "electoral corruption", and "electoral abuse" are widely employed synonymously (Birch 2011: 13). Norris (2013: 568–69) argues for the utility of distinguishing "electoral maladministration", defined as "routine flaws and unintended mishaps by election officials" arising "from managerial failures, inefficiency, and incompetence, and lack of bureaucratic capacity" (see also Mozaffar and Schedler 2002; Birch 2011: 26), from "electoral malpractice", which are described as "intentionally fraudulent acts" designed to influence the electoral outcome.

[41] Birch (2011: 28–51) suggests classifying activities of electoral malpractice along three main groups: the manipulation of the legislative framework underpinning elections, the manipulation of vote choice made by individual voters, and the manipulation of the administrative process whereby elections are carried out. Schedler (2002) similarly details "the menu of manipulation", which encompasses a range of discriminatory rules and behaviours that may undermine the integrity of elections at various points in the metaphorical "chain of democratic choice" by, for example, introducing restrictions on the range of electoral offices, interfering with the formation and expression of preferences, or reducing the effective consequences of voting choices.

Indeed, it appears that the systematic manipulation of the electoral process and a lack of electoral integrity is a feature particularly prevalent in – if not integral to the functioning of – a number of "competitive authoritarian" or "electoral authoritarian" regimes (Levitsky and Way 2002; Schedler 2006; Gandhi and Lust-Okar 2009; Levitsky and Way 2010; Schedler 2013; Norris et al. 2015). This observation also applies to a large number of African countries where elections take place under circumstances, in which the integrity of the electoral process is severely compromised (Levitsky and Way 2010: 236–308; van de Walle 2013; Bogaards and Elischer 2016)[42]. While these regimes officially accept multiparty competition and elections as the mechanism for regulating the access to state power (i.e. chief executive and national legislative assemblies) and flaunt other institutions of representative democracy, in practice, deliberate acts by incumbents compromise the integrity of elections in such a way as to decrease the uncertainty of the electoral outcome in their favour and to make the electoral victory of opponents highly unlikely[43].

Based on the contextual information outlined above, the relationship between electoral malpractice or maladministration and electoral violence deployed by both incumbents and opponents (and their respective support bases) should be largely intuitive[44]. For one, violent electoral strategies may constitute one of the numerous tools of electoral malpractice used by incumbents to shape the outcome of elections in their favour or to repress dissent and opposition protests caused by allegations of electoral malpractice (Schedler 2002; Khadiagala 2010; Taylor et al. 2013: 8–10; Hafner-Burton et al. 2014; Kuhn 2015: 89–90; on opposition protests and their liklihood to instigate repression by incumbents also see the paragraph below). The incentives to use violence as a means of manipulation or repression may be particularly high when the incumbent candidate or

[42] For a more optimistic reading of elections in Africa, see Lindberg (2004, 2006a, 2006b).

[43] According to Schedler's (2006: 3) concept of "electoral authoritarianism", elections in these regimes are "broadly inclusive (they are held under universal suffrage) as well as minimally pluralistic (opposition parties are allowed to run), minimally competitive (opposition parties, while denied victory, are allowed to win votes and seats), and minimally open (opposition parties are not subject to massive repression, although they may experience repressive treatment in selective and intermittent ways). Overall, however, electoral contests are subject to state manipulation so severe, widespread, and systematic that they do not qualify as democratic." Levitsky and Way (2010: 5) define "competitive authoritarian" regimes as "civilian regimes in which formal democratic institutions exist and are widely viewed as the primary means of gaining power, but in which incumbents' abuse of the state places them at a significant advantage vis-à-vis their opponents. Such regimes are competitive in that opposition parties use democratic institutions to contest seriously for power, but they are not democratic because the playing field is heavily skewed in favor of incumbents. Competition is thus real but unfair."

[44] For in-depth discussions on the factors shaping the calculus of manipulation of the electoral outcome by incumbents and opposition, of protest by the opposition, and of attendant concessions or repression by incumbents, see Mozaffar and Schedler (2002); Chaturvedi (2005); Schedler (2006); Collier and Vicente (2012); Schedler (2013); Hafner-Burton et al. (2014); Norris (2014).

party believes that the election or ensuing protests present a substantial threat to survival in office. This is further compounded by the fact that an electoral turnover does not necessarily signify democratization (von Soest and Wahman 2014). Instead, the victorious opponents may inherit the manipulative strategies of former incumbents, using them to their own advantage and thus making a victory of former incumbents in future elections extremely unlikely[45].

Secondly, evidence or suspicions of widespread electoral manipulation are also likely to increase the use of electoral violence by opponents. For opposition parties and candidates, elections, in which electoral malpractice by the incumbent is anticipated or prevalent, constitute "two-level" or "nested games" in which "incumbents and opponents measure their forces in the electoral arena, they battle over the basic rules that shape the electoral arena" (Mozaffar and Schedler 2002: 110). Within the electoral arena, one option of opponents is to resort to violent electoral tactics out of frustration or desperation over and in an attempt to compensate for the disadvantages they face, hoping to maximize their share of the votes (Collier and Vicente 2012). At the same time, opposition actors are likely to engage in a struggle "over the fundamental conditions of voting" (Schedler 2006: 13), meaning the formaal insititional framework governing competitive elections.

Instances of electoral manipulation at various stages of the electoral process (i.e. during the electoral campaign, during the vote count and announcement of results, or in the post-election phase when electoral commissions or judicial bodies attempt to resolve disputes over the election results and to assess the integrity of electoral processes) are thus likely to "undermine broader feelings of political legitimacy, including confidence in elected officials and institutions, satisfaction with the performance of democracy and the record of human rights, and voluntary legal compliance" (Norris 2014: 113)[46]. In essence, the "institutional inconsistency" (Gates et al. 2006) induced by both the non-coercive and violent manipulation of elections may be the source of political grievances which consequently engender – possibly violent – protest (Höglund 2009: 422–23; Norris 2012; 2014: 145–68; Kuhn 2015; Salehyan and Linebarger 2015: 29). Furthermore, because pre-election instances of electoral malpractice (including electoral violence) by the incumbent can lead to post-election protest (violent or not) by the opposition, the incumbent may respond with more violence in

[45] Levitsky and Way (2010: 22) refer to such cases as "unstable authoritarianism".
[46] While international election monitoring missions are meant to safeguard the free and fair conduct of elections, thereby intend to mitigate the potential for violence by deterring election fraud, the ability of international observers to provide credible information on electoral manipulation may, paradoxically, increase the likelihood of violent post-election protest (Daxecker 2012; Hyde and Marinov 2014).

an effort to dissolve public protest and stay in power (Hafner-Burton et al. 2014: 154–57). Consequently, the incumbent's decision to use violence in the pre-election period not only increases the likelihood of post-election violence by the opposition and the incumbent.

3.3.3 Preliminary conclusion on causes of electoral violence

The causal mechanisms detailed above allow for the preliminary conclusion that in Africa both the economic stakes of access to power (resulting from prevalent practices of clientelism and neopatrimonialism and often entailing mobilization of supporters along ethnic lines) and a lack of electoral integrity (resulting in substantial uncertainty about the ability of elections to provide a credible avenue for political alteration in impending and future contests) produce a political environment, in which political actors are highly apprehensive about losing power and thus strongly averse to accepting electoral defeat and ceding power to opponents. Assessments by other scholars such as Dimpho Motsamai (2010: 3), who states that "consensus has emerged that electoral violence may emanate from deficiencies in the electoral process itself as much as it may be stimulated or catalysed by underlying social, political and economic cleavages or tensions", support this conclusion (Laakso 2007; Höglund 2009; Straus and Taylor 2009; Khadiagala 2010; Omotola 2010; also see Bekoe 2012a)[47].

The section has shown that electoral violence may be part of incumbents' "'top-down' techniques of repression against their own citizens and opponents" as well as of "'bottom-up' popular uprisings, mass riots, and armed insurrections" by political opponents (Norris 2014: 162). However, the causal mechanisms described above also provide divergent incentive structures to resort to violent electoral tactics for incumbents and opponents (and their respective supporters). These indicate that incumbents are likely to engage in electoral violence both in the pre- and post-vote period, while opponents are most likely to engage in violent protest after the announcement of the result. These conclusions are also consistent with other theoretical assessments and empirical findings (Straus and Taylor 2012; Fjelde and Höglund 2014; Hafner-Burton et al. 2014).

[47] For a more general discussion on the interaction between formal and informal institutions, see Helmke and Levitsky (2004).

3.4 THE FORMAL INSTITUTIONAL CONTEXT OF ELECTIONS IN AFRICA: ELECTORAL SYSTEMS

As outlined in the introductory chapter, the primary objectives of this thesis are to establish the causal mechanisms through which different electoral systems affect the incidence of electoral violence and to establish the circumstances under which a reform of the electoral system may help to mitigate or fully prevent electoral violence. The core argument here is that, in interaction with the two structural factors presented above, the electoral system may trigger violence through two distinct mechanisms: one in which violence is used to influence the electoral outcome, the other in which violence is a manifestation of a conflict over the legitimacy, application, and circumvention of rules that define the electoral arena. More specifically, it is argued that through their very nature majoritarian electoral systems amplify the effects of political marginalization of losers in electoral contests, thereby further increasing political actors' reluctance to accept election defeat and incentivising violent manipulation and rejection of the electoral outcome. In addition, in diverse or divided societies majoritarian electoral systems may result in the permanent exclusion of minority groups and may thus represent a source of grievances over a lack of political participation and inclusion that may result in electoral violence.

3.4.1 Types and outcomes of electoral systems

An electoral system can be defined as the set of formal electoral rules[48] that regulate "the way in which voters express political preferences for a party or a candidate; and […] the method whereby votes are translated into parliamentary seats or into governmental offices" (Hartmann 2007: 145). These rules include several technical aspects, such as the form of candidacy and ballot structure (i.e. the choices of candidates or parties available to voters on the ballot), the electoral threshold (i.e. the minimum number or share of votes needed by a party or candidate to qualify for the allocation of a seat or seats), the electoral formula (i.e. the method of converting votes into parliamentary seats), constituency size (i.e. the subsection of the entire body of voters eligible to vote according to their residence in a specified territorial area), and constituency magnitude (the

[48] Formal electoral rules can be understood as "the legislative framework governing elections, as embodied in official documents, constitutional conventions, legal statutes, codes of conduct, and administrative procedures authorized by law and enforceable by courts" (Norris 2004: 7). The thesis concentrates on electoral systems for the lower house of parliament. Presidential elections, by their nature of selecting among candidates for a non-divisible office, are typically evaluated separately (see e.g., Reynolds et al. 2005: 130–37).

number of seats allocated from a given constituency) (Norris 2004: 39; for a discussion of the interaction among these factors, also see Taagepera 2007).

Accordingly, the electoral system can conceptually be distinguished from two other sets of electoral rules, namely the broader constitutional structure and electoral governance (Norris 2004: 39). The former encompasses the system of government (i.e. presidential or parliamentary), the organisation of the legislative branch (i.e. unicameral or bicameral), and structure of the state in regard to the autonomy of territorial sub-units (centralized or federal)[49]. Electoral governance can be understood as the legal framework that encompasses "the administrative process of registering voters and candidates, organizing the ballot, regulating electoral campaigns and party financing, establishing codes of conduct for candidates and electoral observers, counting votes, and handling electoral complaints" (Hartmann 2007: 145; also see Mozaffar and Schedler 2002; Norris 2004: 39).

It is common to distinguish three broad families of electoral systems: majoritarian, proportional representation (PR), and mixed systems. These three groups differ in regard to the form of the technical elements listed above but also in regard to their outcomes (Sartori 1994: 3–5; Reynolds and Sisk 1998b)[50]. In this context, several criteria to judge the outcomes or functions of electoral systems have been suggested in the literature. For example, the publication Electoral System Design: The New International IDEA Handbook lists providing legislative representation (i.e. reflecting regional, ideological, party-political, or social composition and cleavages), making election accessible and meaningful, providing incentives for conciliation, facilitating a stable and efficient legislature and executive, producing a responsive and accountable government, increasing individual representatives' accountability towards their constituents, encouraging organisation of political interests in parties, promoting legislative opposition and oversight, making the election process sustainable, and reflecting international normative standards (Reynolds et al. 2005: 9–14; also see Reynolds and Sisk 1998a: 21–22; Nohlen 2014: 33–37).

However, it should be noted that no individual electoral system satisfies these criteria to an equal extent but instead prioritizes certain functions or outcomes over others. This is due to the fact that several of these criteria are mutually exclusive or contradictory, so that with any given electoral system it can be

[49] On possible interactions between the electoral systems for parliament and the broader institutional structure, see Reynolds et al. (2005: 7–8, 129–50).

[50] While several, more exotic subtypes exist within each family (for detailed overviews, see Norris 2004: 39–59; Reynolds et al. 2005: 35–126), for clarity of the argument and in regard to the relevance for the case study presented in this thesis, the paper is limited to the most common types as well as the broad, overarching characteristics and consequences of each of the three families.

assumed that "trade-offs have to be made between a number of competing desires and objectives" (Reynolds et al. 2005: 9). Norris (2004: 66–77) suggests that when aggregated, two broad sets of certain priorities and trade-offs among these functions can be identified, which represent competing visions about the normative ends of representative democracy and means of elections and, moreover, broadly align with majoritarian and PR electoral systems: 'adversarial' and 'consensual democracy'. While these two families can be considered to occupy opposite ends of the spectrum, mixed systems attempt to bridge the divide between the two by combining the "best of both worlds" (Shugart and Wattenberg 2001).

3.4.1.1 Majoritarian Electoral systems

The most common variant of majoritarian electoral systems is the plurality system, also known as the first-past-the-post (FPTP) system, in which countries are divided into single member constituencies (SMCs) with candidate ballots (Sartori 1994: 5; Norris 2004: 42–47; Reynolds et al. 2005: 35–44)[51]. Voters within each constituency are permitted to cast a single vote for a candidate and the candidate with the largest share of votes is elected. This means that candidates do not need to pass a certain threshold of votes or require an absolute majority of votes to be elected. Instead, they require merely require a simple plurality (i.e. a minimum of one more vote than their closest rival).

Another type of majoritarian system is the majority system, also known as second ballot, double ballot, two-round, or run-off systems, in SMCs with candidate ballots (Norris 2004: 48–49; Reynolds et al. 2005: 52–53). Under this system a candidate must receive an absolute majority of votes (50% plus one vote) to be elected. If no candidate clears this threshold, a second run-off round of voting between the strongest candidates from the first round is held. The most common method is a straight run-off contest between the two candidates with the largest vote share in the first round. In other cases, the second round may function on the basis of FTPT system between multiple candidates who qualify by receiving a predetermined percentage of first-round votes or the registered electorate.

In majoritarian systems, composition of parliament (and thus the legislative majority) is determined through the allocation of seats to the winners in the

[51] Apart from the two variants presented here, further subtypes of majoritarian systems, some of which employ small multi-member constituencies or party instead of candidate ballots, exist: alternative vote, (party) block vote, cumulative vote, limited vote, single non-transferable vote (Norris 2004: 48–50; Reynolds et al. 2005: 44–51, 112–18). In some cases (e.g., alternative vote, limited vote), disagreement exists about whether systems should be classified as majoritarian or rather be grouped in a residual category of "other systems" (cf. Reynolds et al. 2005: 122–18).

individual districts and not each party's share of the popular vote. In constituencies, in which the vote is split closely between two or more parties, only small margins of victory may determine the winner[52]. A major consequence of this is that majority systems create high thresholds for parliamentary representation of parties which may lose by a small but decisive margin of votes in many constituencies. In such cases, these minority parties "may obtain substantial support across the whole country, nonetheless, they will fail to win a share of seats that in any way reflects their share of the national vote" (Norris 2004: 44). In this sense, majority systems may produce a 'manufactured majority' by providing the party of the first-placed candidate with a 'winner's bonus' and exaggerating its proportion of parliamentary seats compared to the proportion of overall votes, and may thus lead to a systematic underrepresentation of opposition parties[53]. By design, majoritarian electoral systems, therefore, intend to concentrate legislative power in order to produce a clear legislative majority resulting in a stable and effective one-party government (coalition governments are an exception). However, they do so at the expense of strongly limiting the parliamentary representation of opposition parties and polarizing political competition along partisan lines. Apart from producing clear majorities and effective governments, often cited advantages of majoritarian systems include providing simplicity and transparency, producing strong and coherent oppositions, encouraging broadly-based programmatic parties, maximizing democratic accountability, and – by virtue of employing candidate ballots – strengthening accountability and responsiveness of individual members of parliament — a collection of traits that according to Norris (2004: 68–74) is favoured by advocates of 'adversarial democracy'[54].

[52] A hypothetical example of this might be a distribution of votes, in which the winning candidate in a given district may have only 38% of the vote, while other candidates lose by gaining 34% and 28%, respectively. In this case, the first-placed candidate is awarded with the constituency seat, despite the fact that 62% of voters actually expressed their preference for other candidates.

[53] In extreme cases of such distortion, a single party or coalition may win much less than half of the national votes but an absolute majority in parliament. However, the extent to which majoritarian systems produce such an effect depends on a variety of factors, such as the number of parties contesting elections, the number and social composition of voters in the constituencies, the relative size and geographical boundaries of constituencies, the dominant social cleavages in the electorate, and the geographical distribution of party support throughout the country (Norris 2004: 44–46).

[54] For further general assessments of the benefits and drawbacks of majoritarian systems (both plurality and majority systems), see Sartori (1994: 53–58, 61–69), Reynolds and Sisk (1998a: 23–25), and Reynolds et al. (2005: 33–44, 52–53).

3.4.1.2 PR electoral systems

In contrast, PR electoral systems operate on a very different principle for converting votes into parliamentary seats. The most common type of PR system is the party list system, which typically features a single national or several large multi-member constituencies (MMCs) combined with closed party ballots (Sartori 1994: 7–10; Norris 2004: 51–55; Reynolds et al. 2005: 60–71)[55]. In this system, competing parties are required to submit an ordered list of candidates during the registration process that comprises as many candidates as there are seats to be filled in the constituency. The procedure leaves voters with the choice of which party to support on election day. After the votes have been tabulated, parties are awarded parliamentary seats in proportion to their overall share of the votes received and the seats are then filled with candidates according to their ranking on the party list. Party list systems may further differ in regard to the use of open instead of closed lists described above (open lists allow voters to express their preferences for particular candidates within a party list), the mathematical formula for translating votes into seats, the inclusion of an electoral threshold (i.e. a minimum proportion of votes a party must receive to qualify for the allocation of parliamentary seats), and the constituency size and magnitude (the smaller size and magnitude, the less proportionate results tend to be) (Norris 2004: 51–55; Reynolds et al. 2005: 77–90).

