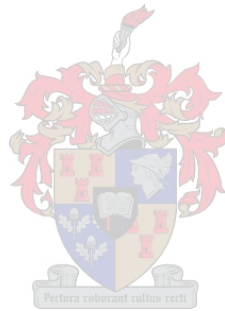


THE KINGDOM OF LESOTHO: AN ASSESSMENT OF PROBLEMS IN DEMOCRATIC CONSOLIDATION

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DECLARATION

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ABSTRACT

The main problem investigated in this study is why a homogeneous nation with a high literacy rate such as Lesotho has had so many breakdowns of democracy since independence in 1966. Lesotho is completely surrounded and economically dependent on South Africa and depends mostly on the external sources of income (migrant remittances, customs revenues and foreign aid). Why has this democracy not consolidated?

For the assessment of the consolidation of Lesotho's democracy, this study adopted the multivariate model of Bratton and Van de Walle. This model uses institutional as well as socio-economic variables. In the application of this model various other authors were used as well. Schedler dealt with the concept of breakdowns, whereas Linz and Stepan emphasised institutions and Przeworski *et. al* and Leftwich also utilised multivariate models, including socio-economic factors.

Upon the attainment of independence, the King became a constitutional monarch within a parliamentary system. The monarchy was from the beginning of independence uncomfortable with this status that granted him limited powers. The democratic regime inaugurated with the 1965 elections lasted only till 1970, when the ruling party under Chief Leabua Jonathan which did not support the monarchy, declared the election results invalid and suspended the constitution after his ruling party lost to the opposition. But Chief Leabua Jonathan was toppled from state power in 1986 by the military. The military ruled for eight years. It was clear that the monarchy (eager for executive powers) and the military became factors in the survival of democracy in Lesotho.

Democratic rule was relaunched in 1993. The 1993 and 1998 elections were followed by violent power struggles. This time the constituency-based electoral system served as catalyst for the political crises and was blamed. This is because seats did not reflect electoral support as opposition parties were not adequately represented in parliament. Constitutional reforms followed and in 2002 democratic rule was reintroduced. The 2002 and 2007 elections were conducted under the Mixed Member Proportional (MMP) system, which is a hybrid between constituency-

based and proportional representation. Despite the electoral reforms, uncertainties still remained as the result of escalating socio-economic problems.

This study addresses the ways in which the monarchy, the military, the electoral system and the socio-economic factors contributed to the breakdown of democracy in Lesotho. The original aspect of this study lies in the novel set of questions that have not been asked before. It fills the gap in the literature on the 2007 elections and the workings of the new electoral system by comparing the 2002 and the 2007 elections.

Despite the constitutional reforms in 2002, the 2007 elections resulted in the new set of problems. The problem of the Lesotho MMP system is how it has to be operationalised and the lack of understanding among the politicians and electorates on how it works. This situation is exacerbated by the absence of legal and clear guidelines on how the translation of votes into seats— especially for candidates under proportional representation (PR) – has to be undertaken in cases where there are coalitions between parties. This institutional reform of the electoral system has not added any value for the development of democracy as losing parties have refused to adhere to the rules.

Apart from the electoral system, some of the other core problems are older and institutional. The monarchy has over the years been at the root of some of the country's democratic breakdowns. It also had influence in the military. The military instituted a period of authoritarianism and managed the transition to democratic rule in the early 1990s. The monarchy and the military continued to destabilise the post-1993 democratic governments until 1998, after which the electoral system was reformed.

But the problems are not only institutional. Lesotho is a democracy with low *per capita* income. It also has high levels of inequalities as well as high unemployment. Lesotho also has one of the highest HIV/Aids rates in Southern Africa. The country performs poorly when measured against aspects of the United Nations Human Development Index (HDI) such as life expectancy, mortality rates and standard of living. It is the poorest country, with the lowest HDI of Southern Africa's "free nations", according to Freedom House. These socio-economic problems have impacted negatively on the prospects of democratic consolidation.

One positive aspect is the high literacy rate of over 80%. But this has not benefited Lesotho's democracy in any meaningful way as most of its educated people are working in South Africa. The country does not have a sizeable middle class, while civil society, except for churches, is also weak. While the monarchy and military have been successfully depoliticised, Lesotho's democracy remains unconsolidated because of weaknesses in the electoral system (lack of understanding of its operationalisation) and continuing problems of socio-economic development. Its ethnic homogeneity is not an asset either as other divisions have recurred all the time. The overall conclusion is therefore that although most institutional factors responsible for democratic breakdowns in the past have been overcome, the socio-economic variables such as poverty, weak civil society, small middle class and socio-economic inequality will hinder consolidation for a long time to come.

OPSOMMING

Die hoofprobleem wat in hierdie studie ondersoek word, is hoekom 'n homogene nasie met 'n hoë geletterdheidsyfer soos Lesotho, soveel onderbrekings (“breakdowns”) van die demokrasie sedert onafhanklikwording beleef het.

Vir die beoordeling van konsolidasie van Lesotho se demokrasie is van 'n model van multivariëteit gebruik gemaak. Dit is gebaseer op die denke van Bratton en Van de Walle wat van sowel institusionele as sosio-ekonomiese veranderlikes gebruik maak.

Die konsep van afbreuk (“breakdown”) is van Schedler afkomstig. Linz en Stepan maak uitsluitlik van institusionele veranderlikes gebruik, terwyl Przeworski *et. al* en Leftwich ook van multi-veranderlikes gebruik maak. Hulle denke het die teoretiese raamwerk van hierdie studie gevorm.

Heeltemal omring deur, en afhanklik van Suid-Afrika, word die Koninkryk van Lesotho geteister deur politieke onstabiliteit. Die koning het 'n grondwetlike monargie binne 'n parlementêre stelsel geword. Die monargie was egter sedert die begin van onafhanklikheid ongemaklik hiermee. Die demokratiese regime het in 1965 met verkiesings tot stand gekom. Maar dit het slegs tot 1970 geduur toe die regerende party van Hoofman Leabua Jonathan die verkiesing verloor het, en die grondwet opgeskort het. Hyself is in 1986 in 'n staatsgreep deur die weermag omvergewerp. Dit was toe reeds duidelik dat die monargie en die militêre faktore in die oorlewing van demokrasie in Lesotho geword het.

Demokratiese regering is in 1993 heringestel. Die 1993 en 1998 verkiesings het egter weer geweld opgelewer. Nou was die kiesafdeling-gebaseerde kiesstelsel geblameer omdat setels nie met steun vir partye gekorreleer het nie. Grondwetlike hervormings is ingestel waarna demokrasie weer in 2002 heringestel is. Die verkiesings van 2002 en 2007 het onder reëls van 'n hibriede stelsel van proposionele verteenwoordiging sowel as kiesafdelings plaasgevind. Daar was stabiliteit, maar onsekerhede was as gevolg van ingewikkeldhede van die stelsel wat nie opgelos is nie.

Die studie ontleed die rol van die monargie, die weermag, die kiesstelsel en vlak van sosio-ekonomiese ontwikkeling in die opeenvolgende demokratiese ineenstortings in Lesotho. Die oorspronklikheid van hierdie studie is dat vrae gestel word wat nog nie voorheen met betrekking tot Lesotho gedoen is nie. Dit vul dus 'n gaping in die literatuur, ook wat die onlangse verkiesings van 2007 betref.

Ten spyte van die grondwetlike hervormings van 2002, het die 2007 verkiesings nuwe probleme opgelewer. Die probleem is dat sowel die kiesers as die politici nie altyd verstaan hoe die hibriede stelsel werk nie. Daar is ook 'n afwesigheid van riglyne oor hoe om stemme in setels om te sit waar kaolisies deelgeneem het.

Afgesien van die verkiesingstelsel, is van die ander probleme ouer, maar ook institusioneel van aard. Die monargie soos hierbo gestel, is deel van hierdie probleme. Dit het soos aangedui ook 'n invloed op die militêre gehad. Beide het die demokrasie gedestabiliseer tot ná 1993 en 1998, waarna die nuwe verkiesingstelsel nuwe probleme opgelewer het.

Die probleme in Lesotho is egter nie net van 'n institusionele aard nie. Lesotho is 'n arm demokrasie met lae *per capita* inkomme, hoë ongelykhede en werkloosheid, asook van die hoogste HIV/Vigs syfers in Suider Afrika. Lesotho vaar ook swak op die Verenigde Nasies se Menslike Ontwikkelingsindeks. Dit is ook die armste van Freedom House se nasies wat as "vry" geklassifiseer word.

'n Positiewe aspek is die hoë geletterdheidsyfer van 80%. Maar dit het Lesotho oënskynlik nie gehelp om die demokrasie volhoubaar te maak nie. Die land het byvoorbeeld nie 'n beduidende middelklas nie, terwyl die burgerlike samelewing met uitsondering van die kerke, ook swak is. Terwyl die monargie en die militêre deesdae gedepolitiseer is, is die demokrasie nog nie gekonsolideer nie. Die redes hiervoor is die probleme met die kiesstelsel en voortgesette lae ekonomiese ontwikkeling. Etniese homogeniteit is ook skynbaar nie 'n bate nie, want ander verdelings ontstaan deurentyd. Die hoofkonklusie van hierdie studie is dus dat alhoewel Lesotho die institusionele faktore wat vir demokratiese afbreuk in die verlede verantwoordelik was oorkom het, die sosio-ekonomiese veranderlikes soos armoede, swak burgerlike samelewing, klein middelklas en ongelykheid steeds konsolidasie nog vir 'n lang tyd sal belemmer.