Much more than majoritarian systems, PR electoral systems thus embody a consensual ideal of democracy which prioritizes the representation of the diversity of societal groups and their political interests and, in consequence, argues for the desirability of reaching political decisions in parliament and (coalition) governments through a process of deliberation, bargaining, and compromise among multiple parliamentary parties – characteristics that proponents of 'consensual democracy' attach primary importance to (Norris 2004: 74–77). At the same time, PR systems have been criticized for generating indecisive electoral outcomes resulting in ineffective and unstable government (coalitions), hindering responsiveness of the political system through slow and incremental legislative processes and executive decisions, and reducing accountability of elected candidates to their constituents through the use of large constituencies and party lists[56].

[55] Another system included in the family of PR systems is the single transferable vote system because it allocates seats based on quotas (Norris 2004: 55; Reynolds et al. 2005: 71–77).
[56] For further general assessments of the benefits and drawbacks of PR systems, see Sartori (1994: 58–61), Reynolds and Sisk (1998b: 25–26), and Reynolds et al. (2005: 57–71).

3.4.1.3 Mixed electoral systems

Mixed systems attempt to combine the purported advantages of majoritarian and PR systems by combining the mechanical elements of the two (Norris 2004: 55–59; Reynolds et al. 2005: 90–112). An important distinction within this category can nonetheless be drawn to whether the two electoral formulae operate interdependently/linked – known as the mixed member proportional (MMP) system – or independently/detached – known as the parallel system – of each other. In any case, voters are allowed to cast two votes – one under a plurality system (in exceptional cases, also a majority or other system) in SMCs, the other under a PR party list system in large MMCs – which both contribute to final distribution of parliamentary seats.

The distinctive feature of the MMP system within this category is that it is designed so that seats awarded through the PR ballot fully compensate for disproportionality produced under the plurality or majority elections (Norris 2004: 56; Reynolds et al. 2005: 91–95). In practice this means that seats are first awarded to the winners of plurality elections in each SMC. In a second step, a prescribed remainder of seats is then filled with candidates from the party lists so that the share of parliamentary seats of each party is equal to the share of votes they received under the vote of the PR list system[57].

By comparison, under the parallel system the share of votes received by parties under the PR list formula are unrelated to the seats won through plurality elections in SMCs, meaning that no compensatory mechanism exists (Norris 2004: 57–59; Reynolds et al. 2005: 104–12). Instead, seats are awarded to the winners of plurality elections in each SMC, while, independently thereof, a prescribed number of seats is allocated under the PR list vote[58].

By combining two electoral methods within one system, mixed systems typically offer the advantage of ensuring that an elected representative is linked and thus directly accountable to each district while retaining proportionality for the entire parliament (under the MMP system) – resulting in purely proportional outcomes – or a prescribed number of parliamentary seats (under the parallel system) – resulting in much more proportional outcomes than under pure majoritarian systems.

[57] Under the MMP system it is possible that a party wins more seats in the SMC plurality vote than it would be entitled to according to the PR list vote. In these cases, the size of the legislature may be increased by awarding other parties with additional seats, the so-called 'surplus seats' or 'overhang mandates' in order to achieve proportionality.

[58] The balance between the number of proportional seats and the number of plurality seats varies among parallel systems employed in different countries.

3.4.2 The effect of electoral systems on electoral violence

As should have become abundantly evident from the previous section, electoral systems can be regarded "some of the most basic democratic features, from which much else flows" (Norris 2004: 3). In a similar vein, the introduction to the publication Electoral System Design: The New International IDEA Handbook states that "[t]he choice of electoral system is one of the most important institutional decisions for any democracy. In almost all cases the choice of a particular electoral system has a profound effect on the future political life of the country concerned, and electoral systems, once chosen, often remain fairly constant as political interests solidify around and respond to the incentives presented by them" (Reynolds et al. 2005: 1). In this sense, electoral systems can be assumed highly relevant institutions in regard to shaping the strategic context or "the rules of the game under which democracy is practiced" (Reynolds et al. 2005: 5). At the most obvious level, by establishing the mechanism for translating votes into seats in the legislature, the choice of the electoral system effectively determines who is elected and which party gains power and thus structures "political conflict over distributional outcomes in democratic polities" (Mozaffar 1998: 81). However, it also has wide-ranging implications for several other aspects determining the overall character of democratic competition and government. At the same time, it should be clear that there is no 'perfect' system.

Any electoral system prioritizes certain functions and outcomes over others – a necessary decision due to the competing and mutually exclusive character of some of these attributes. However, the benefits and trade-offs cannot be judged as absolutes and no specific electoral system design is inherently superior to others. Instead, the effects and adequacy of certain electoral system choices and the concomitant trade-offs can only be assessed in relation to the broader institutional framework and socio-political context (Reynolds et al. 2005: 7–9; Taagepera 2007). In addition, it is essential to bear in mind that the effects and outcomes of any given electoral system on the party system as well as the behaviour of political actors and voters cannot be generalized but are highly contingent on a number of social, economic, and political contextual factors within a polity. These effects can thus only be properly understood when the interplay between both formal electoral rules and contextual factors is taken into account (Ferree et al. 2014).

It is argued here that the politico-economic context produced by the structural conditions present in many of Africa's young democracies constitutes a setting in which the adversarial and winner-takes-all nature of majoritarian systems makes the application of these electoral systems particularly problematic and

prone to the use of physical violence by political actors. In more consolidated democracies the high stakes inherent in the adversarial nature of majoritarian electoral systems and the prospect of electoral defeat may not be sufficient to affect political actors' compliance with formal democratic rules and adherence to non-violent electoral behaviour. However, it has been shown that in many of Africa's new democracies electoral politics are shaped not only by formal electoral rules but also by powerful informal institutions that can come into conflict with the procedural uncertainty as a normative core of democratic elections. This argument is consistent with previous models of the interaction between formal and informal institutions, in which competition between the behavioural incentives produced by formal and informal institutions is one explicit possibility of interaction (Lauth 2000; Helmke and Levitsky 2004). In these cases of conflict among institutions, two main reactions of political actors are conceivable: one in which the incompatibility is resolved by the transgression of the formal rules – either in substance or in spirit – in favour of the incentive structures provided by the competing institutions, and the other in which the incompatibility becomes a subject of political contestation. Returning to the main subject of electoral violence, in the former case, democratic elections may stop being a matter of winning within the formal rules of the games but become a matter of winning at all costs. Violent electoral tactics may be considered as viable means for achieving victory. In the latter case, electoral violence may be a manifestation of a conflict over the formal rules themselves. In this sense, it is argued here that combination of the high stakes induced by majoritarian electoral systems and powerful informal institutions, including neopatrimonial and clientelistic practices as well as the lack of electoral integrity may have a cumulative effect encouraging the use of electoral violence through two main mechanisms outlined below.

The first is a mechanism in which political actors use electoral violence as a tactic within the electoral contest. Majoritarian electoral systems may further compound the high economic and political stakes involved in electoral contests resulting from the prevalence of neopatrimonial and clientelistic practices as well as the uncertainty about opponents' commitment to democratic procedures during imminent and future elections. The fear of losing power and the mechanical effect of majoritarian systems that produces all-out winners and losers at constituency level may thus induce political actors (both incumbents and opponents) and their supporters to influence the electoral outcome in their favour through the use of violent electoral tactics or other types of electoral malpractice in the pre-electoral period or on election day. In these cases, the propensity to engage in electoral violence can additionally be assumed to be exacerbated by the expected closeness of the race.

Furthermore, the propensity to use violence in the electoral contest may be particularly high in cases in which opponents perceive the incumbent to have an unfair advantage which they hope to compensate for through illicit behaviour of their own (Fjelde and Höglund 2014: 303). In addition, electoral misconduct has been found to be more likely in majoritarian systems, because individual candidates have more to gain or lose from victory or defeat (only one will receive a parliamentary seat) and electoral misconduct is more 'efficient', meaning a smaller number of votes has to be manipulated in order to change the outcome than under PR systems with larger constituencies (Birch 2007)[59]. By contrast, more proportional electoral systems (i.e. either PR or mixed systems) are thought to mitigate the fear of losing power by producing more inclusive political outcomes and emphasizing a consensual rather than adversarial nature of political interaction. In this regard, Hanne Fjelde and Kristine Höglund (2014: 302) note that "winner-takes-all dynamic and the high political premium awarded to the largest party under majoritarian rules imply that the electoral stakes are higher than they are under PR systems, where electoral outcomes tend to disperse the nodes of political power across a broader range of groups"[60].

Secondly, electoral violence may emanate from situations in which majoritarian electoral systems lead to outcomes that put specific subsections of society at a structural disadvantage, consistently reducing their chances of achieving electoral victory or entirely excluding them from political representation. In these cases, electoral violence can be understood as a reaction to a lack of legitimacy of the electoral system and as a contestation over the rules of governing electoral competition in a more generalized way. Particularly in situations in which politics are characterized by relatively enduring divisions between majority and minority groups which are dispersed throughout the country, majoritarian systems are unlikely to facilitate a balanced rotation of power and risk the permanent exclusion of political minorities (Norris 2004: 73)[61]. This structural disadvantage is likely to undermine democratic legitimacy and, ultimately, political stability as minority groups may see no other way to influence the political

[59] As outlined above, instances of electoral malpractice may significantly increase the risk of electoral violence.

[60] In their subsequent cross-national comparison of African elections between 1990 and 2010, Fjelde and Höglund (2014) confirm that elections are more prone to electoral violence in countries that employ majoritarian electoral systems.

[61] This effect is highly dependent on contextual factors, particularly the overall societal composition, geographical distribution of groups, and inter-communal relations. For instance, if specific groups dominate single contiguous geographical areas majoritarian electoral systems may exclude minority groups at district level but may, nonetheless, lead to proportional outcomes at the national level that do not differ from those achieved by PR systems (Barkan 1995; Reilly 2005; Bogaards 2007)

process and to assert their political and economic interests within the democratic arena and may thus resort to violence to make their grievances heard. Furthermore, the imposition of or active refusal to amend an electoral system which produces such outcomes may be perceived as intentional effort of incumbents to systematically manipulate the electoral process and compromise electoral integrity in their favour.

The effects of electoral systems on electoral violence presented above are largely consistent with previous literature on the effect of electoral systems on violent conflict. In this literature there is a strong consensus that the adversarial nature of politics produced by plurality and majority electoral systems is not well suited for democratic politics in divided societies or societies with a history of violent conflict, where elections are characterized by distrust and fierce competition among individual segments of society (Reynolds and Sisk 1998a; Reynolds 1999; Reilly and Reynolds 2000; Norris 2004: 64–65, 73–74; Birch 2005).

The core of these arguments is that in societies in which societal divisions and multiple social cleavages are reflected in party politics, the winner-takes-all logic of majoritarian systems promotes a zero-sum game between different societal groups, reduces the ability to peacefully manage societal conflict, and thereby narrows chances of democratic consolidation[62]. Overall, there seems to be "strong scholarly consensus and solid empirical evidence" (Lijphart 2004: 107) that in these settings, countries which have adopted more representative electoral arrangements fare considerable better at managing internal conflict among groups than states which feature electoral systems with a more exclusionary orientation[63].

[62] The debate is less clear cut in regard to which electoral systems might be most effective in promoting peaceful behaviour in these societies. Two major schools predominate this discussion. One perspective, most closely associated with the works of Lijphart (1977, 1999, 2004) and Reynolds (1995, 1999) advocate for promoting consociational models that favour accommodation and representation of various political interests by prioritizing PR electoral systems a part of a broader package of power-sharing institutions. In contrast, Horowitz (1985, 1993) favours the alternative vote system that is thought to discourage the segmentation of societal groups by providing incentives for moderation and cross-cutting appeals that integrate rival groups instead of replicating societal divisions in the legislature. For overviews of these arguments, also see Reilly and Reynolds (2000) and Diamond and Plattner (2006).

[63] Empirical studies by Cohen (1997), Mozaffar (1998), Reynal-Querol (2002), Saideman et al. (2002), and Schneider and Wiesehomeier (2008) examining the effect of inclusionary institutions (among them proportional electoral systems) on ethnic rebellion and civil war appear to support this view.

3.5 ADDRESSING ELECTORAL VIOLENCE THROUGH ELECTORAL SYSTEM REFORM

Various ideas have been proposed to effectively prevent and mitigate conflict in the context of African elections[64]. Such measures typically include institutional choices that aim to reduce the potential for election-related conflict in the first place (conflict prevention) and to provide avenues to defuse and peacefully resolve electoral disputes when they arise (conflict management and resolution). Among the measures for management and resolution of electoral disputes one group of actions relates to improving capacities for mediation and adjudication – at both the domestic and regional level – in high-tension situations through the establishment of conflict management panels and commissions of inquiry (Tip 2012; Orji 2013) as well as strengthening the impartiality of the justice system (Motsamai 2010; Staino 2011). Another practice has been the brokering of power-sharing agreements to reconcile the conflict parties[65].

Measures for the prevention of electoral conflict and violence, on the other hand, can be subsumed under two broad categories: One bundle of potential actions aims to deter electoral violence by raising the costs of deviant behaviour through sanctioning mechanisms and comprises measures such as the regulation of political activities (Bogaards 2007; Orji 2013) and building capacity for oversight of elections by domestic, regional, and international actors (Motsamai 2010; Daxecker 2012). A second set of measures has attempted to trace the logic of addressing causes and predisposing factors of electoral violence through the deliberate design of electoral systems (Molomo 2010) – an approach referred to as 'electoral engineering' (Norris 2004)[66]. Two aspects make this last approach particularly compelling. First, the argument which has been presented above and relates the incidence of electoral violence to the incentive structures is consistent with a number of studies that have associated electoral

[64] For a compilation of essays on the prevention and mitigation of electoral violence in addition to those referenced below, see the according sections in the works edited by Adebayo (2012: 191–322), Gillies (2011: 147–206), and Matlosa et al. (2010: 69–153). For more general discussion and recommendations to ensure that elections function as a tool conducive to conflict management, see Sisk (1998).

[65] However, power-sharing agreements, particularly as a solution to electoral violence in the light of contested election results, have been subject to a fair amount of criticism. While this course of action may show success in appeasing an electoral conflict in the short-term, it has been argued that such agreements are inherently undemocratic, adversely affect government performance, and may indeed incentivize political actors to employ violence with the deliberate aim of conquering power through inclusion in power-sharing negotiations (Tull and Mehler 2005; Mehler 2009; LeVan 2011).

[66] *Electoral engineering* can be regarded as a sub-set of the broader approaches referred to as *constitutional engineering* (Sartori 1994) or *institutional design* (Goodin 1996b), focusing specifically on the deliberate design of electoral systems.

system choices with wide-reaching consequences for various aspects of the development of Africa's political systems under multiparty democracy (Mozaffar 1998; Reynolds and Sisk 1998a; Reynolds 1999; Basedau 2002; Mozaffar et al. 2003; Lindberg 2005; Bogaards 2007; Erdmann et al. 2007). In this sense, while a large number of factors affect the propensity for violence in political actors, there is good reason to place "an analytical premium on the role of institutional design, and particularly on the role of elections and systems und which they are contested" (Reynolds and Sisk 1998b: 13). Secondly, in contrast to other conflict-inducing socio-political underpinnings which may be found in informal institutions, electoral systems are amenable to change and intentional design (Goodin 1996a). As Andrew Reynolds and his colleagues (2005: 5) note: "[p]olitical institutions shape the rules of the game under which democracy is practised, and it is often argued that the easiest political institution to manipulate, for good or for bad, is the electoral system."

However, while there is ample evidence which indicates that the introduction of more proportional electoral systems may be able to reduce the likelihood of political actors to engage in electoral violence at various stages of the electoral cycle, it is unclear under which circumstances such reform processes may succeed in altering existing electoral system to achieve these outcomes. Three aspects are proposed here that may influence whether a reform of the electoral systems is able to reduce the incidence of electoral violence in polities that experience such problems: the adequacy of reform, the feasibility of reform, and the predictability of the consequences and side-effects of reform.

The first aspect, which should be largely self-evident, relates to the nature of the conflict that causes electoral violence. In this sense, electoral reform can only be expected to be effective if it adequately addresses the causes of electoral violence. Majoritarian electoral rules embodied by the electoral system must therefore plausibly be demonstrated to be the major cause of the conflict behaviour of political actors or to exacerbate pre-existing societal divisions and conflicts among them. Furthermore, plans for reform must be designed to credibly address the issue and bring change to the status quo. The adequacy of electoral reform can be considered as an important prerequisite for the success of reform efforts, because, in some situations, the incidence of electoral violence may be causally unrelated to the electoral system and is therefore unlikely to be affected by such an intervention[67]. The nature of the conflict and the ability of

[67] As has been demonstrated above, this may be the case when electoral violence is perpetrated by political forces that generally question the authority of the state over certain territories and are therefore opposed to elections as part of a broader secessionist agenda.

reforms to adequately address the conflict issue must thus be seen as an important explanatory variable.

Secondly but equally important, electoral reform must be feasible in that envisaged changes must actually be implemented to have an effect. The fact that major changes of electoral systems in Africa have remained extremely (Hartmann 2007) rare begs the question under which circumstances major changes to the electoral formula are likely to be adopted. One of the most intuitive and commonly held assumptions is that "major electoral reforms are unlikely because they would have to be adopted by parties that have been winning under the old rules, and thus must be counter to the interests of those parties" (Katz 2005: 61). This would imply that reforms of the electoral system are completely contingent on the willingness of the political actors in power to implement such changes. In reality, the process of electoral reform appears to be much more complex and reform processes seem to be shaped by a number of forces, but comparative insights into the likelihood, drivers, and outcomes of electoral systems change are still developing (Shugart 2005: 51; for an overview, see Benoit 2007). Since the following case study is concerned primarily with the intentional redesign of an electoral system in order to address the problem of electoral violence it appears fruitful to draw upon an approach by Gideon Rahat and Reuven Y. Hazan (2011) which focuses on the "barriers to electoral reform" which reformers must overcome when trying to promote electoral reform. The authors' approach synthesises two main previous approaches to electoral reform – institutionalism and rational choice – and provides a list of seven barriers that electoral reformers face when promoting reform initiatives: procedural superiority (and inertia) of the institutional status quo, rootedness of the electoral system in political tradition, appropriateness of the electoral system in regard to the social structure, coherency of electoral outcomes with the rationale of the electoral system, the vested interests of political actors in maintaining the system (most relevant in majoritarian electoral systems), coalition politics (most relevant in PR electoral systems), and disagreement of the content of the reform (Rahat and Hazan 2011: 479–86). While a systematic analysis of these barriers would go beyond the scope of this thesis, several challenges in the initiation and implementation of the electoral reforms will be highlighted in the following case study.