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LIST OF ACRONYMS

ABC	– All Basotho Convention
ACP	– Alliance of Congress Parties
BAC	– Basutoland African Congress
BBDP	– Basotho Batho Democratic Party
BCP	– Basotho Congress Party
BNP	– Basotho National Party
BNDP	– Basotho National Democratic Party
CDP	– Christian Democratic Party
DP	– Democratic Party
IEC	– Independent Electoral Commission
IPA	– Interim Political Authority
KBP	– Kopanang Basotho Party
LCD	– Lesotho Congress for Democracy
LDF	– Lesotho Defence Force
LCN	– Lesotho Council of Non-Governmental Organisations
LEC	– Lesotho Evangelical Church
LEP	– Lesotho Education Party
LLA	– Lesotho Liberation Army
LLP/UDP Alliance	– Lesotho Labour Party/United Democratic Party Alliance
LWP	– Lesotho Workers Party
MFP	– Marematlou Freedom Party
MMP	– Mixed Member Proportional
NDP	– National Democratic Party
NIP	– National Independent Party
NLFP	– New Lesotho Freedom Party
NPP	– National Progressive Party
PEMS	– Paris Evangelical Missionary Society
PFD	– Popular Front for Democracy
SDP	– Social Democratic Party

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CHAPTER 1: INTRODUCTION

1.1 Introduction

This chapter begins with a brief historical overview, followed by the problem statement, research questions, the conceptual framework and the research methodology. The kingdom of Lesotho is a landlocked country of 30,355 square kilometres, which is completely surrounded by the Republic of South Africa (Khaketla, 1971:1). The country is very mountainous with a harsh climate, especially in the north-east and along the eastern border, where the elevations exceed 3,350 metres above sea-level. Less than 13% of the soil is arable and is found mostly in the western strip. The extremely skewed distribution of arable land explains the excessive population concentration in the western cultivable areas (Poverty Reduction Strategy of Lesotho, 2004/5:12).

The scarcity of jobs and land shortages has forced many Basotho people to move to South Africa as migrant labourers. It was estimated that in 1995 over 25% of the adult male labour force was employed in the South African mining industry. For decades the country's economy depended mainly on the remittances from its population working in the South African mines. While there was a decline in the 1980s in the numbers of migrant workers employed in South Africa as a result of retrenchments, there has been a renewed migration of skilled workers since the 1990s as a result of political changes in South Africa (Poverty Reduction Strategy of Lesotho, 2004/5). This dependence makes Lesotho very vulnerable to the politics of a powerful neighbour.

Since the attainment of independence 40 years ago, the country's democracy has experienced a number of breakdowns. The political atmosphere has been unstable and turbulent, with sporadic political violence. There have been three military *coups de tat*. A process of redemocratisation was attempted in 1993. But violence marred the elections of 1998. Electoral reforms were then introduced in 2002. In 1998 the country was engulfed in the worst political violence of its history, which almost precipitated the country into the state of civil war as opposition parties refused to accept the outcome of

the elections. This political crisis led to the destruction of much of the economic sector of Maseru and other towns through looting and burning down of major commercial centres. According to estimates, the damage was over M300 million (R300 million) (Bureau of Statistics: Report on National Annual Accounts, 2000:1).

1.2 Historical overview

The kingdom of Lesotho is based on the pre-colonial state of Basutoland, which was established by Moshoeshe in 1822. Moshoeshe was a remarkable leader who forged a new nation from smaller groups and refugees from the *difaqane* period in Southern Africa. He made skilful use of the placing system, which entailed placing a trusted loyalist – usually a member of the Koena group and a “Son of Moshoeshe” – in charge of smaller groups. Overall 22 principal chiefs and ward chiefs came into being.

The monarchy remained functional from 1822 to the present day, but lost executive power at the time of independence. Placing strengthened the power relations with his ‘core’ district of Matsieng at Thaba-Bosiu (Kimble, 1999:9). The most significant political institutions were the *pitso* (public gathering) and *lekhotla* (court). These institutions were characterised by high levels of popular participation and a considerable freedom of speech, which is a hallmark of democracy (Machobane, 1990:23). Machobane (1990:25) states that *pitsos* “ensured that people participated in the government and governance, [and] Moshoeshe achieved an important traditional institution of public democracy”.

The *lekhotla* (court) is where major decisions relating to a whole range of affairs is made, from war to diplomacy, from major political placements to ‘cultural revolutions’ (such as the temporary abolition of *lebollo* – circumcision). These decisions were made in this “corridor of power” (Kimble, 1999). What must be noted is that, though the Kingdom consolidated during the *difaqane* period, there are still remnants of the Tlokwa, Baphuthi and Nguni-speaking people who remained outside of these institutions, though they are incorporated into the Sotho way of life. Their identity still prevails to a large extent in areas of Quthing and Butha-Buthe. Despite this, a remarkably homogenous,

single-language nation-state emerged, with Sesotho spoken as first language by at least 80% of the population (the other languages are Xhosa and English).

During the years of British rule (1868-1966) the colonial administration sought to maintain the basic political conditions for domination over Moshoeshoe's successors. The British ruled the Basotho through the monarchies of Letsie I (1870-1891) and Lerotholi (1891-1903). This involved the suppression of the anti-colonial threat posed by Letsie's uncle Masopha Moshoeshoe and the "establishment of the basic legal, administrative and fiscal institutions of the colonial state" (Kimble, 1999:4).

Moshoeshoe's successors were made part of the National Council in 1903. Kimble (1999:4) argues that this was "an attempt to create a mode of intervention into... [the country's]... internal workings". This was particularly directed towards control over land disputes, court hierarchies and the administration of taxes. In the later stages they were made part of the Basutoland Council until 1959. By then schools, missionaries, migrant labour and civil administration had all changed the fabric of the traditional society.

There was systematic erosion of monarchical power, particularly in the exercise of executive functions after the country became a British protectorate in 1868. The *Morena e Moholo* (King) became the "paramount chief" under British rule. When the country attained independence, the nation was still intact but with a weaker monarchy as a result of British rule, the forces of modernisation and the imposition of parliamentary rule, which made the office of the King a ceremonial one (Weisfelder, 1999:24). The erosion of the powers of the King affected him as well as his followers, even to this day, as will be explained later.

Soon there was a power struggle between the royalists, who wanted an executive monarch as in Swaziland, and many other traditionalists and commoners, who wanted a titular monarchy and real power in the hands of the Prime Minister, according to the Westminster-type parliamentary democracy that would come to Lesotho at independence in 1966. Royalists formed the Marematlou Freedom Party (MFP) in 1962 as opposed to other traditionalists (mainly chiefs), who formed the Basotho National Party (BNP) as early as 1958. Commoners tended to support the Basutoland Congress

Party (BCP) and later the Lesotho Congress for Democracy (LCD) and the All Basotho Convention (ABC).

The people of Lesotho formed typical civil society associations from the 1920s onwards, e.g. the Progressive Association, the *Lekhotla la Bafo* (LLB), the Traders and the Teachers Associations. Christianity was widespread, with the Roman Catholic Church (RCC) being the largest, followed by the Lesotho Evangelical Church (LEC) since the late 1870s. Christianity and literacy were on the increase. There were high expectations that democracy would work well in a homogenous, literate and civil society-orientated country upon the assumption of independence.

The Kingdom of Lesotho became independent as a parliamentary democracy in 1966. The first democratic government was inaugurated with the 1965 elections; it lasted until 1970, when the ruling party (BNP) under Chief Leabua Jonathan lost the election, as it won 23 seats against the 36 seats of the BCP, or only 42% of the vote (Matlosa, 1999:172). However, his party remained in power as the constitution was suspended. But this was only the first of the breakdowns and others occurred in 1986, 1994 and 1998. As the BCP was supported by many commoners and the BNP by the traditionalists, this was a power struggle in which the conservatives prevailed through undemocratic means, i.e. deviating from the constitution.

Chief Leabua Jonathan declared the election results of 1970 invalid, suspended the constitution and declared a state of emergency. This might have suited interests of the apartheid government in South Africa. He argued that the government was remaining in power to save the country from the onslaught of communism as propagated by the BCP, then led by Ntsu Mokhehle. King Moshoeshoe II was forced into exile to the Netherlands in April 1970 for eight months by the BNP government. This was on the presumption that he “would give the government a breathing space within which it will be able to restore calm and stability in the country” (Mphanya, 2004:70).

During this period the BNP government exercised strict control over recruitment into the armed forces and it consolidated its own power, not only against external threats but, most critically, against the internal opposition (Mphanya, 2004:71). In fact, Mothibe

(1999:47) argues that “the action set in motion an authoritarian agenda characterised by brute force, naked oppression and *de facto* one party rule”. Mothibe (1999) further argues that the military became highly politicised and acted as essential supporters of this civilian dictatorship in power. The army thus sided with the undemocratic forces at that time. The traditionalists also lined up against the royalists by sending the King into exile.

As a result of internal and external pressure to return the country to democracy, the BNP government made token moves to settle the legitimacy crisis that dogged it. It called for general elections in 1985, but these turned out to be illegitimate as all the BNP candidates were elected unopposed because the opposition boycotted the elections. The electoral outcome paved the way for the reform-minded military *coup* with the South African influence which deposed Chief Leabua Jonathan in 1986 (Mahao, 1997:2). It has been suggested (Anonymous, 1986:66) that “from its inception, the *coup* was to facilitate the return to democratic rule, [it was]...a vital moment ...for creating a purely transitional government”.

King Moshoeshoe II gave the military the highest praise for the *coup*. His passionate speech in praise of the *coup* is worth quoting as he stated that:

a second miracle since the founding of the nation happened on the 20 January 1986. This nation was redeemed the second time and given a new lease of life. The Armed forces ushered a new era into Lesotho in an extraordinary fashion, one so different from what usually happens in similar circumstances, that many people are asking themselves whether the change is real and lasting (King Moshoeshoe II Address, 12 March 1986).

The King granted the military administration with the title of Knight Commander of the Most Dignified Order of Moshoeshoe. This was the highest award ever to be given in the country (*The Times*, 22 January 1986). Machobane (2001:66) states that “it was a pronounced recognition of the well conceived plan of the men in arms”. With this setback to civilian authority, the question was whether the army had now begun to

oppose authoritarianism in government or were they acting on behalf of the weakened monarchy?

The military argued that it had launched a *coup* in order to return the country to democratic rule through a process of national reconciliation (Gill, 1993:289). In its early stages the military government attempted to procure a kind of legitimacy by involving the King Moshoeshoe II. The military viewed the monarchy as the institution to lead the country in the process of national reconciliation. The arrangement was that the King would exercise legislative and executive power on the advice of the Military Council (Gill, 1993). Had the King's power base now been militarised, or had the military sided with the monarchy in this ongoing power struggle?