Finally, another aspect that is presupposed to be important in determining the success of electoral reform efforts of electoral violence is the ability of reformers to anticipate side-effects of the reform efforts and the ability to address unintended consequences of institutional change through continued commitment to an iterative reform process. Experiences and insights derived from past

efforts of institutional engineering have pointed out that "[t]he task of institutional design is profoundly complex, and such ambitious efforts have multiple opportunities for miscalculations, missteps and errors" and "[t]he complexity and unpredictability of institutions themselves, the fundamental differences between domestic and international actors, and the resilience of domestic political structures all combine in ways to ensure that the goals and outcomes of institutional reform rarely coalesce as planned" (Tansey 2013: 18). These elements of complexity and unpredictability imply that the effects of institutions may deviate from the aims that they were originally meant to achieve as political actors may reinterpret and act within these new institutional constraints in unanticipated ways or exhibit resilience to new institutional prescriptions. Even when newly designed institutions are able to deliver on the expected and desired outcomes, they may also lead to distinct and potentially undesirable effects in other areas. There certainly is merit to Rein Taagepera's (2002) proposition of waiting for an electoral system, once put in place, to establish itself as parties, candidates, and voters fully become aware of the functioning, effects, and incentives of new electoral rules in their socio-political context. However, it may be equally important to react to unintended consequences of a new system which may surface during this process and to address these through incremental changes where necessary.

4 Case study: electoral violence and electoral reform in Lesotho

4.1 INTRODUCTION

Having treated the phenomenon of electoral violence and the effect of electoral systems from a theoretical perspective, this chapter turns to an empirical investigation of the relationship between electoral systems and electoral violence in practice by considering the case of electoral violence and electoral reform in Lesotho. The Kingdom of Lesotho is a country which, since its transition to multiparty democracy in 1993, has experienced violence connected to contentious electoral outcomes in several instances (1994, 1998, and 2007) and in which electoral reforms from a plurality electoral system towards a more proportional MMP electoral system were adopted to address these conflicts.

What makes Lesotho a unique case among African countries is that it is the only country on the continent to have experienced a wholesale overhaul of the electoral system since the reintroduction of multiparty politics. Therefore, the

political developments in Lesotho provide a compelling case study for tracing the potentially conflict-inducing effects of a majoritarian electoral system in a young democracy and for assessing the potential of electoral engineering to address this type of conflict and broader political instability emanating from it.

Lesotho is a small country with an area of 30,360 km2 (roughly equivalent to the size of Belgium) and a population of 2,16 million inhabitants (World Bank 2017) which is located in Southern Africa. A geographically distinctive feature is that the country is not only land-locked but completely surrounded by only one state, South Africa, on which Lesotho's economy is highly dependent (Love 1996).

Since its transition to multiparty democracy, Lesotho has officially been a constitutional monarchy with the King as Head of State (succession to the throne is ratified by the College of Chiefs) and a Prime Minister as Head of Government (also see Government of Lesotho 2001; The Commonwealth 2017). The national legislature is comprised of two chambers: the National Assembly as the lower house and the non-elected Senate as the upper House. The National Assembly is elected for a five-year term and, since the amendment of the constitution to introduce a MMP electoral systems in 2001, comprises 120 seats, of which 80 are allocated on a FPTP basis and the remaining 40 by means of a PR formula. The Senate comprises 33 members, of which 11 are appointed by the King on the advice of the Council of State to represent the wider interests of society and the remaining are permanently held by the 22 principal chiefs of Lesotho.

Overall, Lesotho's political situation since gaining independence from Great Britain in 1966 has been marked by state fragility, contestation of political power and state resources, weak political institutionalization, violent internal conflict (though not to the degree of civil war), chronic poverty, high degrees of economic inequality, and a lack of economic and human development (Kabema 2003; Goeke 2015; Mwangi 2016; van Eerd 2016; Bertelsmann Stiftung 2017). Furthermore, despite being a highly homogenous society in terms of ethnicity and language, political competition within and among the country's parties has been highly elite-driven, personalized, factionalized, polarized, and contentious and can partly be traced back to a strong political rivalry – if not enmity – which developed between the two major parties dominating politics in the early years after independence, namely the Basutoland Congress Party (BCP) and the Basotho National Party (BNP).

The aim of this chapter is to examine the causal relationship between the electoral system and the occurrence of election-related violent conflict since the

reintroduction of multiparty democracy in 1993. More specifically, the case study aims to trace the effects and circumstances under which a majoritarian system may affect the incidence of electoral violence in a young democracy and to delineate if and to which extent electoral engineering, meaning the deliberate modification of the electoral system toward a more proportional system assumed to be more conducive to political stability and democratic consolidation, was able to exert a desired effect of reducing the incidence of electoral violence.

To this end, the chapter begins with an overview of political developments in the country, which is divided into several sub-sections that correspond with various phases of democratic competition in Lesotho: (1) the post-independence authoritarian period and the introduction of constitutional democracy through democratic elections (1966–1993), (2) the first years of multiparty democracy and the occurrence of electoral violence under second elections (1993–1998), (3) the period of constitutional and electoral reforms and first elections under the newly introduced MMP electoral system (1998–2002), (4) the period of relative political stability up until the second elections under the MMP system (2002–2007), and (5) the second round of electoral reforms leading up to the first government turnover through elections and subsequent instability of coalition governments (2007–2015). Follwing this description the chapter then focuses on assessing the nature of election-related violent conflict and the extent to which electoral reform was able to mitigate these conflicts.

4.2 POLITICAL DEVELOPMENTS AND ELECTIONS IN LESOTHO

4.2.1 Contentious post-independence politics, authoritarian rule, and democratic opening (1966–1993)

While the main focus of this case study lies on electoral violence and electoral reform since the introduction of multiparty elections in the post-1993 period, Lesotho's preceding political trajectory is crucial to understanding the context in which the country's young democracy subsequently evolved and electoral violence occurred. The first general election in Lesotho was held 1965 to determine a party to which Great Britain would hand over power at independence a year later. For the election, Lesotho adopted the plurality electoral system with SMCs and the system of government identical to that of its soon-to-be former colonial power Britain. The BNP, under leadership of Leabua Jonathan, emerged as the winner from the highly contested pre-independence election by only a narrow margin. Through the mechanics of the FPTP electoral system it had secured 31 of the 60 parliamentary seats with 41.6% of the total vote, while

the BCP, under leadership of Ntsu Mokhehle, became the strongest opposition party with 25 seats (with a total vote share of 9.7%) and the remaining four seats were captured by the marginalized Marematlou Freedom Party (MFP) (with 16.5% of the vote share) (Macartney 1973: 475; Southall 1999b: 136).

The electoral outcome caused much frustration among the BCP since it had dominated pre-independence politics and had been anticipated to be the most likely winner going into the elections, especially due to its landslide victory in the 1960 district elections. However, the BNP's victory showed that it had been successful in building a conservative platform against the more radical, socialist, and pan-Africanist programme espoused by the BCP. By allying with the influential Roman Catholic hierarchy and the majority of traditional chiefs and with massive support from the West and apartheid South Africa, the BNP had been able to present itself to voters as a guarantor against an alleged communist threat and of good relations with its neighbour, on which Lesotho's economy was highly dependent (Macartney 1973: 474; Southall 1994: 110; Matlosa 1997a: 142–43; Southall 1999b: 137)[68]. The BCP and the MFP rejected the election results and the legitimacy of the resulting government. The opposition asserted that the BNP government presented a 'minority regime' due to its failure to secure the absolute majority of the national vote, blamed the British administration for the imposition of the electoral system that had made such results possible, and further claimed that the BNP had rigged the election with alleged complicity of the administration (Macartney 1973: 475).

The political conflict between the victorious BNP and the opposition subsequently escalated, leading to the opposition's boycott of the Independence Conference and soon thereafter claiming the lives of ten BCP supporters at a party gathering, which the newly instated BNP government prevented by force (Macartney 1973: 475–77). While the following five years of the resulting BNP government have been summarized by some observers as an "embryonic democracy" marked by legitimate constitutional rule, political stability, the rule of law, and political tolerance (Matlosa 2006: 95), this era was equally one in which the BNP was eager to consolidate its rule by establishing a collaborative relationship with apartheid South Africa – keeping true to promises that had secured the party support by voters in rural areas heavily dependent on migrant remittances from Lesotho's neighbour (Macartney 1973: 479; Southall 1994: 110; Matlosa 1997a: 143; Southall 1999b: 137).

[68] On the development of political parties and politics in the pre-independence period (1952–1965) see Weisfelder (1999).

Notwithstanding these contrasting assessments, Lesotho's fragile democratic trajectory was brought to an abrupt end by the first post-independence elections in 1970. The BNP, well aware of its narrow victory in the 1965 elections and dwindling popular support due to disenchantment with the BNP's policy towards South Africa and a lack of economic returns, was apprehensive about the chance of electoral defeat by the BCP and exclusion from government as a result of the 1970 electoral contest (Macartney 1973: 479–81; Matlosa 1997a: 143; Southall 1999b: 137). Consequently, the election results at the level of individual districts, which were gradually being publicized as the tabulation of votes carried on, seemed to indicate a lead for the BCP and thus herald the BNP's slipping grasp on power. In what turned out to be a successful attempt to forestall the impending electoral defeat, Prime Minister Jonathan reacted swiftly by halting the vote count and annulling the elections on the alleged grounds that they had been marred by violence despite reports indicating an administratively sound and peaceful conduct (Macartney 1973: 484; Southall 1994: 110–11; 1999b: 137). Official final results were never announced, but subsequent analysis indicated that the BCP had won 36 of the 60 parliamentary seats (Macartney 1973: 485–88; Southall 1999b: 137). It then proceeded by declaring a state of emergency, suspending the constitution and judiciary, arresting BCP leader Mokhele, temporarily sending the King, Moshoeshoe II, into exile, purging the civil service of suspected BCP sympathizers, and declaring a parliamentary moratorium – measures which established a regime of one-party rule by the BNP and held it in power for the next sixteen years (Macartney 1973: 490–94; Matlosa 1997a: 143; Southall 1999b: 137–38).

During this period, the polity witnessed a failed coup by the BCP against the BNP government in 1974, after which Mokhehle and other BCP leaders fled into exile in Botswana, and the subsequent formation of the BCP-led Lesotho Liberation Army (LLA). This organization was supported by the South African government, which, following Jonathan's full reversal of his previously collaborative policy towards the apartheid regime in a strategic attempt to attract Western aid, sought to destabilize the BNP government. Jonathan's new anti-apartheid stance including the provision of sanctuary to members of the African National Congress not only resulted in two military operations of the South African Defence Force (SADF) in Lesotho but also in increased factionalism within the BNP itself. Essentially, the internal struggle pitted a faction, led by Retselitsoe Sekhonyana, with close political and economic ties to South Africa as well as strong support within Lesotho's army against another that supported Jonathan's course and challenged the army – apparently unable to rebuff the incursions of the SADF and the LLA – by attempting to transform the BNP

youth organization into an alternative military force (Southall 1994: 111; 1999b: 137–39).

The rule of the BNP under Jonathan was eventually ended by a military coup in 1986, which subsequently resulted in a seven-year period of unstable military rule (Southall 1994: 111; 1999b: 139). The coup had been tolerated – if not endorsed – by the BNP members Jonathan had alienated. However, instead of facilitating a return to democracy, the new Military Council, led by Major-General Justin Lekhanya, now proceeded to officially vest executive and legislative power in Moshoeshoe II and to appoint a Council of Ministers. It dismissed the BNP-dominated parliament, banned all party activity, purged the army of suspected supporters of the BCP faction that had previously opposed to the army, and strove to rebuild relations with the South African regime by expelling members of the ANC from the country in exchange for South Africa's withdrawal of support to the LLA. However, a few years after assuming power, the military clashed with Moshoeshoe II when he attempted to assert his power as the chief executive – a conflict that culminated in Lekhanya purging the government of the King's supporters, forcing him into exile in 1990, and installing his son, Letsie III, as the new King (Southall 1994: 111; 1999b: 139–40).

Amid the feud with the monarchy as well as mounting domestic and international criticism of the political repression, economic mismanagement, and corruption, the military government under Lekhanya's leadership was eventually pressured to committing to steer the country back to free elections, beginning with the instatement of a National Constituent Assembly (NCA) (Southall 1994: 111–12; 1999b: 139–40)[69]. The NCA was tasked with devising a new constitution for the elections initially planned for 1992 and was composed of army officers, civil servants, traditional chiefs, and recognized politicians, including the BCP leader Mokhehle, who had returned from exile in Botswana. While the NCA advocated a return to the country's 1966 Westminster-style constitution, the Lekhanya government insisted that, due to its previous failure, it should be amended by provisions for a custodian to protect it from violations by the executive, for an oversight body to supervise elections and the subsequent formation over government, and for a code of conduct for political parties. In addition, the military was adamant about the inclusion of a number of provisions that would grant it continued influence over future elected governments and would protect members of the outgoing administration from retrospective prosecution (Southall 1999b: 140).

[69] For a more detailed account of the period of military rule and the process that propelled the democratic opening, see Southall (1999b: 139–43).

Most important to the main issue of the thesis, however, the nature of the electoral system and its role in the political conflict in the early years after independence were "barely broached" (Southall 1999b: 141) by the NCA, which decided to retain the FPTP electoral system used in the 1965 and 1970 elections despite "the growing international trend towards proportional representation and pleas from various local NGO's [sic] and several f the smaller political parties for a switch to some variant of PR" (Daniel 1995: 97; also see Southall and Petlane 1995a: xvi–xvii).

For a time, the return to multiparty democracy was called into question when, due to internal strife within the military government, Lekhanya was succeeded by Colonel Elias Ramaema in 1992. Ramaema subsequently resumed to counter the strikes, protests, and riots provoked by the precarious state of the economy and the political situation with repressive violence by state forces, provoking the suspicion that the military was once more trying to resist the pressure for open government (Southall 1999b: 142–43). Due to continued engagement by Lesotho's neighbour South Africa, where democratization was also underway, and Western donors – facilitated by Lesotho's high degree of economic dependence and reliance on foreign aid – the military government was finally forced to relinquish power, culminating in free elections that returned the country to civil rule in 1993 (Southall 1994: 112; Matlosa 1997a: 141; Southall 1999b: 143).

4.2.2 Democratic elections, dominance and disintegration of the BCP, and the violent crisis of 1998 (1993–1998)

The first free multiparty elections after 23 years of one-party and later military authoritarian rule were held on 27 March 1993 under essentially the same FPTP system, which had been employed in the elections of 1965 and 1970. Due to the highly contentious nature of Lesotho's previous elections and political history as well as reservations about the military government's capacity to conduct the elections in a free and fair manner, the election was accompanied by "an extensive international monitoring exercise and considerable foreign input of finance and expertise by the Commonwealth, United Nations and various human rights groups" (Southall 1999b: 143). Perhaps the most notable contribution was the creation of the position of an external Chief Electoral Officer (first filled by Noel Lee, Director of Elections in Jamaica, and later Jocelyn Lucas, Chief Election Officer of Trinidad and Tobago) to oversee the preparations and election itself. The preparations also encompassed a redrawing of the constituency boundaries, which was based on data from a new census and increased the number of constituencies from 60 to 65 (Daniel 1995: 97). In addition, an

Electoral Advisory Committee was established to oversee and allay distrust in the process of voter registration (Southall 1994: 112; Matlosa 1997a: 144–45; Southall 1999b: 144).

Campaigning started as soon as the ban on political activities had been lifted and, in parallel to preparations for the elections, several smaller parties were formed. The election was contested by a total of 242 candidates drawn from a total of twelve parties but only the BCP and BNP managed to nominate candidates for all 65 constituencies. Although the MFP and two further parties were able to put candidates in a significant number of constituencies, the election essentially equated to a two-horse race between the BNP and BCP (Matlosa 1997a: 145–46; Southall 1999b: 145)[70]. Despite all measures meant to ensure the fresh start that the election was supposed to herald for Lesotho's democracy, "the election proved to be much more about the past than the present" (Southall 1999b: 145). For the BCP, once more under leadership of Mokhehle, the election appeared to provide a historical opportunity to "claim its inheritance" and "capture the levers of power" (Southall 1999b: 145) that it had been 'denied' in the years since independence. Consequently, the party's well-organized campaign revolved heavily around actively mobilizing the electorate – a majority of which had never had the chance to vote before –, denouncing the BNP for blatant misuse of power in the effective abolition of democracy in 1970, and presenting itself as "a force to liberate Basotho from the political and economic excesses of the previous BNP and military dictatorship" (Matlosa 1997a: 147).

By contrast, the BNP, headed by Sekhonyana, could only contest the election from a position of defence as it faced the electorate with the historical baggage of the period of its one-party rule and the complicity of several of its members in the subsequent military rule (Southall 1994: 114; Matlosa 1997a: 146–47; Southall 1999b: 145). Furthermore, the ideological and policy differences between the BCP and BNP, which had precipitated the socialist/conservative divide in the pre- and early post-independence period, had largely become obsolete and the party manifestos exhibited little difference, with both favouring economic development, cooperation with soon-to-be democratic South Africa, and the extension of social welfare programmes (Southall 1999b: 153).

[70] For a more detailed illustration of the situation of and infighting within the parties before the election, see Southall (1999b: 145–51).

Table 1: Results of the 1993 election

Party	No. of votes	% of votes*	No. of seats	% of seats*
BCP	398,355	74.7	65	100
BNP	120,686	22.6	0	0.0
MFP	7,650	1.4	0	0.0
Others	6,287	1.2	0	0.0
Total	**532,978**	**100**	**65**	**100**

Source: Matlosa (1997a: 147)
* Percentages are rounded and may not preceisely amount to 100%.

While, under these circumstances, observers had anticipated a victory by the BCP, the extent to which it eventually won control of the parliament was astounding. In a landslide victory, the BCP was able to capture 74.7% of the national vote, translating into all of the 65 seats of the General Assembly, while the BNP was severely punished by large parts of the electorate and, despite receiving 22.6% of the national vote, was unable to win even a single seat (Southall 1994: 113; Matlosa 1997a: 147; Southall 1999b: 152; Matlosa 2006: 101). The BCP's overwhelming victory equated to a de facto single-party parliament and thus not only precluded any chance of political reconciliation with the BNP but also denied "all other parties even a shadow of representation in parliament" (Matlosa 1997a: 148). At the same time, it was clear that the BCP had not won by merit of their programmatic appeals. Rather, its victory had been precipitated by its success in framing itself as an untarnished political alternative and a vote in its favour as an effective way to repudiate the BNP. The mechanics of the FPTP electoral system had further served to amplify the national swing in favour of the BCP (Southall 1994: 115).