Faction fighting developed within the military as a result of power struggles between the King and Chairman of the Council (Major General Metsing Lekhanya) (Machobane, 2001:57). The outcome of this power struggle led to another change in government in February 1990. This saw the dismissal and prosecution of the King's confidant Colonel Sekhobe Letsie (Machobane, 2001; Mahao, 1997:2). In February 1990 divisions in the regime culminated in the passing of Order No. 2 of 1990.¹

The monarchy lost executive and legislative powers and, most importantly, the military removed King Moshoeshoe II from the throne, forcing him into exile in Britain (Machobane, 2001). This was the second time that the King was exiled, but this time by the military and not the traditionalists led by Chief Leabua Jonathan. The military administration also replaced the deposed King with his son, Prince Mohato Bereng Seeiso, who became King Letsie III in November 1990.²

¹ Order No. 2 of 1990 was passed by the military government and it banned all political activities and political movements in Lesotho.

² Prince Mohato Seeiso and the College of Chiefs resisted the attempts of the military government for his installation as the replacement for his father King Moshoeshoe II, but after the lengthy discussions with the British High Commissioner and the increasing fears that the military government might abolish the institution, the Prince ultimately agreed to take over from his deposed father.

However, the military administration was not reform-minded as they violated the rule of law, abused basic human rights and retarded the process of democratisation (Gumbi, 1995:3). In an effort to appease the potential opposition in the country, the chairman of the Military Council and Head of Government established a Constituent Assembly, which was to pave a way for the return of multiparty democracy (Gumbi, 1995; Mahao, 1997). Did the military now begin to help with the redemocratisation of Lesotho?

The junior officers staged an internal *coup* that dislodged Major General Metsing Lekhanya on 30 April 1991. The chairmanship of the Council was taken over by Colonel Phisoana Ramaema (who became Major General upon the assumption of his duties) (*Mirror*, 27 May 1991). Major General Phisoana Ramaema's ascendancy to power saw the lifting of the Suspension of Political Activities Order No. 4 of 1986,³ which paved the way for the new (second) democratic regime in 1993.

The 1993 election was a significant development in the re-establishment of constitutionalism in Lesotho (Mahao, 1997:4). The long-awaited democratic election took place on 27 March 1993 after a lengthy period in "constitutional limbo" (Mahao, 1997:1). There was a high voter turn-out in the election. The prime factor behind this, according to Matlosa (1997:147) was,

the annulment of the democratic elections and abolition of democracy in 1970, suggesting the importance of these elections to the voters was that they were a means of righting the past wrongs.

The election was won overwhelmingly by the BCP in all 65 constituencies in this typical First-Past-the-Post (FPTP) result, which represented 74% of the vote (Matlosa, 1999:97). The BNP took 23% of the vote but did not get a constituency. This result indicated that the electoral system might have had serious flaws.

The BNP refused to accept the election outcome, alleging that the election was rigged. However, it failed to prove allegations of ballot rigging in the courts and resorted to destabilising the government. The BNP leader Retselitsoe Sekhonyana denounced the

³Political Activities Order No. 4 of 1986 banned political activities until a time that national reconciliation would be achieved (Mothibe, 1999).

BCP government and was later charged with “high treason and sedition”, though he received only a suspended jail sentence (Report of the Commission of Inquiry into the Events Leading to the Political Disturbances which occurred in Lesotho during the period between 1st July to 30 November 1998, 2001:16).

The military was divided into two factions on the issue of who should replace the BCP government after it institutes another *coup*. The other issue at stake was a 100% pay increase demanded from the government (Sejanamane, 1996:38; Matlosa, 1999:174). The situation reached a climax when the then Royal Lesotho Mounted Police (RLMP) (now Lesotho Mounted Police Service (LMPS) went on strike, demanding a 60% pay increase. They were offered a 42% pay increase.

On 14 April 1994 a group of soldiers assassinated Selometsi Baholo, the Deputy Prime Minister and Minister of Finance. In an effort to diffuse the crisis, the government tried to placate the soldiers with an offer of an overall pay increase of 66% and improved their allowances (Mothibe, 1999:55).

Tensions between the executive and the monarchy increased and resulted in the palace *coup* in August 1994. Was this the last throw of the dice for the monarchy? The BCP government was deposed from state power by King Letsie III, who argued that he was acting in the interests of peace and stability. He formed an interim six-person Provisional Government for eight to ten months, while in the meantime the King noted that an Independent Electoral Commission (IEC) would be formed to prepare for new elections under proportional representation (PR) (Matlosa, 1995:133).

The pro-democratic forces (including the BCP members and civil society organisations) organised protests and stay-aways against King Letsie’s interim government. Their stay-away brought the capital, Maseru, and other urban centres to a standstill. All commercial sectors were closed down and most people joined the protests against King Letsie III. The King Letsie III’s interim government lacked legitimacy, but the pro-democratic elements were unable to depose the government (Matlosa, 1995; Mothibe, 1999; Sekatle, 1997).

The military gave tacit support to the palace *coup*. Matlosa (1995) argues that what the royalist supporters failed to acknowledge was the undoing of democracy in Lesotho in the wake of the successful democratic elections in South Africa in 1994. This would have disastrous consequences. The newly elected President of South Africa, Nelson Mandela, warned that if democratic rule was not restored in Lesotho, South Africa might be compelled to send a peace-keeping force.

South Africa began to mobilise its troops along the Maseru-Ladybrand border (Matlosa, 1995:136). Mothibe (1999:21) argues that this was in preparation for the military intervention in Lesotho. The United States of America (USA) and Sweden suspended their aid to Lesotho and other donors threatened to do likewise (*Mopheme*, 26.8.94).

As the result of the external mediation by Botswana, South Africa and Zimbabwe as well as the then Organisation of African Unity (OAU, now the African Union AU), King Letsie III finally agreed to restore the democratically elected BCP government of Ntsu Mokhehle to power on 14 September 1994. A memorandum was signed between Ntsu Mokhehle and the King Letsie III to restore the deposed King Letsie's father, King Moshoeshoe II, to the throne. This action was greeted with popular celebrations across the country as the ceremonial King as well as democratic rule was restored (Southall and Petlane, 1995).

After redemocratisation in 1993 and the formation of the LCD in 1997, the 1998 election was won overwhelmingly by the LCD. The LCD won 79 out of 80 seats with 60% of the vote (Kadima, 1999:14). This was the turning point for the electoral system of FPTP as BNP won 24, 5% of the vote but only one seat. The BCP got 10, 5% and the MFP got 1, 3% of the vote but they did not get any seats either. This led to dissatisfaction and bitterness among opposition parties (BCP, BNP and MFP) as they felt excluded from the political system. They refused to accept the election outcome. They also alleged ballot rigging and then organised violent protests against the LCD government (Makoa, 1999:83). The South African led military intervention managed to restore law and order and this paved the way for the electoral reforms.

It is against this background that the elections of 2002 took place. A mixed electoral system that incorporated FPTP and PR known as the mixed member proportional (MMP) system was adopted for the 2002 elections. It provided that parties would submit lists for the 80 constituency-based seats and political party lists for the 40 proportional seats (Government of Lesotho, Interim Political Act, 1998). However, the 2002 parliamentary elections were characterised by a split in every one of the main political parties as a result of infighting.

The LCD was split between two groups: Shakhane Mokhehle, the then Minister of Justice, Human Rights and Prisons and brother of the former Prime Minister and founder of the LCD, led a dissident group against the Prime Minister and party leader Pakalitha Mosisili. The two personalities had been in open conflict on the direction the LCD should take. Shakhane Mokhehle publicly disapproved of the election of the new National Executive Committee (NEC) in January 2001.

Eventually Prime Minister Mosisili sacked three cabinet ministers, including Mokhehle, and demoted the Deputy Prime Minister and deputy party leader, Kelebone Maope, to a relatively junior position in cabinet (Lesotho National Assembly Report, 2002:9). This development led to a breakaway from the LCD and the formation of the Lesotho People's Congress (LPC) led by Kelebone Maope.

Power struggles continued in the BCP over the leadership of the party between Molapo Qhobela and Tseliso Makhakhe, which culminated in a protracted court case. The Lesotho High Court finally ruled in favour of the Tseliso Makhakhe faction. The Molapo Qhobela faction broke away and formed the Basutoland African Congress (BAC). This was the old BCP name that was used in the 1950s.

The 2002 elections were eventually won by the LCD with 77 of the 80 constituency seats. The LPC won one constituency seat. Two constituencies did not elect their constituency representatives as a result of the death of two opposition candidates and the election was rescheduled in these constituencies. The LCD did not get the PR seats because Lesotho's MMP system states that any party which wins over 70 constituency seats will not get the PR seats (Elkit, 2002:2).

Of the 40 PR seats, BNP got 21 seats, the LPC got four seats, BCP got three seats, BAC got three seats, the Popular Front for Democracy (PFD) got one seat, MFP got one seat and the National Independent Party (NIP) got five seats. The Lesotho Workers Party (LWP) and the National Progressive Party (NIP) each got one seat (Elkit, 2002).

The elections were accepted by the opposition parties except the BNP. The BNP made allegations of ballot rigging and instituted legal proceedings against the LCD. The BNP lost in all the cases on ballot rigging. However, stability prevailed after the 2002 elections, with no violent protests against the outcome.

Prior to the 2007 elections significant developments occurred in the country's political landscape. The BNP was embroiled in the power struggle over the direction the party should take. The BNP's MPs formed a faction known as the Struggle for Democratic Change, which demanded constitutional amendments and the removal of Major General Metsing Lekhanya from the leadership of the party. They accused him of being undemocratic and authoritarian (*MoAfrika*, 18 November 2006).

The assassination of the former deputy leader and senior member of the BNP, Bereng Sekhonyana, MP, deepened the BNP crisis. The Struggle for Democratic Change, facing allegations that it was backed by the LCD government, accused Major General Metsing Lekhanya's faction of being responsible for the assassination of Bereng Sekhonyana, MP (*MoAfrika FM*, Radio Broadcast, 26 November 2006).

The Struggle for Democratic Change held their conference and elected the new leadership of the party. Thabang Nyeoe was elected as the party president. Major General Metsing Lekhanya's faction opposed the election of the executive on constitutional grounds and they eventually won their case in the High Court. Thabang Nyeoe broke away and formed the Basotho National Democratic Party (BNDP) (*MoAfrika*, 18 November 2006).