In retrospect, the election outcome may clearly be interpreted as "an opportunity to right the historical wrong done to the country by the BNP" (Southall and Petlane 1995a: xiii) that was eagerly seized by the electorate as well as "a classic example of how the plurality system may work to disadvantage minorities" (Southall 1999a: 27) – a combination that made the complete political exclusion of the BNP under Lesotho's new democratic system almost inevitable. However, the BNP, apparently reluctant or even unable to recognize the

reasons for its massive defeat, reacted by claiming the BCP's full-on victory was too decisive to be believed and attempted to challenge the result on allegations of massive election fraud. However, given the party's failure to provide credible evidence, the acceptance of the result by the other parties, and the endorsement of the elections as broadly free and fair by international observers, its case was soon dismissed by the High Court (Southall 1994: 113; Daniel 1995; Sekatle 1995; Matlosa 1997a: 148; Southall 1999b: 154). Having failed in court, the BNP now turned to criticizing the deficiency of the FPTP electoral system and advocating, amongst other things, for the adoption of a PR system and the preparation of fresh elections.

At the same time, the already tense relationship of the new BCP government with both King Letsie (due to his former affiliation with the military government) and the still largely BNP-loyal army (further discontented by the planned integration of former LLA personnel into key positions) had deteriorated (Matlosa 1995). The conflict subsequently turned violent with an armed confrontation between BNP- and BCP-loyal factions of the army (January to February 1994), the assassination of one and abduction of various cabinet members by rebellious factions of the army and police pressuring the government for salary increases (April to June 1994), which led several ministers to seek refuge in South Africa, and the government's establishment of commissions of inquiry into the loyalty of the army and the replacement of the King under the military government – an amalgamation of events which eventually necessitated a diplomatic intervention by the Commonwealth, the Organisation of African Unity, Botswana, South Africa, and Zimbabwe (Matlosa 1994: 226; Southall 1999b: 155).

Emboldened by the seeming inability of BCP government to assert itself and thus sensing a golden opportunity, the BNP turned to conspiring with the monarchy and discontented factions of the army to forcefully remove the popularly elected BCP government. On 16 August 1994, the King dismissed the government, dissolved parliament, and appointed a six-person Provisional Council including BNP leader Sekhonyana to prepare for a new election under a PR system (Southall 1999b: 156). This 'palace coup' aroused mass rallies of BCP supporters which were met by violent repression from security forces. After a little less than a month, however, the political crisis that had brought Lesotho to the brink of civil war was resolved after pressure from Western donors and civil society organizations as well as renewed and extensive diplomatic efforts by

Botswana, South Africa (now under leadership of newly elected President Nelson Mandela), and Zimbabwe[71].

The resultant political agreement stipulated the reinstatement of the BCP government in exchange for the restoration of King Moshoeshoe II to the throne, immunity for all those involved in the coup, and the dissolution of the two aforementioned commissions of inquiry (Southall 1999b: 156–57). The BCP, however, was steadfast in its refusal to concede changing the electoral system to a PR formula, thereby ignoring recommendations from a National Dialogue conference, which had recommended a review of the electoral model for the next general elections to ensure broadened parliamentary representation (Makoa 2004: 89).[72]

The next general election was to be held in 1998 according to the quinquennial schedule provided by the constitution. In the meantime, lacking a political challenger, the BCP had succumbed to fighting within its own ranks. Less than a year before the election, the ongoing internal battle between two factions had led to a split of the ruling BCP. With the external threats to the party (military, monarchy, and BNP) neutralized for the time being through the events of 1994 and the lack of an opposition in the one-party parliament, a long-running internal power struggle, not over policy or ideological issues but rather over personal animosities within the leadership, had escalated within the BCP (Matlosa 1997b)[73]. The events had resulted in the formation of a break-away party, the Lesotho Congress for Democracy (LCD), by former BCP leader and current Prime Minister Mokhehle together with 40 of the 65 BCP members of parliament (MPs), establishing the LCD as the new ruling party. A controversy had ensued around the legality of the Prime Minister and his colleagues crossing the floor in parliament and declaring the LCD the new ruling party without renewing its mandate by calling early elections. Such demands particularly came from the remnants of the BCP, now relegated to an official opposition party with only 24 seats remaining under its control, which tried but failed to form an anti-Mokhehle coalition calling for the dissolution of parliament and early elections. It eventually had to concede that the actions of the BCP defectors did not constitute a breach of the constitution (Sekatle 1997: 75–79). Notwithstanding the lack of a legal basis to challenge the break-away of the LCD, the Mokhehle's

[71] For a more detailed account of the involvement of external forces both before and after the removal of the BCP government, see Matlosa (1994).
[72] For an in-depth examination of the context, events, and aftermath of the 1993 elections, see the edited volume by Southall and Petlane (1995b).
[73] For a detailed analysis of the long history of power struggles within the BCP until 1997, see (Matlosa 1997b), Sekatle (1997), Pule (1999), and Southall and Fox (1999: 674–76).

move was widely considered as an illegitimate usurpation of power by the BCP and other opposition parties and left "a sour taste" (Matlosa 2008: 25).

The 1998 election was held on 23 May under the auspices of an Independent Electoral Commission (IEC), which had been created in response to opposition complaints that the Electoral Office which had run the 1993 election could be too easily influenced by government, to decide the allocation of seats in 80 constituencies (the number had been raised by 15 through a redrawing of constituency boundaries by the IEC ahead of the election) (Sekatle 1999: 32–33; Southall and Fox 1999: 677; Makoa 2004: 87). In the light of the BCP split and formation of the LCD, the elections were anticipated to be hotly contested by the now three major parties in Lesotho's political landscape, the BCP, BNP, and LCD, even though nine other parties had placed candidates in a limited number of constituencies (Sekatle 1999: 35–36, 40). Moreover, while it seemed that the struggle for political power had "become an end in itself" (Matlosa 1997b: 246), in the absence of public opinion polls, it was highly uncertain how the electorate would react to the recent events and several scenarios were thought to be a possibility, leaving the major opposition contenders with high hopes (Makoa 1997; Southall and Fox 1999: 676, 79). Thus, the outcome, which was turned out to be clear-cut victory for the LCD (now under leadership of Pakalitha Mosisili, who had succeeded Mokhehle due to health-related issues), not only came as a surprise to many observers but was also met with "total incredulity" (Southall and Fox 1999: 679) by the BNP and BCP.

Table 2: Results of the 1998 election

Party	**No. of votes**	**% of votes***	**No. of seats**	**% of seats***
LCD	360,665	60.5	78	98.7
BNP	145,210	24.4	1	1.3
BCP	61,995	10.4	0	0.0
MFP	9,129	1.5	0	0.0
Others	19,050	3.2	0	0.0
Total	**596,049**	**100**	**79**	**100**

Source: Southall and Fox (1999: 678)

*Percentages are rounded and may not preceisely amount to 100%.

Note: By-elections were later held in one constituency due to the death of a candidate and were decided in favour of the LCD.

The election results showed that the LCD had won 79 of the 80 constituency seats with 60.5% of the total votes. As the second-strongest contender, the BNP had only won one district seat despite garnering 24.4% of all votes. Meanwhile, the BCP, which had been the ruling party until its split less than a year before the election, had received only 10.4% of all votes but had failed to decide even a single constituency in its favour, leaving it without any representation in parliament (Sekatle 1999: 41–42).

Even though the election had been declared free and fair in a joint statement released by international and domestic observers (Southall and Fox 1999: 678), it did not take long for the opposition to repudiate the electoral result. The BNP and BCP, despite being former political enemies, formed an alliance with the MFP – by itself an insignificant force with 1.3% of the national votes. Together this 'Opposition Alliance' proclaimed that the election had been rigged and that the resultant LCD government lacked legitimacy. After an unsuccessful attempt to challenge the election results from several constituencies before the High Court, the opposition mobilized its supporters to demonstrate in Lesotho's capital Maseru and openly called upon King Letsie, who had once more ascended the throne after a fatal car accident of his father in 1997, to dismiss the government. The opposition's complaints were also uncritically taken up by parts of the South African and international media, supplying the opposition's allegations with a seeming legitimacy (Southall and Fox 1999: 679). Tensions further mounted in August as Prime Minister Mosisili realized that his government could not rely on the effective support of the security forces to uphold the public order and control the continued, opposition-staged protests because both the police and army were internally divided between factions inclined towards the government and the opposition respectively.

It was against this background that once more Botswana, South Africa, and Zimbabwe intervened by proposing the appointment of a commission under the auspices of the Southern African Development Community (SADC) to investigate the allegations of irregularities during the elections, which began work in the second week of August. The report of the commission, made public on 17 September 1998, pointed to numerous technical irregularities and administrative flaws in the electoral process, but concluded that the election outcome had largely reflected the will of the Lesotho electorate and could not determine

with certainty that there had been instances of over fraud (Southall and Fox 1999: 680)[74]. As such, the report contained "vague and inconclusive statements which essentially failed to give the electoral process a clean bill of health, but at the same time not making a definitive case for the opposition parties. In this way, the report provided a moral ammunition for both sides to claim some imaginary and pyrrhic victory: a right recipe for a precipitous escalation of the conflict" (Matlosa 1999: 182–83).

Notwithstanding the report's conclusions, during the weeks in which the commission had conducted its investigation, the LCD government had completely lost control of the crisis and public order had further deteriorated. In the capital, small-scale armed conflicts between government and opposition supporters had brought public life in Maseru to a standstill and resulted in deaths and injuries while junior officers of the army had staged a mutiny against the army chief. The violent activities of the opposition, combined with the tacit approval – if not outright complicity – of parts of the security establishment paralysed the functioning of government to the extent that Mosisili eventually appealed to SADC for assistance to prevent an anticipated military coup and to restore public order through a military intervention (Matlosa 1999: 183–84)[75].

The military intervention by South African troops, later joined by a contingent from Botswana, first led to a further escalation of violence. Extensive rioting, looting, and arson (of businesses and private homes) was perpetrated by opposition supporters in Maseru and other major towns and inflicted deaths and injuries as well as massive damage to the economy (Matlosa 1999: 189–91). Alongside the gradual stabilization of the security situation, SADC successfully encouraged the conflict parties to reinstate a negotiation process and seek a political resolution the conflict, which eventually culminated in the brokering of a political settlement under mediation of South African Minister of Safety and Security, Sydney Mufamadi (Matlosa 1999: 189–90).

The two main pillars of the agreement foresaw (1) the retention of the LCD government, thus obliging the opposition to retract its demand for a government of national unity, and (2) the establishment of an Interim Political Authority (IPA), which was comprised of 24 members (two representatives from

[74] Southall and Fox (1999) come to the conclusion that while the election outcome may have been unbalanced and unrepresentative, the opposition's allegations of systematic electoral fraud were largely unsubstantiated. The authors further claim that uncritical media reports and the ambiguousness of the SADC commission's report fuelled discontent and encouraged the defiant stance of the opposition and thus exacerbated the ongoing political crisis.

[75] The legality of the intervention and the role of South African economic interests to intervene has been a matter of controversial debate. For critical overviews, see Matlosa (1999: 184–89), Molomo (1999), Likoti (2007), and Schoeman and Muller (2009).

each party that had contested the 1998 elections). The IPA was tasked with the objective "to facilitate and promote, in conjunction with the Legislative and Executive structures in Lesotho, the preparation for the holding of general elections to be held within a period of 18 [m]onths […] by [amongst others] (a) creating and promoting conditions conducive to the holding of free and fair elections" and "(b) levelling the playing field for all political parties and candidates that seek to participate in the elections" (Parliament of Lesotho 1998: Section 4), which explicitly included the authority "to review the Lesotho electoral system with a view to making it more democratic and representative of the people of Lesotho" (Parliament of Lesotho 1998: Section 6).

4.2.3 Electoral reforms, LCD factionalization, and first elections under a new MMP electoral system (1998–2002)

The IPA took up work in November 1999 but from the start faced a series of difficulties that severely weighed on the reconciliatory nature intended for the body. First, the composition of the IPA in no way reflected the relative importance of its members. Because the body consisted of two members from each party registered in the 1998 election, the LCD, BCP and BNP each only had two representatives while nine of the smaller parties that attained only a cumulative 3.5% of the national vote constituted 75% of the body's membership. Furthermore, the working relationship between the IPA and the government had been inadequately specified, leading to further friction between the opposition-dominated body and the LCD government with a strong majority in the National Assembly by which policy recommendations of the IPA would eventually have to be adopted (Elklit 2002: 2; Rosenberg et al. 2004: 120–23).

Although the IPA's broad mandate included the review of several aspects of the electoral process, discussions about the nature of the electoral system soon became the most controversial matter of debate. In the process of negotiations two coalitions emerged among the opposition parties involved in the IPA. On the one side, the so-called Setlamo Democratic Alliance, consisting of the main parties – BCP, BNP, and MFP – that had violently challenged the LCD government after the 1998 elections as well as three smaller parties, demanded the introduction of a pure PR system. On the other side, an alternative coalition of small parties known as the Khokanyana Phiri, was critical of the violent actions of the major opposition parties and advocated for a mixed electoral system which would combine elements of FPTP and PR. The proposition of the latter group thus was also more accommodative to the LCD which continued to favour the retention of FPFT system, apparently reasoning that it maintained a good chance of winning all or at least a large majority of constituency seats.

With the elections scheduled for May 2000 drawing nearer, the IPA was eventually compromised in adopting a mixed system as the future electoral system for Lesotho, but two issues remained up for debate: the specific type of a mixed electoral system (MMP or parallel system) as well as the balance of constituency and compensatory seats (Elklit 2002: 3). After further deliberation and referral to an Arbitration Tribunal, the opposition parties in the IPA reached a compromise in September 1999. The agreement foresaw the adoption of on an MMP system which encompassed 80 constituency and 50 compensatory seats (consensus held that a total of 80 compensatory seats would make parliament unnecessarily large) and proposed reducing the constituency seats and increasing compensatory seats to achieve a 65:65 balance in subsequent elections (Southall 2003: 276).

On 3 December 1999, the compromise was also embedded in an agreement between the IPA and the LCD, which further provided for the appointment of an expert group to determine a new schedule for the preparations for the election (the delays in the IPA's negotiations had rendered the original May 2000 timetable unfeasible) and the appointment of a new IEC. It had been expected that the LCD government would now adopt the IPA agreement in parliament, but the legislation pertaining to the new electoral system, which was submitted in February 2000, contained amendments to the previous agreement. The LCD had previously remained adamantly in favour of a parallel system with 80 constituency seats and 40 seats to be allocated independently through a PR formula which would likely allow it to win a large majority of constituency seats and, additionally, a significant share of the PR seats. Contrary to the provisions of the IPA agreement, the proposed legislation reduced the number of PR seats from 50 to 40 on stated grounds that it was the parliament's sovereign legislative prerogative to do so and alleging that this would reduce the cost of parliament and that 80:40 split represented a two-thirds majority of FPTP over PR which was alleged to be more compatible with the two-thirds majority required for constitutional amendments. After the government's bill was approved by the National Assembly, a stalemate ensued as the Senate, a majority of which favoured the provisions stipulated in the IPA agreement, rejected the legislation. This once more necessitated the referral to an Arbitration Commission which ruled in favour of the original IPA proposition (Southall 2003: 276–77; Rosenberg et al. 2004: 122). A final compromise, which implemented a MMP electoral system with the 40 PR seats dependent on the allocation of 80 constituency

seats was eventually reached[76], but had again set back previously adopted plans to hold the election in May 2001.

However, after drawn-out, albeit non-violent struggle over the new electoral law (in operation from 7 January 2002), it appeared the preparations for Lesotho's first election under the new MMP system, now moved to May 2002, would finally be able to proceed. This included the processes of voter registration, voter education about the new electoral system, and planning of electoral administration procedures which was overseen by a professionalized IEC under strong involvement of all political parties (Elklit 2002: 5; Southall 2003: 277–78, 286–87). The elections were once more also accompanied by substantial international support, with the EU financing an Election Results centre – open to leaders of the political parties, registered election monitors, and journalists – as well as election monitors provided by international, regional, and local bodies and organizations. Furthermore, a National Joint Operational Centre manned by representatives of Lesotho's, South Africa's, Botswana's and Zimbabwe's security establishment was set up to provide logistical support for and guarantee the security of the election in close cooperation with the IEC (Southall 2003: 285).

Despite these measures to assure the integrity of the electoral cycle, the "notorious fractiousness" (Southall 2003: 281) and zero-sum approach to politics that had been displayed by Lesotho's politicians since the country's return to multiparty politics continued to cast doubt on whether the election would be contested peacefully and accepted by all participants. While the campaign was largely devoid of ideological differences among the contenders, it appears that the LCD was successful in painting itself as a party that had effectively governed the country despite the very difficult circumstances it had been confronted with and was thus perceived as the best alternative by many voters (Southall 2003: 283).

Although the LCD seemed poised to be returned to power at the upcoming polls, upheavals in the political landscape were imminent. Much like the actions taken by Mokhehle in 1997, in internal dispute between Prime Minister Mosisili

[76] Further final arrangements pertaining to the electoral system included the use of the *Hare quota* for the overall PR formula, the omission of an electoral threshold beyond the natural threshold to attain a seat (at around 0.83% of the national vote), the omission of the enlargement of parliament through surplus/overhang seats (meaning that if parties won more constituency seats than their overall proportional entitlement would be allowed, the seats would be allocated as proportionally and fairly as possible), and a regulation barring parliamentarians on compensatory seats (i.e. drawn from party lists) from crossing the floor while candidates on constituency seats retained this possibility (Elklit 2002: 4). For a more detailed assessment of floor crossing regulations in Lesotho see Goeke (2016).

and other members of the LCD caused the Deputy Prime Minister and Minister of Justice, Kelebone Maope, resign his posts and found yet another opposition party, the Lesotho People's Congress (LPC), with 27 further LCD MPs crossing the floor in the National Assembly. While the party split did not challenge the LCD's position as the governing party, it appeared clear that the members of the new LPC were hoping to unseat the incumbent LCD government in the upcoming elections, possibly through a coalition with the BCP. Meanwhile, internal factionalism had also proliferated in both the BNP and BCP, leading to a split of the latter through the foundation of the Basutoland African Congress (BAC). The perspective to gain a small contingent of the PR seats foreseen under the new electoral system had also resulted in the formation of several smaller parties, so that eventually a total of nineteen parties had registered for the election[77]. This burgeoning number of parties in consequence reduced the prospects for all smaller parties – including those which had promoted the introduction of a PR component in the IPA – to clear the natural threshold for gaining a seat in parliament. All of this, combined with the lasting impression of the 1998 crisis and the difficulties of reaching an agreement within the IPA negotiation process, made it difficult to predict what outcome the new MMP system might produce and certainly heightened the political stakes of the contenders ahead of the polls (Southall 2003: 283–85).

[77] This equated to 1,085 candidates from 18 parties and independents contesting the 80 constituency seats and a total of 770 candidates drawn from the party lists of 16 parties (Southall 2003: 287).

Table 3: Results of the 2002 election

Party	No. of constituency votes	% of constituency votes*	No. of PR votes	% of PR votes*	No. of constituency seats	No. of PR seats	No. of total seats	% of total seats*
LCD	305,013	55.7	304,316	54.9	77	0	77	65.3
BNP	112,707	21.3	124,234	22.4	0	21	21	17.8
LPC	32,474	6.1	32,046	5.8	1	4	5	4.2
BAC	17,103	3.2	16,095	2.9	0	3	3	2.5
BCP	13,658	2.6	15,584	2.8	0	3	3	2.5
LWP	7,693	1.4	7,788	1.4	0	1	1	0.8
MFP	7,475	1.4	6,890	1.2	0	1	1	0.8
PFD	6,997	1.3	6,330	1.1	0	1	1	0.8
NIP	4,258	0.8	30,346	5.5	0	5	5	4.2
NPP	4,047	0.8	3,985	0.7	0	1	1	0.8
Others	17,671	3.3	7,772	1.4	0	0	0	0.0
Total	**529,096**	**100**	**554,386**	**100**	**78**	**40**	**118**	**100**

Source: Fox and Southall (2004: 549)

*Percentages are rounded and may not preceisely amount to 100%.

Note: By-elections were later held in two constituencies due to the death of a candidates.

While the LPC breakaway had presented a somewhat credible threat to the LCD's hegemony ahead of the electoral contest, the results of the election on 25 May 2002 showed a very clear result (Southall 2003: 288–90). The LCD had been able to maintain its dominant status in the constituencies by winning 77 of the 78 seats contested on election day. The LCD's 55.7% share of overall constituency vote (compared to 60.5% in 1998) showed that the opposition parties had accrued a significant minority of votes, but the relatively even distribution of votes across the various constituencies had been sufficient to prevent the opposition from capturing all but one constituency. While the results

of constituency ballots had produced an outcome almost identical to that of the 1998 election[78], the PR component of the new MMP system was now able to exert its intended effect. Since the LCD's success at the constituency polls had already supplied it with a larger share of the total number of 118 seats (65.3%) than its proportional entitlement resulting from the party list PR vote (54.9%), the remaining 40 PR seats were now distributed solely among the opposition parties[79]. The allocation process eventually resulted in the distribution of the 40 seats among nine opposition parties. The BNP, which with 22.4% of the PR vote received 21 seats, became the second largest party in parliament. The LPC received five seats (1 district seat in addition to 4 PR seats) – severely reducing its presence in parliament compared to the 28 MPs it had been represented by after the split from the LCD – and was thus tied with the National Independent Party[80], while the BCP and BAC were allocated three seats each. Finally, the remaining four seats were equally split among four opposition parties.

Given the turbulent history of Lesotho's two elections since independence, it appeared that the IPA-led process of electoral reform and inclusion of all political parties into the management and oversight of the election had translated into an "unlikely success" (Southall 2003) of the 2002 elections[81]. While not having achieved perfectly proportional results, the new electoral system had yielded an outcome that not only reflected continued popular support of the incumbent LCD and supplied the latter with a legitimate mandate to govern the country for the following five years but had also resulted in the representation of a sizeable and diverse opposition in parliament. As such, the introduction of the new MMP system had, to a reasonable extent, corrected the highly unbalanced results induced by the operation of the FPTP in the country's previous elections and had thus addressed a major source of grievances of the opposition around which political turmoil had developed in 1994 and 1998. To be sure, the predominance of 80 constituency over 40 PR seats combined with a highly

[78] The LCD had managed to regain one constituency seat captured by the BNP in 1998 but had to concede victory in one constituency where LPC leader Maope had succeeded as the candidate.
[79] In this situation, achieving a seat distribution that would have perfectly mirrored the parties' proportional entitlement resulting from the PR vote would have necessitated the enlargement of parliament with surplus/overhang seats. Since this possibility had been precluded under the new electoral law, a second round of seat allocation, which discounted the LCD vote, was therefore necessary to allocate the remaining PR seats. For a detailed description of the process by which the remaining 40 compensatory seats were allocated among the opposition parties, see (Elklit 2002: 5–9).
[80] The surprisingly good result of the National Independent Party probably resulted from the fact that its symbol of a bird (printed on the ballot paper) was similar to that of the LCD and seems to have misled a significant number of illiterate voters (Southall 2003: 289).
[81] Southall (2003: 278–82) further attributed the success of the elections to the restructuring of the security forces intended to prevent further partisan and unconstitutional behaviour as well as the strong pressure applied by South Africa and international donors which signalled a 'last chance' for the country's politicians to abide to a responsible political and electoral behaviour.

factionalized opposition had rewarded the LCD with around 12 more seats than it, all other things being equal, would have received under a pure PR electoral system and had hence served the incumbent's interests well[82]. However, for the first time, the PR component of the electoral system had also reflected popular support accrued by the opposition parties and had offered the leading representatives of the opposition the perspective of receiving a 'consolation prize' in the form of visibility in parliament and, perhaps not least of all, a salary which would sustain their continued political activity. Most importantly, the peaceful conduct of the election and the lack of protest concerning its outcome[83], which stood in stark contrast to the violent actions and deliberate destabilization of the LCD government following the 1998 elections, further confirmed that the election had succeeded in producing an outcome that was perhaps the most broadly accepted in the country's history. Furthermore, despite reservations about the ability of voters to fully comprehend the implications of the mixed system, the populace "appeared to have no great difficulty in understanding the broad principles of the new electoral system, even if the detailed mechanics of 'mixed' voting systems may have been beyond them" (Fox and Southall 2004: 546).

4.2.4 Second LCD split, party alliances, and conflict in the second elections under the MMP system (2002–2007)

The assessments that the 2002 elections had heralded a new era of peaceful electoral behaviour and stability and facilitated a transformation of Lesotho's political culture from an adversarial to a more consensual conduct of politics were called into question by the following election in 2007. In fact, despite the fact that the five years leading up to the election had been marked by relative political stability (including peaceful local government elections in 2005), the resurgence of violent conflict following the 2007 polls indicated that the praise for the MMP system had been premature and that the introduction of the new electoral system had only temporarily been sufficient to address the issue of violent contestation over electoral outcomes.

Continuing the trend of splits within the ruling party in the run up to elections, the LCD was once more beleaguered by internal divisions. In 2006, sixteen

[82] A parallel system – initially preferred by the LCD in the IPA negotiations – would have secured the party an additional 22 PR seats and would have thus led to a much smaller presence of the opposition in parliament.

[83] Justin Lekhanya, former leader of the Military Council and BNP leader since 1999, initially attempted to challenge the result but the strong transparency of the electoral cycle and unanimous endorsement of the election by observers quickly worked to discredit him (Southall 2003: 290).

LCD MPs follwed Thomas Thabane, who had resigned from the LCD cabinet to establish yet another political party, the All Basotho Convention (ABC), together with an independent MP who had been expelled from the LCD in 2004. The reasons for Thabane's defection from the LCD were similar to those of earlier party divisions. While he invoked that the LCD had moved away from its original principles and criticized the party leadership for tolerating increasing corruption within the government, it appears that he was also driven by frustration over not being re-elected into the party's executive committee which ended his ambitions to follow Mosisili as the party leader and future Prime Minister (Matlosa 2008: 33). Khabele Matlosa (2008: 34) concludes that through the renewed escalation of factionalism within the ruling party, "the pre-election environment for the 2007 general election was already poisoned" – much as had been the case in 1998. While the emergence of the ABC did not directly cost the LCD's its majority in the current parliament (it retained a hair-thin majority of 61 out of 120 seats), it did generate a significant amount of anxiety and political bitterness in the ruling party which triggered Prime Minister Mosisili to call upon the King to dissolve parliament in order to hold early elections. Considering that the LCD now had to face two splinter parties that had grown out of its own ranks and had been repudiated for performing poorly in the delivery of services to the population, whereas Thabane's ABC was able to generate substantial interest among prospective voters (Likoti 2008: 76–77), the LCD was highly apprehensive about the election. The calling of an early election can therefore be interpreted as an attempt to mitigate a possible defeat as the short timeframe worked to the opposition's disadvantage, giving it little time to secure the resources for an effective campaign while the LCD could rely on the advantages provided by its incumbency (including state resources and access to the public media) (Elklit 2008: 14).

Another component of the LCD strategy for securing a continued majority was the formation of an electoral alliance with the small National Independent Party (NIP). The agreement underlying this political alliance held that the LCD would only field candidates in the constituencies, while the NIP would provide a national party list including members of both the NIP and LCD to contest the PR vote (Elklit 2008: 14; Matlosa 2008: 36–37)[84]. A similar alliance was struck between the ABC and the Lesotho Workers Party (LWP). A third alliance, the Alliance for Congress Parties (ACP), comprising the LPC, BAC, and

[84] The compilation of the party list, which was established in a memorandum of understanding between the two parties foresaw the following ordinal composition: five NIP candidates, ten LCD candidates (six of who would also run in single-member constituencies), again five NIP candidates and ten LCD candidates, and thereafter, alternately, one from the NIP, one from the LCD, up until a total of 50 candidates (Elklit 2008: 14–15).

Mahatammoho a Poelano – a splinter group of the BCP – also contested the election. However, there was a decisive difference between the ACP, on the one hand, and the LCD/NIP and ABC/LWP alliances on the other. The ACP contested the election using a single identity for both the constituency and party list vote of the MMP system. In contrast, the ABC and the LCD used their smaller partners to field a number of party list candidates, thereby disguising their candidates' party affiliation under the party identity of the smaller parties. The rationale behind these arrangements was that the LCD and ABC both anticipated winning a significant share of constituency seats which would already amount to or even exceed their proportional entitlement from the list vote. Such a constellation would most likely bar them from receiving compensatory seats under the party list vote (exactly this had been the case for the LCD in 2002). Their smaller partners, however, could be expected to receive a number of seats under the party list of the electoral system, thereby carrying a number of the LCD's and ABC's candidates included on those lists into parliament as well. The smaller partners in the two alliances in turn stood to benefit from receiving a larger number of votes in the party list vote and would thus be able to secure more seats for their own candidates (despite splitting the list with candidates of their partners) than they would if fending on their own. The last step necessary to make this rather elaborate scheme of "decoy party lists" (Matlosa 2008: 36) work as planned, was that supporters of the ABC and the LCD were instructed to vote for their own parties in the constituency ballot and for the LWP and NIP in the PR ballot.

The election, taking place on 17 February 2007, was contested by twelve parties and was won by the LCD/NIP alliance with a total of 82 seats (68.9% of the total seats)[85] . The LCD captured 61 of the 79 constituency seats while the NIP, by virtue of winning 51.8% of all party votes cast, was awarded 21 of the 40 party list seats, 11 of which went to the LCD in accordance with the memorandum of understanding between the two parties. A similar pattern was discenable in the ABC/LWP alliance, even though it had only won a total of 27 seats (22.7% of the total seats). The ABC won 17 constituency seats and the LWP secured 10 party list seats (with a 24.3% share of all party votes cast), eight of which went to the ABC[86]. The remaining nine party list seats were distributed among the seven smaller opposition parties, with the BNP receiving three seats

[85] As pointed out above, the 80:40 ratio of constituency and PR seats had initially only been intended for the 2002 election, after which it was supposed to have been changed to equal proportions of the two components. However, the LCD had made no effort to implement these changes, probably because they would have worked to its disadvantage.

[86] The ABC had initially been predicted to perform much better in the elections. For an interpretation of why voters eventually favoured the LCD, see Likoti (2008).

while six further parties – among them the formerly preeminent BCP – were awarded one seat each (Elklit 2008: 16; Matlosa 2008: 37).

Table 4: Results of the 2007 election

Party	No. of PR votes	% of PR votes*	No. of consti-tuency seats	No. of PR seats	No. of total seats	% of total seats*
NIP	229,602	51.8	0	21	21	17.6
LWP	107,463	24.3	0	10	10	8.4
BNP	29,965	6.8	0	3	3	2.5
ACP	20,263	4.6	1	1	2	1.0
PFD	15,477	3.5	0	1	1	0.8
BCP	9,823	2.2	0	1	1	0.8
MFP	9,129	2.1	0	1	1	0.8
BDNP	8,783	2.0	0	1	1	0.8
BBDP	8,747	1.9	0	1	1	0.8
NLFP	3,984	0.9	0	0	0	0.0
ABC	0	0	17	0	17	14.3
LCD	0	0	61	0	61	51.3
Total	**442,963**	**100**	**79**	**40**	**119**	**100**

Source: Matlosa (2008: 38)

*Percentages are rounded and may not preceisely amount to 100%.

Notes: Information on number of constituency votes was not available in any of the consulted documents. By-elections were later held in one constituency due to the death of candidates.

While the polling process itself had been given a clean bill by a number of election monitoring groups (Matlosa 2008: 39–41), for obvious reasons, the establishment of electoral alliances and the resulting seat allocations were problematic for several reasons and were thus highly disputed. First and foremost, the formation of alliances grossly distorted the principle of proportional party

representation at the heart of the MMP system. This becomes clear from a hypothetical exercise of considering the LCD/NIP and ABC/LWP alliances as such for the allocation of compensatory seats. In this case, the LCD/NIP alliance would have received only 62 seats (61 constituency and only 1 compensatory PR seat), instead of the actual 82 seats. For the LCD, the arrangement had thus worked as intended by securing it a number of compensatory seats in addition to the seats won in the constituencies. Ironically, the alliance arrangement had worked to the disadvantage of the ABC/LWP, which would have received a total of 29 seats (17 constituency and 12 compensatory seats) compared to their actual 27 seats. By disproportionately awarding seats the LCD, the actual seat allocation had worked to the detriment of smaller parties, which, under the hypothetical conditions, would have been eligible for a significantly larger number of compensatory seats.

The formation of alliances, specifically that of the LCD/NIP, cleverly exploited a combination of loopholes in the electoral law, which had hitherto been hidden but were now "unmasked" (Makoa 2008: 52) by the dispute over the allocation of PR seats. The critical omissions in the electoral law that made the alliances possible were that it, first, did not require parties to compete for both constituency and party seats and, second, did not forbid candidates of one party to also be included on the party list of another party (Elklit 2008: 15; Likoti 2009: 62–64). The IEC's acceptance of the mixed LCD/NIP and ABC/LWP party lists can be judged as "a major blunder, overlooking, as it did, that the consequence (and, indeed the intention) of this informal party alliance would be a serious violation of the Constitution" (Elklit 2008: 17). While the IEC had come to the conclusion that it had no legal grounds to prohibit the formation of party alliances, its acceptance of the mixed party lists for the election had led to an allocation of seats, which effectively violated the constitutionally enshrined principle of proportionality (applied to the National Assembly as a whole) of the MMP system and produced an outcome much closer to that of a parallel electoral system – "exactly the system which was rejected in 2001 as part of the over-all settlement and the subsequent constitutional and electoral law amendments" (Elklit 2008: 17).

Scholar were quick to point to necessary reforms to the existing election law pertaining to regulation of party alliances to avoid a future abuse and manipulation of the electoral system. Suggestions included making the submission of both constituency and party lists compulsory for each party, banning politicians from appearing on the party list of a party other than their own, and reworking for formula for calculation the overall composition of the parliament (Elklit 2008: 18; Matlosa 2008; Likoti 2009: 67). However, for the time being the

dilemma posed by the precarious electoral outcome left the political actors at a seemingly unresolvable impasse. On the one hand, the LCD and NIP argued that the IEC had not objected to the mixed party list the alliance had fielded, that the allocation of parliamentary seats had been conducted properly, and that its MPs were therefore fully entitled to the seats they now held. On the other hand, the opposition parties argued that the IEC should have never allowed the parties to proceed with their alliance as it – while not wrong in a strictly legal sense – clearly violated the spirit of the MMP system and had resulted in an underrepresentation of the opposition. With no political solution in sight, the internal conflict between the LCD and the opposition parties eventually escalated in violence.

When parliament was sworn in on 23 February 2007, the five opposition parties protesting the allocation of seats, namely, the ABC, BNP, MFP, ACP and LWP, staged an extended 'sit-in' within the chambers of the National Assembly which led to their forcible removal by the Lesotho Defence Force. Dissent subsequently spread into the streets of Maseru as the ABC/LWP alliance, which had a strong support base in the urban centres of the country, called for a three-day national strike. The strike was accompanied by violent incidents and effectively paralysed the capital, thus posing a significant challenge to LCD government. Alarmed by this new instability in the country, the executive secretary of SADC, Tomaz Augusto Salomao, became involved to assure the parties that SADC was in the process of exploring possibilities to negotiate a political settlement to the political crisis (Matlosa 2008: 41; Weisfelder 2015: 57). While this intervention did induce the opposition to call off its strike after two days, it was only the beginning of what would become a multi-year initiative to resolve the protracted conflict.

In March, consultations between Salomao and the aggrieved opposition parties led the regional organization to shortly thereafter decide to despatch a troika of ministers from SADC member states to further evaluate the situation and provide recommendations for a way forward. The report of the troika, which visited Lesotho in April 2007, identified the most notable issues of the ongoing conflict as being a dispute about the legality of party alliances as well as the resulting distortion of the MMP electoral system manifesting itself in the unfair allocation of seats, and the lack of communication among political leaders. Furthermore, the report pressed LCD government to instate a formal dialogue, which would be aimed at resolving the political problems between the opposition parties and the ruling party and would be mediated and facilitated by an eminent person drawn from the region's former head of state. This role fell to Ketimule Masire, former president of Botswana, who, while still in office, had

been involved in the mediation of conflict after Lesotho's 1993 and 1998 elections.

The mediation process, beginning in June 2007, was able to bring both the government and opposition to the table but the intermittent talks over the following two years were unsuccessful in advancing a political solution to the conflict and eventually caused Masire to relinquish the task in July 2009. In the meantime, a number of incidents had served to derail the mediation process as a wave of politically motivated violence accompanied the talks. In June 2007, three LCD ministers as well as ABC leader Thabane were attacked by unknown assailants. Security forces responded by imposing a curfew and treating opposition supporters with excessive use of force, arrests, and alleged incidents of torture (Matlosa 2008: 44; Weisfelder 2015: 57).

The ongoing electoral dispute had also caused renewed factionalism with the army ranks. This resulted in several army members and civilians suspected of involvement in the June attacks and plotting a coup with the opposition being detained and allegedly subjected to torture, some of which later sought asylum in South Africa (U.S. Department of State 2008). In April 2009, several gunmen penetrated the premises of the State House, Prime Minister Mosisili's residence, and opened fire. The attack was repulsed by the guards of the Lesotho Defence Force and Mosisili was not harmed. The event was disquieting, nonetheless, and was widely linked to the ongoing political dispute over the 2007 elections and the government's legitimacy (Weisfelder 2015: 57–58).