In October 2006 Thomas Thabane (a senior cabinet Minister of Communications, Science and Technology) broke away from the LCD and formed the All Basotho Convention (ABC). Thabane cited rampant corruption, the lack of service delivery and the lack of implementation of policies in the LCD government as the key factors for his

breakaway. He crossed the floor and joined the opposition with 17 MPs. This move reduced the LCD dominance in parliament, as it remained with 61 seats over against the combined opposition, which had 58 seats.

Amid unconfirmed reports that the ABC was mobilising MPs from the ruling party to cross the floor and push for the vote of no confidence in the LCD government, the Prime Minister Pakalitha Mosisili called for the closure of parliament as well as for early elections (*Moeletsi oa Basotho*, 4 December 2006).

Though Thomas Thabane cited lack of service delivery and poor implementation of policies, the deputy leader of the ABC Sello Machakela indicated that the break with the LCD was a result of the unpopular amendment of the LCD constitution (*Moeletsi oa Basotho*, 4 December 2006). This amendment stated that “the National Executive Committee (NEC) shall have a final say in who should contest for the party in the constituencies and... shall have the right to neither accept nor refuse the name of the proposed candidate” (Lesotho Congress for Democracy (LCD) - *Lekhotla la Puso ea Sechaba ka Sechaba* Constitution, 2005:16).

Eager to get PR seats, the LCD formed a coalition with the NIP. The leader of the NIP, Anthony Manyeli, publicly denounced the LCD/NIP coalition after he was left out in the PR list. Anthony Manyeli successfully got an interdict from the High Court which declared the LCD/NIP coalition null and void, but this was later overturned by the Court of Appeal. This resulted in the emergence of two camps in the NIP, one under Anthony Manyeli, which refused to recognise the coalition, and the other under his deputy Motseki Motikoe in support of the coalition (*Moeletsi oa Basotho*, 4 December 2006).

The ABC formed a coalition with the LWP. Neither the NIP nor the LWP fielded candidates in the constituencies, but their supporters were to vote for the LCD and ABC candidates respectively. In return, the LCD and ABC supporters were to vote for NIP and LWP under PR. The LPC, BAC and the BCP faction led by Ntsukunyane Mphanya known *Mahatamoho a Poelano le Kopano* (Congress of Reconciliation and Union) contested the election as the Alliance of Congress Parties (ACP). The retrenched and disgruntled migrant workers from the South African mines, who were unhappy about

their retirement benefits, formed the Basotho Batho Democratic Party (BBDP) under the leadership of Jeremiah Ramathebane.

The 2007 elections (for 80 FPTP seats) were won by the LCD with 61 constituency seats, the ABC won 17 constituency seats and the ACP won one constituency seat. Elections were rescheduled in one constituency following the death of the ACP candidate. For the 40 PR seats, the NIP got 21 seats and the LWP got 10 seats. The BNP got three seats, the Alliance of Congress Parties (ACP), Basotho Batho Democratic Party (BBDP), Basotho National Democratic Party (BNDP), Popular Front for Democracy (PFD), BCP and the MFP all got one seat each (Independent Electoral Commission (IEC), Election Report on Lesotho 2007 General Elections, 25 February 2007). The LCD won almost all the rural constituencies. The ABC won the urban and semi-urban areas in Maseru, Berea, Teyateyaneng, Peka, Maputsoe, Hlotse and Butha-Buthe.

Opposition parties refused to accept the electoral outcome with allegations of ballot rigging. The King had publicly accepted the outcome of the elections. He stated that his powers were defined in the constitution and appealed to the opposition parties to challenge the LCD/NIP coalition in a peaceful manner.

The ABC candidate for the Matlakeng constituency, Tsotang Mphethe, was expelled from the National Assembly five days after taking an oath as an MP. The circumstances under which he was sworn in remain unclear, because he was defeated by the LCD candidate, Mothobi Nkhakhle, in the constituency. He was also not on the PR list of the ABC/LWP coalition (Radio Lesotho Broadcast, 22 March 2007). There is no official report from the IEC except an acknowledgement from the speaker of the National Assembly that this was an administrative mistake (*Public Eye*, 30 March 2007).

Significantly, the military declared its support for the constitution and its loyalty to the government of the day. The military crushed the sit-in protest of the opposition MPs in the National Assembly a couple of days after they had been sworn in; they were protesting against the election outcome and the allocation of the PR seats. At the time of writing, members of the (heavily armed) military were patrolling the streets of Maseru

on a daily basis. This was no longer a case of political meddling, but of upholding the rule of law.

The situation remained tense but calm as opposition supporters in Maseru continued to jeer the LCD cabinet ministers and MPs. The electoral system of MMP (combination of FPTP and PR) has therefore led to an increased representation of over 10 parties in parliament. Thabane (leader of the ABC) has, however lashed out the electoral system because it has led to “the LCD hegemony in parliament, that is not truly representative through its controversial coalition with the NIP” (All Basotho Convention (ABC) Rally, Ha- Abia, 25 March 2007).