Another aspect that reduced the momentum of the mediation process was that the LCD insisted on letting a case, in which the MFP had challenged the electoral results before the High Court, conclude before considering further steps in the mediation. The LCD interpreted the ruling of the court, which stated that the MFP had no grounds to bring the matter before the court and the court itself had no jurisdiction to hear the matter, as effectively having decided the issue. By constrast, the opposition parties saw the court's decision as a confirmation that negotiated dialogue combined with expert advice to assess the allocation of the PR seats and its conformity with the intent of the MMP model was needed (Matlosa 2010: 207–08). The differing views about the High Court's judgement precluded an agreement on the terms of reference for the expert groups and lead to a standstill in the negotiations, a consequence of which was Masire's decision to resign from his position as mediator and to hand the task back to SADC.

Following the Masire's departure and subsequent failed attempts by SADC to revive the political negotiations, another effort to bring the political parties and

the IEC together was launched under the auspices of the Christian Council of Lesotho, which was supported by civil society organisations, foreign donors, and the UN Development Programme's Democratic Governance project (Matlosa 2010: 209; Weisfelder 2015: 58). While the initiative continued to face obstacles and made little progress at first, the perseverance of the Christian Council's chairman to keep the process alive over the following two years eventually led to the announcement of an agreement on electoral reforms in April 2011, under which the upcoming 2012 election would be held:

«The Electoral Reform Act of 2011 ended the 2007 electoral dispute with changes that were acceptable to the major parties. Voters would simultaneously choose a local constituency candidate and that candidate's party for compensatory proportional representation, through a single ballot. Voters could no longer vote for a party other than that of their favoured constituency candidate; nor could they vote for their preferred party if it lacked a local constituency candidate. Electoral pacts were precluded unless registered with the IEC and treated as a single party slate for both constituency and proportional purposes» (Weisfelder 2015: 58).

These electoral reforms did not change the basic characteristics of the MMP electoral model (being the combination of constituency seats and party lists seats to compensate for disproportionality induced by the former) but complemented the existing electoral framework with an important provision, which meant to address the loopholes and deficiencies that had been at the centre of the drawn out electoral dispute and renewed political instability following the 2007 election. Whereas the electoral system governing the 2002 and 2007 elections had provided the voters with two votes, one for the constituency and one for the party list ballot (as is practice in other MMP systems), the revisions to the electoral law now allowed the voter to exercise only one vote which would be counted for both ballots (Letsie 2013: 69).

This was a significant change as it effectively prevented unproportional results caused by the collusion between larger and smaller parties. However, it also made it impossible for voters to split votes, i.e. to elect a constituency candidate from one party and to vote for a different on the party list ballot, and required smaller parties to field constituency candidates in order to qualify receiving votes under the PR component of the electoral system (Mwangi 2016: 226–27). This raises the question whether the issue of party alliances might not have been addressed in a manner that would have preserved two separate votes for the constituency and PR component of the MMP. Yet, it appears that with the main priority of the reforms being the prevention of party alliances (and possibly yet

another electoral debacle), the negotiating parties were willing to accept other possible drawbacks of the new two-ballot, single-vote model.

4.2.5 Coalition politics and continued political instability (2012–2017)[87]

The Electoral Reform Act of 2011 essentially concluded the drawn-out process of electoral reform and the instituted changes remained effective for the following two elections in 2012 and 2015. These elections remained largely peaceful, but their outcomes produced hung parliaments and necessitated the formation of coalition governments – a novelty in Lesotho's political history – which were a source of renewed political instability. While the political conflicts in this period did not manifest themselves in electoral violence, nor immediately related to disputes about the application of the MMP electoral system, they can be interpreted as a consequence of even greater fragmentation of the party landscape, the inability of any one party to achieve an absolute majority in the elections in the framework of the MMP system, and lack of cooperation within the ensuing coalition governments.

Unlike the 2007 election, the electoral contest on 26 May 2012 remained peaceful, was not disputed by the participating parties, and was declared free and fair by a variety of observer groups. Once more, party splits had further fragmented the party landscape prior to the elections: Protracted power struggles and factionalism dating back to 2011 had torn the LCD apart, when Prime Minister Mosisili, in a move reminiscent of Mokhehle's defection from the BCP, had responded to the loss of control over his party by crossing the floor with 44 MPs and forming a new party, the Democratic Congress (DC). The DC's subsequent attempt to declare itself as the new government despite holding only a minority of seats in parliament was regarded as a highly controversial political move and eventually precipitated the dissolution of parliament and the scheduling of elections to be held within 90 days (Letsie 2013: 71–72; Weisfelder 2015: 59). The three-month party campaigns showed that the DC, intent on establishing a government, faced three serious rivals, the ABC, BNP, and LCD (now under leadership of Mosisili's former inner-party rival Mothejoa Metsing), which had jointly repudiated the Mosisili's foundation of the DC and advocated for a change in government. The resulting four-party contest was a new occurrence in Lesotho's political history since all former electoral contests had been races between to major contenders – in 1998 between the BCP and the BNP,

[87] Since a detailed account of the post-2012 political developments would go beyond the scope of this thesis, only a cursory overview is provided here.

in 2002 between the LCD and the BNP and in 2007 between the LCD and the ABC.

Table 5: Results of the 2012 election

Party	No. of votes	% of votes *	No. of consti-tuency seats	No. of PR seats	No. of total seats	% of total seats*
DC	218,366	39.6	41	7	48	40.0
ABC	138,917	25.2	26	4	30	25.0
LCD	121,076	21.9	12	14	26	21.7
BNP	23,788	4.3	0	5	5	4.2
PFD	11,166	2.0	1	2	3	2.5
NIP	6,880	1.2	0	2	2	1.7
LPC	5,021	0.9	0	1	1	0.8
BDNP	3,433	0.6	0	1	1	0.8
MFP	3,300	0.6	0	1	1	0.8
BCP	2,531	0.5	0	1	1	0.8
BBDP	2,440	0.4	0	1	1	0.8
LWP	2,408	0.4	0	1	1	0.8
Others	12,400	2.2	0	0	0	0.0
Total	**551,726**	**100**	**80**	**40**	**120**	**100**

Source: Letsie (2013: 78)

*Percentages are rounded and may not preceisely amount to 100%.

Election results, announced from the morning of Sunday 27 May, largely confirmed the predictions.While the DC had received the most constituency (41 of 80) seats and largest share of the votes (39.6%) it became the largest party in the National Assembly with 48 seats. The ABC had won a total of 30 seats (26 constituency and 4 PR) with 25.2% of the votes and the LCD, at 21.9% of the votes became the third largest party with 26 seats (12 constituency and 14 PR). With only five constituency seats resulting from 4.3% of the party list vote the BNP made a relatively poor showing (it failed to win a constituency seat) and

the remaining 11 seats were distributed among minor opposition parties (Letsie 2013: 75–76, 78–79; Weisfelder 2015: 60–61). Thus, for the first time in the country's history, the election failed to produce a clear winner with an absolute majority and compelled the parties to negotiate the formation of a governing coalition. Since the antagonistic relationship between the DC and the ABC as the two largest parties effectively prevented a grand coalition, it was clear that the LCD would become the 'kingmaker' of any new government. However, conditions for talks between DC and LCD were poor considering the split that had occurred between the two just months earlier.

It was on this basis that the ABC eventually succeeded in reaching an agreement with the LCD and the BNP, which gave the coalition a razor-thin majority of 61 seats in the National Assembly (Letsie 2013: 79–81; Weisfelder 2015: 62). The first peaceful transfer of government resulting from the general acceptance of the electoral outcome and the DC's acquiescence of the coalition government by its three main rivals under Thabane's leadership was celebrated by observers "an historic event and a positive development in the consolidation of democracy in the country" (Letsie 2013: 81; also see Kapa and Shale 2014: 104).

However, praise of the peaceful change in government failed to predict the challenges and internal frictions Lesotho's first coalition government, which had arguably come together not on the basis of common policy goals but rather in a quest to dislodge the former government in pursuance of government offices and state power, would face throughout the following two years leading up to its demise in 2014. The lack of shared priorities, internal disagreements over the appointment of key political positions and the frequent reshuffling of government offices increasingly strained relations among the political leaders in the coalition. Even though the parties sought advice from Commonwealth consultants on ways to strengthen the internal cohesion of the government that had hastily been cobbled together after the 2012 elections, relations among the ABC's leader and Prime Minister Thabane and LCD's leader and Deputy Prime Minister Meting continued to deteriorate to a degree that a defection of the LCD from the coalition and its plans to forge a new coalition with the Moisili's DC seemed imminent. In an attempt to forestall a looming vote of no confidence, Thabane suspended parliament on 10 June 2014 but continued to govern in his function as Prime Minister. Thabane's constitutionally controversial move, taken against the will of the LCD, plunged the country into renewed violent crisis, which saw factions of the Lesotho Defence Force loyal to Tlali Kamoli, who had recently been dismissed as LDF commander by Thabane and replaced with Maaparankoe Mahoa, stage a quasi-coup to depose of the ABC-led government on 30 August 2014 – causing Thabane as well as numerous

members of the ABC and BNP to flee to South Africa. Once more, with Lesotho's government paralysed and the security forces polarized, political turmoil was only appeased by the diplomatic intervention of SADC carried out over the following months, which eventually succeeded in brokering a deal to reinstate the rule of law and reopen parliament to facilitate an early election in 2015 (Letsie 2015: 82–84; Motsamai 2015; Weisfelder 2015: 62–66, 88–94).

To the surprise of many observers, the 2015 election, like the one in 2012, proceeded peacefully, free, and fair despite the politically tense circumstances but again resulted in a hung parliament.

Table 6: Results of the 2015 election

Party	No. of votes	% of votes*	No. of constituency seats	No. of PR seats	No. of total seats	% of total seats*
DC	218,573	38.8	37	10	47	39.2
ABC	215,022	38.1	40	6	46	38.3
LCD	56,467	10.0	2	10	12	10.0
BNP	31,508	5.6	1	6	7	5.8
PFD	9,829	1.7	0	2	2	1.7
RCL	6,731	1.2	0	2	2	1.7
NIP	5,404	1.0	0	1	1	0.8
MFP	3,413	0.6	0	1	1	0.8
BCP	2,721	0.5	0	1	1	0.8
LPC	1,951	0.3	0	1	1	0.8
Others	12,353	2.2	0	0	0	0.0
Total	**563,972**	**100**	**80**	**40**	**120**	**100**

Source: Letsie (2015: 96)

*Percentages are rounded and may not preceisely amount to 100%.

Both the constituency boundaries and the single ballot system employed in the 2012 election had been retained and a total of 23 parties fielded constituency candidates in all or at least some of the 80 constituencies in order to qualify for

compensatory seats under the single ballot system. Thabane's ABC performed quite well, gaining a total of 46 seats (40 constituency and 6 PR), 16 more than in 2012, with 38.1% of the votes. Its junior partner from 2012 to 2014, the BNP, also managed to poll better than in 2012, gaining a total of 7 seats (1 constituency and 6 PR) with 5.6% of the votes. The DC had lost one seat, but remained one seat ahead of the ABC and thus the largest party with 38.8% of the votes and a total of 47 (37 constituency and 10 PR). The resounding loser of the 2015 election was the LCD as it lost 16 seats compared to 2012 and was only able to maintain a presence of 12 seats (2 constituency and 10 PR). The remaining eight seats were distributed among six smaller parties. In the light of the fallout between the ABC and the LCD and the previous rapprochement between the DC and the LCD, a coalition was now stitched together between the latter two. The involvement of five smaller parties holding a total of six seats afforded the coalition a majority of 65 seats in the National Assembly.

Actions immediately undertaken by the government did not bode well for political stability and reconciliation in Lesotho and indicated that the early elections represented little more than a temporary ceasefire among the country's political elite. The new government, which returned Mosisil to the position of Prime Minister and retained Metsing as Deputy Prime Minister, immediately took the politically highly charged decision to dismiss Mahao and reinstate Kamoli as LDF commander. Kamoli's reappointment was followed by yet another bout of political instability which manifested itself in the murder of a high-ranking ABC party member, the flight of opposition leaders – including Thabane – to South Africa, the arrest and torture of LDF personnel associated with Mahao, and the death of Mahao during an LDF operation to arrest him – all events that triggered SADC to become engaged in another round of lengthy mediation efforts (Letsie 2015: 95–108; Weisfelder 2015: 67–70). At the time of writing it furthermore appeared that, amid the renewed political violence, another split from the DC by a significant number of its members who formed the Alliance of Democrats under leadership of Monyane Moleleki had occurred and that Prime Minister Mosisili's government had succumbed to a no-confidence vote in the National Assembly. As a result, the third election within five years has been scheduled for 3 June 2017 (Aerni-Flessner 2017; Farbricus 2017).

4.3 ASSESSING THE NATURE OF ELECTION-RELATED VIOLENT CONFLICT AND THE IMPACT OF ELECTORAL REFORM IN LESOTHO

4.3.1 The nature and causes of electoral violence in Lesotho

The previous outline of political developments around elections in Lesotho has demonstrated that three of the six elections (those in 1993, 1998, and 2007) held since the country's return to multi-party democracy triggered substantial post-electoral violence and protracted political conflict among major political actors. By contrast, the three other elections, held in 2002, 2012, and 2015, remained largely peaceful. The electoral conflicts specifically revolved around the contestation over the validity and legitimacy of the outcomes, which ostensibly resulted from a combination of the formal and informal institutional context surrounding the elections. For a further analysis of the role of the institutional context as a trigger for electoral violence, it is important to note that electoral violence manifested itself exclusively in the periods after the announcement of election results and that major disturbances and violence prior to the election, which were also outlined in the theoretical section of the thesis (e.g. assassinations of political leaders or violent displacement of voters from constituencies) and indeed pose a serious challenge in other countries, did not occur.

The following sections thus provide an assessment of the interactions between formal and informal institutions, to which the origins of electoral violence can be traced. On this basis, it is argued here that the electoral system itself (in 1993 and 1998) as well as its intentional manipulation by political parties (in 2002) induced electoral outcomes, which were highly unconducive to the acceptance of the electoral process as a means for determining the control over the state apparatus and the highly coveted benefits this control promised. As such, the Lesotho case confirms theoretical assumptions of this thesis that in the presence of pre-existing societal and political conflict, which may be abundant in young democracies, the choice of the electoral system plays a key role in determining the legitimacy of elections as a means of determining the succession of state power.

4.3.1.1 Electoral system and political participation

The adequacy of the electoral system was clearly a major point of contention in the early years of Lesotho's return to multiparty democracy. The country's 1993 elections marked a return to democracy not out of volition of the previously powerful ruling military junta but due to external developments and pressures, namely donors' decreased tolerance of authoritarian regimes and the progress towards democracy within South Africa. However, the political change that

signalled the return to civilian rule and brought about the first competitive elections since the abrupt annulment of the electoral process by the BNP government in the 1970 elections and subsequent years of authoritarianism did not signify a fresh start for Lesotho's political class. Instead, it pitted two major political groupings (including their leading figures) against each other, which had already bitterly struggled for control over the state during the final stages of the colonial period and in the early years of post-independence era but who had largely been stripped of the ideological differences that had once defined the movements' 'congress' and 'nationalist' orientations.

While the omission of any considerations pertaining to the nature of the FPTP electoral system may seem perplexing in hindsight, it can be explained by both the BNP's and BCP's commitment to winning the electoral contest and their conviction that a decisive victory would provide for an unrestricted exercise of power. An alternative explanation can be sought in the fact that the political groups contesting the election had "grown up under the shadow of the Westminster system" (Southall and Petlane 1995a: xvi). The retention of the plurality SMC electoral system thus also presented a return to a formal institutional arrangement, which had been tried and trusted in the past, to which the parties were accustomed, and which matched the electoral arrangements of other former British colonies on the continent. In this sense, it seems telling that the BNP only came to challenge the rules of the game and demand new elections under a more inclusive PR system after the electorate had clearly voted in favour of its opponent.

In this highly charged political context, the mechanics of the electoral system combined with the massive swing in favour to the benefits of the BCP to produce an electoral outcome that was truly detrimental to the opposing BNP. While the latter was able to maintain a support base of a little more than a fifth of the national electorate and demonstrated relative strength in a number of traditional strongholds (with over 30% of the votes, BNP candidates polled significantly higher than the national average of votes in ten constituencies which it had dominated in the 1965 and 1970 elections), there were no constituencies in which the BCP did not have an absolute majority (Sekatle 1995: 110–11). Under the FPTP electoral system, the extent to and the circumstances under which the BCP secured overwhelming support among large parts of the electorate (almost three-quarters of the national vote) resulted in a parliament in which all 65 seats were allocated to its candidates and in which neither the BNP nor any of the minor parties contesting the election were represented. The resultant one-party parliament can indeed be interpreted a perverse manifestation of representative democracy and "posed awkward questions concerning

the wisdom of the retention of the first-past-the-post electoral system, and the suitability of the revamped, Westminster-style constitution, for relaunching democracy following a long period of authoritarian rule" (Southall 1994: 110). Khabele Matlosa, in fact, argued that rather than providing a fresh start for Lesotho politics, the electoral outcome equated to a continuation of "Lesotho's tradition of one party rule" (Matlosa 1997a: 148) – albeit under a different party banner – and thus posed a significant challenge for the institutionalization of democratic culture and practice in the country.

While the election outcome thus triggered the political conflict, the BNP's arguably unconstitutional challenge to the BCP government's legitimacy was also made possible by the unwillingness of the security establishment and the monarchy to tolerate the transition of power. The ensuing conflict, which pitted the winning BCP – jealously persisting on its democratically endowed right to govern and attempting to assert its power over the bureaucracy and other organs of the state – against an alliance of the opposition parties (with the MFP joining the BNP) as well as the military and the monarchy, eventually culminated in the forceful removal of the BCP government and its reinstatement after a regionally-led diplomatic intervention. Given that the 1994 political instability can be interpreted as a direct consequence and continuation of the political struggle fought at the ballot boxes in 1993, it was highly unfortunate that the political agreement forced upon the political actors by the external intervention did not address the issue of Lesotho's electoral system – a change that was fastidiously rejected by the BNP, which would stand to lose political ground. At this point it shall thus suffice to stress that while the intervention temporarily stabilized the country by restoring the BCP government to power and serving notice to the political actors involved in the coup that such unconstitutional behaviour would no longer be tolerated, it was almost inevitable that the unresolved disputes over the adequacy of the electoral system would re-emerge in the following elections.

These concerns were largely borne out by the highly violent aftermath of the 1998 elections, which brought the country to the brink of civil war. In fact, the mechanics of the FPTP electoral system and the presence of three larger contenders (caused by the splintering of the BCP and establishment of the LCD as its effective successor) meant that the result of the 1998 elections translated to an even more unbalanced composition of parliament than had been the case in 1993. Furthermore, the refusal of the LCD to democratically legitimize its constitution of a new government by calling early elections as well as the opposition's repudiation of this behaviour and unheeded demands for the formation of a government of national unity had set the scene for a highly-contested

election, in which the opposition hoped to unseat the LCD through the ballot. In this context, the election and the functioning of the electoral system contributed to the on-going conflict in a way that its outcome deepened the political bitterness and antagonisms, both old (grievances from the 1993/94 debacle) and new (the BCP split and subsequent LCD rule), among the country's political elite. The unbalanced nature of the outcome was even more pronounced than that of the 1993 election. The political confrontation between the parties notwithstanding, 60.6% of the total votes had sufficed for the LCD to win all but one of the parliamentary seats, leaving the BNP, BCP and the array of smaller opposition parties essentially unrepresented (except for one constituency seat won by the BNP).

In this sense, the dynamics the electoral system unfolded were very similar to those, which had already allowed the BCP to capture all of the constituency seats in 1993 – only this time, the LCD was the major benefactor of the FPTP system. The main difference between the 1993 and 1998 election was that in the former the BCP had won every constituency with an absolute majority, while in 1998 the LCD won 14 constituencies with a plurality and another eight constituencies with only a slim absolute majority (between 50 and 55%). Roger Southall and Roddy Fox (1999: 691) therefore note that much "as in 1993, the exclusion of opposition candidates from parliament was a product of the first past the post system, and the way in which the vote split between the BCP and the LCD in particular." In this sense, the only surprising aspect of the 1998 election was the extent to which the LCD had managed to attract the favour of a large number of former BCP voters – a situation which the remnants of the BCP were apparently reluctant to come to terms with. In any case, the rejection of the electoral result by the opposition parties, the subsequent escalation of post-election violence, and the protracted political crisis the election produced, made it abundantly clear that the retention of the FPTP electoral system was no longer tenable. Instead, the introduction of an electoral system, which would produce a more inclusive outcome and grant the significant minority parties representation in the National Assembly, would be necessary to ensure a more peaceful conduct of the next elections.

4.3.1.2 Electoral integrity

Even though the electoral outcomes of both the 1993 and 1998 elections were problematic in themselves, their contestation was also based on the opposition's allegations of massive electoral fraud in favour of the winning party. However, while both elections faced some major administrative difficulties on election day, there are no indications that the electoral process of either of these

elections was compromised in a way that severely affected the overall results (Daniel 1995; Sekatle 1995; Southall and Fox 1999).

The contentious political history of the country meant that an acceptance of the 1993 election, its administration, and its outcome by the domestic actors would require the electoral process to be endorsed externally. Thus, preparations for Lesotho's return to multiparty politics and the election itself were conducted under strong scrutiny of and with major assistance from the international community. A host of measures had been taken to make the elections free, fair, and transparent. As has been pointed out above, a major contribution intended to guard against any challenges against the conduct of elections was provided by the Commonwealth Secretariat, which together with the British government assisted with the drafting of the basic electoral law and facilitated the services of an impartial outsider to act as the Chief Electoral Officer tasked with the overall management of the election process. The Chief Electoral Officer – a role first filled by the Director of Elections in Jamaica and later by the Chief Electoral Officer of Trinidad and Tobago – was supported by officials from the UN's Electoral Assistance Unit and worked in conjunction with a newly established Electoral Advisory Committee, composed of representatives of 12 political parties, the police, the military, and civil society organizations, to oversee the fresh delimitation of constituency boundaries and the registration of voters (Daniel 1995: 97).

Similarly, the actual monitoring mission on polling day was a joint effort of local and international observers in which teams were spread out over all of the 65 constituencies and moved between individual polling stations. While several of these teams were able to observe administrative difficulties, such as the late arrival of election material which significantly delayed the opening of some polling stations, these instances – as unfortunate as they were – were properly addressed by an extension of the voting period until the next day in the affected constituencies and overall were found to not have biased the final result of the election, which was unanimously endorsed as having been conducted in a peaceful and fair manner free of intimidation or attempts of fraud (Daniel 1995: 98–101). Consequently, the BNP, whose allegations of fraud focused heavily on the late opening of some polling stations and the 'suspiciousness' of the general national pattern of the BCP landslide victory, failed in its numerous petitions to convince the High Court how the administrative difficulties might have disadvantaged it any more than its opponent and – even less so – how the manipulation of ballots that it alleged might have taken place on the massive and country-wide scale necessary to swing the vote in favour of the BCP (Sekatle 1995: 112–17). In a careful investigation of the conduct of the election

and the claims of electoral fraud, John Daniel (1995) and Pontso Sekatle (1995) conclude that there was no substance to the BCP's claims that instances of electoral maladministration or malpractice affected the electoral process to solely to its disadvantage. Sekatle (1995: 105) further argues that "the rejection of the result was founded much more upon a pervasive lack of trust […], than upon any firmly grounded evidence."

As much as the 1998 election was similar to the 1993 election in terms of the one-party dominance of parliament that resulted from its outcome, it was also very much a repetition of the claims of electoral fraud that had been advanced by the opposition five years earlier. The overwhelming success of the LCD in the constituencies was interpreted by the Opposition Alliance (of BNP, BCP, and MFP), which had hoped that the split in the ruling party might offer an opportunity to return state power to their hands in the form of a coalition government, as proof of suspicions that the LCD had blatantly rigged the election in its own favour and these actions had been facilitated a lack of impartiality of the newly established IEC.

Once again these allegations stood in stark contrast to the assessments of a broad electoral observation mission manned by observers from various local and international organizations, which had jointly endorsed the conduct of the polls as free and fair despite noting some administrative difficulties (Southall and Fox 1999: 678). The opposition nonetheless insisted on its claims that the election had been rigged and that the resultant government lacked legitimacy even after an unsuccessful attempt to challenge the results of six constituencies before the High Court and, in parallel, pursued a campaign of public protests to build further pressure on the government. As has been outlined above, the vocal dissent of the opposition eventually left the government with little choice but to allow for a SADC-led commission of inquiry. The report of the commission investigations eventually noted a number of deficiencies in the administration of the elections, which it traced back to the unpreparedness, inexperience, and incompetence of the newly established IEC, it presented "no credible evidence whatsoever that there was a concerted and centrally directed, meaningful, significant and effective attempt to rig the election" (Southall and Fox 1999: 692).

Although it is difficult to assess whether the opposition parties genuinely believed that electoral fraud had taken place in the 1993 and 1998 elections, the dubious claims which they brought forward to support their allegations as well as the endorsement of the validity of the electoral results by the monitoring missions and the SADC commission suggest that the opposition's actions were

largely a ploy meant to destabilize and dispute the legitimacy of the resulting governments.

4.3.1.3 Control over state resources in an environemnt of economic scarcity

Assuming that there was no substantial basis for the opposition's claims that the resounding victory of the BCP and LCD in the 1993 and 1998 elections, respectively, had been caused by electoral fraud, leads to the broader question of why access to power was so highly prized and why the exclusion from power, which was partly induced by the electoral system, was so devastating for the losers that these were willing to resort to violence to prevent the new government from assuming power. It appears that the electoral violence following the 1993 and 1998 elections was not merely a matter of the lack of political representation in Lesotho's young multiparty system but of the economic consequences.

While it is difficult to quantify the exact extent of the economic benefits and stakes involved in the control over state power, the political contestation and electoral conflicts in Lesotho have frequently been characterized as a struggle over the distribution of economic resources in an environment of economic deprivation (Makoa 1996; Matlosa 1999; Southall and Fox 1999). In fact, it seems that the era of the return to multiparty politics in Lesotho was regarded by the political parties very much a continuation of a violent struggle over control of the state and its resources, which had already marked the years since independence and manifested itself in the long period of authoritarian rule preceding political liberalization (Ajulu 1995). Due to a lack of resource endowments, the limited availability of land suitable for agriculture resulting from the predominance of mountainous terrain, and a generally underdeveloped private sector, Lesotho's economy since independence was and remains impoverished and strongly dependent on external sources of income, such as remittances of migrant labourers to South Africa, foreign aid, and revenues accruing from the country's membership in the Southern African Customs Unions (SACU). These severely limiting structural conditions are illustrated by Francis Makoa (1996: 19), who points out that in 1992 migrant earning amounted to 87,4% of the country's gross national product and provided the main source of income for more than 80% of the rural households, while the domestic sector provided formal employment to a mere 10% of the country's total labour force. He therefore concludes that the economic characteristics of Lesotho as a nation state limited its capacity to perform distributive functions that might have mediated and managed political conflict but that the resources controlled by the state

were still significant enough to become the focus of power contestations among the political elite.

Consistent with the arguments advanced in the theoretical section of this thesis, Rok Ajulu (1995: 16), Khabele Matlosa (1999: 175–76), as well as Roger South-all and Roddy Fox (1999: 692–93) have argued that in this economic context, where control of the government provided the main route to jobs, patronage, income and wealth, the exclusionary effects of the FPTP electoral system were much too high to be tolerated by the defeated opposition party in both the 1993 and 1998 elections. Matlosa (2008: 31–32) aptly summarizes this situation:

«Given this external economic dependence combined with a weak domestic private sector, the public sector, especially the state itself, plays a critical role as a key site of enrichment of and patronage by elites. The state, therefore, becomes a very attractive asset for accumulation of wealth, patronage, and the political survival of the elite. Thus, elections turn into a war (both literally and figuratively) for control of the state as the elite sets its eyes on avenues for accumulation and political survival. Given the weak economic base of the middle class and, therefore, their bleak prospects of capital accumulation outside the ambit of the state, the battle for the capture of the state becomes fierce and uncompromising. Access to the state, in the eyes of the political elite, is tantamount to a political licence for rapid accumulation by fair and foul means.»

Naturally, more than 23 years of authoritarian rule marked by excesses of corruption had instilled significant uncertainty about the behaviour of the whatever new government the 1993 elections would produce. It is therefore hardly surprising that the defeated opposition parties, most of all the BNP, were highly apprehensive about the BCP dominated parliament and government that resulted from the 1993 election. While the newly elected government was rhetorically committed to national reconciliation, its actions soon indicated that it was determined to reap the economic fruits of its victory and to distribute them to its supporters (Makoa 1996: 16; 1997: 21–22). Soon after attaining state power, the BCP replaced all Principal Secretaries, the board members of public corporations, the Kingdom's High Commissioners and Ambassadors abroad, and a host of civil service positions with its own functionaries and supporters. It caused further political bitterness, when it decided to increase the salaries of cabinet ministers and MPs in the one-party National Assembly by nearly 300 percent, while refusing demands for salary increases by the army and police. The government's heavy-handed course sent clear signals to its political rivals that it had little interest in leading the country on a road to stability and political reconciliation. Rather, it revealed the BCP determination to exclude its opponents from the administrative and governmental processes and to consolidate

its control over the state that it had been 'denied' during the years of authoritarian rule by the BNP and later the military government.

This course of action thus added an economic dimension to the political marginalization faced by the losers of the election and stoked bitterness and concern about the immediate economic well-being among those affected, namely the BNP-dominated public administration and the army. The resounding political defeat and the tangible consequences incurred by the resulting politico-economic marginalization set the scene for the violent contestation of the government's legitimacy that ensued. It is thus plausible to assume that both the 'sore loser' effect on the side of the opposition (and the associated political actors) and the BCP's exercise of power combined to trigger the opposition's demands for a government of national unity and its unconstitutional, short-lived attempt to topple the BCP administration with the help of the King and the army.

Once the regional intervention had restored the constitutional order by reinstating the BCP government and had served a powerful signal to the government's opponents, the opposition had little choice but to place their hopes of reclaiming power in the 1998 elections. Indeed, the BCP/LCD split ahead of the elections seem to have further contributed to the opposition parties' (now joined by the remains of the BCP) perception of having a realistic chance of jointly defeating the incumbent LCD government and reclaiming power in the elections.

However, the actual result of the election, which confirmed the LCD's dominance over the country's politics, revealed that the opposition's aspirations had been greatly exaggerated. Moreover, the LCD's success in capturing a support base (consisting largely of voters formerly loyal to the BCP) and its resulting 79-seat dominance over the National, drove home that fact that given a persistence of siad preferences among the national electorate and a retention of the FPTP electoral system, the opposition would stand no chance of replacing the government or even gaining limited representation through elections in the foreseeable future. The opposition's subsequent actions have been detailed above. In any case, they had served as a wake-up call to both the country's government and its regional neighbours that the retention of the FPTP was no longer tenable despite the advantages it provided to the incumbent government.

4.3.2 Assessing the impact of electoral reform in Lesotho

After having presented an overview of the trajectory of political developments in Lesotho and having examined the possible background causes of electoral violence sparked by the applications of the FPTP electoral system in the early

years since Lesotho's return to multiparty democracy, the last section of this chapter is dedicated to a closer assessment of the actual impact of the electoral reforms undertaken by the political actors – albeit with pressure from regional and international partners – in the country. Given the main emphasis of this thesis, the effects of the electoral reform process on the incidence of electoral violence are of primary concern. However, the section will also assess the effect that the new (and later adapted) electoral system had on the overall level of political stability in Lesotho.

4.3.2.1 Assessing the impact of electoral reform on electoral violence

As detailed above, the rejection of the electoral results and the political violence and instability that, by consequence, ensued in 1993 and even more severely in 1998 had only been halted by outside intervention. Furthermore, the experiences from these elections had shown that a purely legal approach (in the form of High Court rulings and the regionally instated commission of inquiry) had not been sufficient in effectively dealing with the post-election conflict and violence. Aside from the necessity of preventing a further escalation of violent conflict in the country, the regional actors had also realized that in order to ensure a more peaceful and stable pattern of multiparty competition and behaviour among the country's political elite a comprehensive mediation effort would be necessary.

Above all, the FPTP electoral system would have to be replaced by an alternative institutional arrangement which would be more appropriate and conducive to peaceful political competition and have the consent of all major political parties. For instance, Southall and Fox (1999: 671, emphasis in original) advocated for electoral reform that would incorporate some element of PR while stressing that such a reform had become necessary, "not because the result of the 1998 election was rigged (as was alleged by the opposition) but because the outcome was unbalanced, unrepresentative and inappropriate for the development of democracy in Lesotho". It was with this logic that the regional actors involved in the 1998 intervention pressed both the government and opposition to engage in negotiations for a new electoral system under the auspices of the IPA, a body specifically intended for this purpose.

Given protracted negotiation process that unfolded over the following two and a half years, the disagreements and factionalization among the participating parties, and the reluctance of the government to grant concessions to the opposition and to accept the limitations to its own power that these would entail, the eventual adoption of a new electoral law in the National Assembly at times appeared uncertain and can be seen as a substantial achievement in itself. In hindsight, it was particularly the sustained commitment and support to the

negotiation process by the regional actors, which placed pressure on the negotiating political parties (and later between the LCD-dominated National Assembly and the Senate) to find an acceptable compromise at critical junctures when the process stalled and signaled that failure was not an option. As such, the negotiations and adoption of the new MMP system with a balance of 80/40 PR and constituency seats accommodated demands of both the government and the opposition parties by allowing the LCD to retain the constituency component of the vote and granting the opposition considerable representation in order to air its demands for a more proportional electoral system to govern future elections.

The negotiations were not only able to bridge the deep political divide and transform the previously violent conflict into a constructive debate about the institutional framework for the country's elections. The first elections held under this new system in 2002 underpinned the confidence that the negotiations had led to a sustainable political compromise among Lesotho's political elite. When put to the test, the new MMP electoral system also appeared to have the desired mechanical effect of granting greater representation to the opposition in parliament (according to its share of the national vote) while providing for a stable government and the behavioural effect of engendering acceptance among the major political contestants participating in the election. In fact, the entire electoral cycle, including the campaigning, the polling process, the announcement of results, and the subsequent formation of the newly constituted 120-seat National Assembly proceeded peacefully and without major instances of contention.

The first election under Lesotho's MMP system, unique within Africa, inspired a degree of acceptance unprecedented in the country's history and endowed the resulting government with significant legitimacy on which it could operate in the following term. The peaceful outcome of the elections under the new MMP system was perceived as such a success that it was touted as a model solution for other countries with a history of electoral violence elsewhere on the continent by several seasoned observers of Lesotho's political scene (see e.g., Elklit 2002; Matlosa 2003; Southall 2003; Fox and Southall 2004). The election and following years of stable government indeed indicated that the country had "transformed itself from an enfeebled and fragile democracy to a relatively stable one" and that Lesotho politics had entered new era which "was different from the political instability of the period 1993–8 in that not only did Lesotho manage to scale down considerably the political culture of violent conflict […] but it also made considerable strides in nurturing and consolidating its democracy" (Matlosa 2006: 95–96).

Given these generally favourable appraisals, the constitutionally questionable behaviour, which was displayed by the country's political parties ahead of the 2007 polls and led to the resurgence of political animosities and violence, had not been anticipated. The events that transpired around the 2007 election cast serious doubts on the previously dominant view that the introduction of a new electoral system had led to a sustainable change in the culture of political competition in Lesotho. Ironically, particularly the LCD and its newly formed offshoot, the ABC, had realized that the new electoral system offered the possibility of devising a strategy of party alliances that would subvert the compensatory PR component of the MMP system to their own advantage. The details of party alliances and decoy party lists that were established in this context, the criticism of the IEC's acquiesce to these arrangements, and the disputes about which consequences should be drawn in the light of this apparent breach of the compensatory intention of the MMP system have all been described above. What is important to note here is that the election's main competitors prioritized the anticipated advantages of their actions over adhering to the spirit of the MMP electoral model. Particularly the incumbent LCD appears to have gauged the threat of losing its absolute majority in parliament greater than that of the possibly destabilizing consequences in the form of renewed post-electoral violence.

The result was yet another protracted political conflict – not over the electoral system itself but rather over the applications and violation of the formal electoral rules, which marked a significant regression for electoral legitimacy and political stability. Small and previously unanticipated loopholes that had made the controversial alliance arrangements possible had the profound effect of destroying the delicate political compromise and semblance of peace which had been achieved by the elections five years earlier. As such, the events not only revealed deficiencies in the electoral law but also demonstrated a continued lack of commitment to a more consensual style of multiparty democracy among the political actors involved. The backlash of the parties which felt disadvantaged in the allocation of parliamentary seats, the lack of agreement on which immediate consequences should be drawn from the practice of party alliances and how such conflict could be prevented in the future, the violence – albeit intermittent and of low intensity – that stemmed from the ongoing conflict beleaguered the country, and the eventual resignation of the SADC representative from the drawn-out mediation process only further heightened the impression that the country's political actors had once again regressed to a highly conflictual pattern of political interactions. Interestingly, as the next elections drew nearer without any progress having been made, the critical breakthrough came from the initiative of predominantly domestic actors which eventually

convinced the political parties to reach a compromise on how to prevent a re-occurrence of a distortion of the MMP system through party alliances.

This new mediation process, during which the LCD was eventually persuaded to acknowledge and address the issue of the party alliances' nefarious effect on the MMP system and most opposition parties (the ABC refused to participate) accepted the LCD's proposal for a reform of the electoral system to a one-vote/two-ballot MMP system, spoke of rapprochement between the political rivals and promised a sound set of formal electoral rules for the elections approaching in 2012. Coupled with the retention of basic characteristics of the MMP system, this second round of reforms, indeed, addressed the remaining points of contention related to Lesotho's electoral system and, as would become clear in the future elections, prevented further disputes about the nature of the electoral system or the application of the formal electoral rules and attendant incidences of post-electoral violence.

4.3.2.2 Assessing the impact of electoral reform on political stability

As evidenced by the peaceful conduct of the 2012 and 2015 elections and the acceptance of the electoral results by all stakeholders, the amendments to the electoral law appeared to have solved the major point of contention that caused renewed violence in the wake of the 2007 elections by effectively precluding the possibility of vote splitting and thus abolishing the incentives for party alliances which had been at the heart of the contentions. Moreover, the DC – despite emerging from the elections as the strongest party – grudgingly acknowledged that it was in no position to build a coalition with the other larger parties sufficient to keep it in power. Thus, the 2012 election led to the first real transfer of power from the incumbent government to the opposition since the reintroduction of multiparty politics in almost 20 years. These developments were applauded by a number of observers as a significant step towards the consolidation of democratic rule and political stability in the country (see e.g., Letsie 2013; Kapa and Shale 2014: 105). The coalition government that was forged between the ABC, LCD, and BNP furthermore indicated that the party landscape had moved toward one more typical of that in other countries with a pure PR or MMP system, in which coalition governments tend to be commonplace.

However, while the two-tiered electoral reform process seemed to have brought an end to the occurrence of electoral disputes and violence, it did not spell an end for political instability and conflict in a broader sense. Despite all previous efforts to ensure a peaceful and consensual political behaviour among the country's political elite, the necessity of forming and governing through a coalition government, which had been caused by the outcome of the 2012 and 205 elections, introduced a new source of political contention and instability to the

country's political arena. This instability manifested itself in the deterioration of the relations among the coalition partners and eventual breakdown of the coalition governments which had been formed after the 2012 and 2015 elections but also in the recurrence of politically motivated violence as well as unconstitutional and unlawful actions by various actors involved in Lesotho's politics – including the state's security establishment, whose interference had been largely absent since the 1998 conflict. Much like the conflicts surrounding the electoral system, the political instability that emerged in the period of coalition politics was perpetuated by the lack of an institutional framework conducive to the constructive interaction between the coalition partners as well as power struggles among them.

Beginning with the 2012 election, Lesotho's political parties were, for the first time, confronted with a situation in which no single party had been able to capture an absolute majority of parliamentary seats. Given that the country's constitution did not include legal provisions for the eventuality of a coalition government other than acknowledging it as a possibility (Kapa and Shale 2014: 104–06), the first challenges already manifested themselves in the process of the formation of such a government. Motlamelle Kapa and Victor Shale (2014: 106) noted that since Lesotho's constitution provides a 14-day time window for Parliament to convene after an election, there remained "little or no time for inter-party consultation and negotiation about the formation of coalition government" and that these negotiations had "focused on the allocation of Cabinet portfolios and other senior positions in government rather than on the policies and programmes of coalition partners aimed at providing services to Lesotho's citizens". This insuffciciency of the coalition agreement and the territorialization of government ministries was also noted as problematic by Rajen Prasad, a Commonwealth expert whose services the coalition government had solicited as divergent views concerning a number of policy areas and the running of the coalition became evident. However, Prasad's recommendations and further attempts by SADC and the Commonwealth to reconcile the increasing confrontational stance of the coalition partners in 2014 did little to propel a more amicable atmosphere or a more productive policy-making process. Instead, working relations continued to deteriorate leading to the eventual breakdown of the government after only a little more than two years into office. What had started out as a conflict about the responsibilities and competencies within the coalition escalated into yet another protracted political crisis involving a series of events involving not only the coalition partners but also interference and polarization among politicized factions within country's security establishment. As outlined above, with the defection of the LCD from the coalition to the DC imminent, ABC leader Thabane attempted to remain in office as Prime Minister by

pursuing the highly controversial maneuver of dismissing parliament. This move not only effectively brought the political process to a standstill but also eventually prompted parts of the army which had remained loyal to Kamoli to take action against Thabane and the police forces which largely remained loyal to the ABC. While the coalition parties had initially been eager to gain access to power both they and the country's constitution had been incapable to facilitate the procedures and behaviour necessary for the formation and sustained functioning of such a government.

Under the leadership of SADC, a political solution to the renewed instability in the country was sought by forcing the army to return to the barracks and by holding new elections in early 2015. However, the peacefully conducted elections, which returned Mosisili to power at the helm of a coalition with the LCD and five minor parties, have since contributed little to foster political stability in the country. Instead, Mosisili's government has tolerated – if not been complicit – in the persecution of a number of politicians, civilians and security personnel associated with the opposition or alleged of conspiring against the government and army leadership. More recently, the governing coalition unraveled due to power struggles within the DC, which occasioned several MPs to defect from the DC to create yet another political party.

Overall, beginning with the 2012 elections, Lesotho politics appear to have entered a new era. This most recent period has differed from previous ones through two notable developments: the lack of election-related violence and the transfer of power from incumbents to the opposition linked with the emergence of coalition governments. The general acceptance of electoral results by the country's political parties and the lack of post-electoral violence have certainly been a positive development, which was facilitated by the previous introduction of the MMP electoral system and the amendments to the electoral law necessitated by the circumvention of the new electoral system through alliances arrangements in the 2007 elections. Unfortunately, however, the absence of electoral violence has not been accompanied by a departure from the political instability, which has been a continuous feature of Lesotho politics since independence. It rather seems that lack of political tolerance and highly confrontational politics which previously had manifested themselves in the refusal of losing parties to accept defeat and claims of all sorts of irregularities, have persisted in the form of power struggles within the context of the formation and operation of coalition governments.

5 Conclusion

Elections have traditionally been one of the most studied research subjects in political science. Moreover, the study of election dynamics in non-democratic and young democratic regimes as well as the study of violent intrastate conflicts such as civil wars, ethnic rebellions, and genocide have become established research fields in political science over the last few decades. The main impetus of this thesis has been to investigate a phenomenon at the intersection of these often disparate bodies of scholarly research: electoral violence.

The challenge of holding free, fair, and peaceful elections has particularly remained a challenge in many countries in sub-Saharan Africa, where election-related violence remains a pervasive feature of the electoral dynamics, even though democratic elections and multiparty competition have – at least formally – become the dominant mode of regulating access to political power since the political liberalization of many formerly authoritarian regimes since the beginning of 1990s. Furthermore, the phenomenon of electoral violence is not only empirically prevalent but also highly relevant in terms of its immediate consequences (i.e. humanitarian, social, and economic costs) and as an obstacle to democratic consolidation.

The overview of previous research found that the formal institutional framework, when inadequate for channelling and managing societal conflict in a non-violent manner, may be an important explanatory variable for the occurrence of politically motivated violence. The specific research interest pursued in this thesis has therefore been to more closely examine possible causal links between the electoral system and the occurrence of electoral violence. To this end, the thesis has proposed the hypothesis that the type of the electoral system, especially when interacting with other institutional factors which motivate political actors to seek access to political power and control over the state's resources, may be a crucial intervening variable influencing the stakes raised by electoral competitions and thus central to incentivising or restraining the deployment of violence as a strategic means of influencing or disputing electoral outcomes. Consequently, the research objective of the thesis has been twofold: First, to – at a theoretical level – explore possible causal mechanisms through which certain types of electoral systems, particularly majoritarian electoral systems may raise the stakes of electoral competitions to a level at which various electoral violence (in its various manifestations) may be deployed by political actors as an attempt to influence the electoral process in a manner favourable to the perpetrator or as a reaction to the announcement of electoral results perceived to be unfavourable or illegitimate. A second objective has been to assess the

effectiveness of addressing and preventing incidents of electoral violence through electoral reforms intended to produce a more proportional representation of various political parties in parliament.

The thesis has thus sought to empirically explore the above-mentioned aspects through a case study of the southern-African country of Lesotho by tracing the causal mechanisms which repeatedly incited the country's political parties to strategically deploy violence in the context of elections governed by a FPTP electoral system and by delineating the process and consequences of the replacement of the previous electoral system with a MMP system. Ever since Lesotho's return to multiparty democracy with the 1993 elections, the country has repeatedly faced political instability in the form of post-election violence, attempts to depose elected governments, splits of political parties, interference of the state's security forces in the realm of politics, and the harassment and assassination of political opponents.

In the aftermath of the country's first two elections under the new multiparty system this political instability particularly manifested itself in post-electoral violence sparked by electoral results and, by extension, directed against the governments resulting from these elections. A detailed analysis of these conflicts has plausibly linked this type of election-related conflict to the dissatisfaction of some of the political parties with the effects of FPTP electoral system, which determined the method whereby votes were translated into parliamentary seats. Furthermore, these grievances were further exacerbated by other formal and informal institutional characteristics of Lesotho's political system, which significantly raised the stakes of political competition and perpetuated distrust among the various political actors on both sides of the conflict. The analysis thus concludes that the retention of the FPTP electoral system posed a serious challenge to political stability in the two elections following the country's return to multiparty politics after 23 years of authoritarian rule (16 of one-party rule by the BNP and seven by the military). By over-rewarding the winning BCP and LCD, respectively in the 1993 and 1998 elections, with a complete domination of the parliament and amplifying the already strong support these parties enjoyed among the electorate (as evidenced by their significant share of the national vote), the mechanical effects of the FPTP system disproportionately punished the losing opposition parties and excluded them from political participation.

It was further argued that the cost of and discontent over the political exclusion induced by the electoral system, the intensity of the ensuing violence and instability was exacerbated by two further aspects. First, it appears that the opposition parties were genuinely unable and/or strategically unwilling to concede that their resounding defeat had resulted from broad support for the winning party

among the national electorate which had been further amplified by the mechanics of the FPTP electoral system. Instead, despite a lack of tangible evidence and the endorsement of the electoral process by a number of election observer missions, the parties publically denounced the elections as fraudulent and attempted to legally challenge the results in the courts – a strategy that ultimately failed after both the 1993 and 1998 electoral contests. Secondly, the political exclusion bore significant costs for economic well-being of the affected sections of the political and administrative elites. In a politico-economic environment characterized by extreme poverty and severely limited economic options outside the domain of the state, the political participation of elites both within the ruling parties and those in the opposition has been and remains to be motivated primarily by the desire for access to state power and to options for wealth accumulation through the holding of public offices. Under these circumstances, rather than fostering national unity, the era of Lesotho's return to multiparty politics essentially remained a struggle for state power at all costs that prevented the political parties from consenting to election results and embracing a common purpose of fostering national cohesion and enhancing socio-economic development to the benefit of the general population. The post-electoral, political instability, and loss of life following the 1993 and 1998 elections can thus be interpreted as a direct consequence of these factors.

Apart from tracing these challenges, the second objective of the thesis has been to assess the effectiveness of the electoral reforms undertaken in the country to address the issue of the violent contention of election results and government legitimacy. The thesis concludes that the electoral reforms, comprising negotiations about and the adoption of a new electoral system in the form of an MMP model between 1998 and 2002 as well as the legal amendments to this system enacted in 2012, represented important steps in addressing this issue. Indeed, three of the four elections held under the MMP electoral model produced results that were broadly accepted by the winners and, more importantly, the defeated opposition parties, which were nonetheless rewarded with a sizable share of parliamentary seats. A notable exception to this trend was the violence that was triggered by the issue of the legality of party alliances in the 2007 elections. However, it is important to note that central issue of this conflict was not related to the legitimacy of the electoral system per se (as had been the case during the 1993/94 and 1998 conflicts) but ostensibly centred on the correct application of the reformed electoral system and the deliberate design of the party alliances fashioned to distort the electoral system's core principle of proportionality in the parliament as a whole.

This largely positive effect of electoral reform towards a more proportional electoral system concerning the issue of electoral violence suggests that tentative lessons may be drawn for other African countries, where majoritarian systems currently govern elections and post-electoral violence remains a substantial threat to political stability. While the case of Lesotho has not been particularly instructive for empirically understanding the incentives that majoritarian systems may provide for political actors to engage in pre-election violence, it does suggest that more proportional electoral systems may facilitate the acceptance of electoral results and reduce the incentives for political actors to engage in post-electoral violence. Actors, both domestic and international, concerned with the issue of electoral violence should therefore at least consider the electoral reforms to a more proportional electoral system as one among several possible tools to promote the peaceful conduct of multiparty elections in young democracies and assess the adequacy of such an intervention.

While the Lesotho case provides somewhat promising indications that a move away from purely majoritarian electoral systems may alter the incentives for political actors to engage in electoral violence, proponents of institutional engineering should nonetheless be hesitant to regard electoral reform as a panacea for the multifaceted phenomenon of political instability and should be aware of the various difficulties, challenges, and limits of initiating and implementing an undertaking as sophisticated as the complete reform of one of the central components of the formal institutional framework governing elections. As far as initiating negotiations reforming the electoral system are concerned, the Lesotho case highlights the central role of external actors – most notably SADC member states – in initiating and providing the momentum for the negotiations about the adoption of a new electoral system in the country. Given the level of political polarization and attendant violence between the government and the opposition at the time of the SADC-sanctioned military intervention in 1998, it is highly unlikely that the political parties would have been inclined to return to the negotiating table and consider a political solution to the political crisis without the political pressure and agenda-setting provided by the regional organization and its members through the establishment and specific design of as well as support to the IPA. Moreover, the recurrence of a phase of political instability (2007–2012) following the formation of party alliances in the 2007 election can be regarded as a reminder that it is almost impossible to entirely predict the reactions of political actors to an institutional change as complex as the adoption of a new electoral system. Reformers should therefore be prepared to wait for a new electoral system, once put in place, to establish itself as parties, candidates, and voters fully become aware of the functioning, effects, and incentives of the new electoral rules in the specific socio-political context of the

country. During this process, political parties should be encouraged to foster trust in the electoral system by pursuing incremental reforms and amendments which may be necessary to prevent manipulation through previously unanticipated loopholes and to protect the letter and spirit of the new electoral system. Finally, actors promoting reform are well advised to acknowledge the limits of and trade-offs involved in the adoption of a more proportional electoral system to address the issue of electoral violence.

Even though the adoption of the MMP electoral system in 2002 and amendments to the electoral law in 2007 appear to have prevented the occurrence of election-related violence for the time being, other forms of political instability originating from a combination of both new and old sources of conflict (e.g., the politicization and impunity of security apparatus, constitutionally dubious political manoeuvring, the elimination of political opponents, the continued fracturing of the party landscape, and the collapse of government coalitions) have endured. The persistence of these conflicts indicates that electoral reforms, while addressing one important source of political instability in the country, have not been sufficient to foster greater political tolerance and a more consensual style of politics that embraces a common national purpose of socio-economic development and transcends the narrowly self-interested power struggle among disparate sections of the country's political elite.

Overall, prospects for the peaceful settlement of ongoing conflicts and political stability in Lesotho remain uncertain at the time of writing. By increasing oppositional representation in the National Assembly, the introduction of the MMP system has promoted the acceptance of electoral results and has provided an institutional framework more conducive to the legitimacy of the resulting government. Evidence suggests that these reforms have contributed to preventing a relapse into violence in the proportions of the 1998 crisis. Nonetheless, the country has since encountered several episodes of political instability, which have remained a cause for concern with SADC and international donors. At this point, the future survival and development of multiparty democracy will depend on the readiness of the country's political elites to accept the fact that no single party will be able to dominate the political landscape in the foreseeable future and that they will thus continue to rely on one another to rule the country through government coalitions – no matter, how deep the perceived differences and historical animosities among them may run. As long as this challenge is not accepted and supported by further institutional reforms, which set guardrails for the decision-making process among the parties represented in parliament and government, elections may remain peaceful but political stability and the broader development of a culture of democratic values will remain elusive.

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Idealus 3

UNIVERSITÄT DUISBURG ESSEN

Schriftenreihe des Instituts für Politikwissenschaften der Universität Duisburg-Essen

Electoral violence and electoral reform in Lesotho

An assessment of the causal relationship between electoral systems and electoral violence and the prospects of addressing electoral violence through electoral system reform.

Stephan Trappe

Im Mittelpunkt der Arbeit steht die auch politisch wichtige Frage, welche Faktoren elektorale Gewalt erklären, Herr Trappe interessiert sich dabei für einen Erklärungsfaktor, der in besonderer Weise politischen Reformen zugänglich ist, nämlich das Wahlsystem. Den Einfluss des Wahlsystems auf elektorale Gewalt, bzw. von Reformen des Wahlsystems untersucht er am Fallbeispiel des im südlichen Afrika gelegenen Staates Lesotho. Die Betrachtung von sechs aufeinanderfolgenden Wahlen mit Varianz sowohl auf der Ebene des Wahlsystems als auch im Auftreten elektoraler Gewalt ermöglicht daher einen kontrollierten Vergleich unter ansonsten weitgehend konstanten Kontextbedingungen.
Vor dem Hintergrund unterschiedlicher theoretischer Überlegungen zu der möglichen Wirkung von unterschiedlichen Wahlsystemen auf Gewaltaustrag liefert die Arbeit eine Reihe interessanter Ergebnisse. Danach befördern primär die stark mehrheitsbildenden Effekte von relativer Mehrheitswahl, aber auch (in abgeschwächter Form) MMP Gewalt, und zwar im Unterschied zu anderen (afrikanischen) Staaten erst nach Bekanntgabe der Wahlergebnisse. Erst die proportionalere Zusammensetzung des Parlaments seit 2015 führte zu einem starken Rückgang an elektoraler Gewalt. Dieser Rückgang zeigt recht eindrucksvoll, dass die Reform formaler Institutionen einen Einfluss auf den Gewaltaustrag hat. Zugleich hat die Reform nicht zu größerer politischer Stabilität in Lesotho geführt, und der Rekurs auf einen auch gewaltsamen Austrag von politischen Konflikten im politischen System ist dadurch keineswegs gebannt.

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