1.3 Problem statement and research questions

The aim of this study is to examine the process of democratisation in the Kingdom of Lesotho, with a specific focus on breakdowns and the absence of factors for consolidation and endurance. The question is: why have there been so many democratic breakdowns in a country with many positive features? Lesotho is one of the few sub-Saharan countries with a largely ethnically and linguistically homogenous population, high literacy rates and highly respected monarchs in the past. But there were democratic breakdowns. The causes of these democratic breakdowns are seemingly complex as they are not traceable to a single factor. The study aims to consider the role of a number of factors in the breakdown of democratic regimes experienced thus far, and to assess to what extent institutions and socio-economic features have succeeded in containing these factors.

The study examines the movement between authoritarian and democratic regimes in Lesotho (democratisation and transition) and further pays particular attention to consolidation and endurance. The current (2009) democratic regime represents the third attempt (after 1993 and 2002) to consolidate a democratic regime, with all the previous attempts having broken down followed by a reversion to authoritarian civilian or military regimes. The question then is: to what extent is the current regime an advance over previous democratic regimes in proceeding towards the consolidation and

endurance of democracy? This study assesses institutional as well as socio-economic variables that feature prominently in the historical overview and in the academic literature. It is therefore a multivariate model (see hereunder) which is also a novel approach to the studies of this nature in Southern Africa (see pg.22-23 later).

Although the institutional prospects for multiparty democracy at the time of independence were good, the country suffered numerous instabilities and breakdowns of democratic rule almost from the outset. For example, all the elections from 1965 to 1998 were controversial, leading to democratic breakdowns through civilian authoritarianism, as well as the military and monarchical interventions in 1986 and 1994. In the post redemocratisation period in 1993, both the military and the monarchy competed for political power with the democratically elected civilian governments. The 1998 elections ignited the worst violence ever. What went wrong: protests by royalists, the military, political opposition or other grievances?

The only peaceful elections were those in 2002 and 2007. As mentioned before, the causes of these breakdowns are complex as they cannot be traced to a single factor. However, the evident variables that will form part of an explanation of democratic breakdowns are the monarchy, the military as well as the FPTP electoral system and adverse socio-economic conditions that keep Lesotho perpetually poor.

One key question is whether the military and the monarchy, as well as the ousted BNP, now accept the full implications of constitutionalism and the new hybrid electoral model of parliamentary rule? Are elections therefore not sufficient to institutionalise democracy? Or are there other unfavourable conditions in Lesotho, socially and economically, that hinder the consolidation of democracy? Did the high literacy rates add any value for democratic consolidation? Is the elusive quest for democracy in Lesotho now potentially settled? Or will poverty remain an obstacle that will conspire to erode another promising democratic future for this mountain kingdom?

A case can be made that after independence the monarchy was a mechanism that obstructed the deepening of parliamentary democracy in Lesotho as it shifted power from this traditional institution to party-based majority rule. For example, there is a royalist party (MFP) which advocates executive powers for the King. Mahao (1997:2) states that in 1986 “the monarchy, a subject of intense controversy... was drawn to the arena of politics to provide legitimacy for the military seizure of power” and King Letsie III himself attempted to seize power in 1994.

Machobane (2001) and Weisfelder (1997) suggest that the restoration of an unelected monarchy is one explanation for democratic breakdown. Over the years the monarchy has tried to assert its influence with little success. As for the 1998 crisis, the monarchy played a primary role as opposition parties camped at the palace grounds. There were also unconfirmed allegations that King Letsie III assisted opposition parties in various ways.

The most comprehensive assessment of the redemocratisation of the 1990s comes from the book edited by Southall and Petlane (1995), *Democratisation and Demilitarisation in Lesotho: The general elections of 1993 and its aftermath*. It tries to understand why the military *coups* of 1986 and 1991 succeeded. Why was Lesotho susceptible to military rule? Were the military *coups* intended to restore the monarchy, change the electoral system or promote any of the claims mentioned below?

Huntington argues in his 1998 book *Political Order in Changing Societies*, like Finer in *Men on Horseback* (1975), argues that *coups* occur in states lacking institutionalised political cultures and that suffer economic hardships. In contrast, Janowitz argues in *Military Institutions and Coercion in Developing Nations* (1977) that soldiers intervene out of patriotism, discipline, professionalism and cohesion. In Lesotho’s case, this was unlikely.

Liebenow states in *An African Politics: Crises and Challenges* (1986) that soldiers often claim legitimacy, efficiency, stability, unity and development. These things may well be

true elsewhere, but in Lesotho it was also about the preservation of power for institutions that had to make way for popular power. In other words, did the military in Lesotho intervene in politics to drive forward the process of democratisation or hold it back?

Though the crises of 1993 and 1998 suggest that the FPTP electoral system may be another institutional variable in the democratic breakdowns, Sekatle (1997) disagrees that the FPTP electoral system was a possible factor for these two breakdowns. She denies that the model favours the exclusion of significant minorities and that it denied the losing parties participation in the country's political landscape. Sekatle (1997:7) states that

I do not agree that the electoral system deliberately excludes certain sections of the population; it did not do so in 1965 and 1970. In 1965, opposition parties were well represented in parliament. The 1970 elections would have also given a fair representation to opposition parties. The anomaly of a one party parliament that resulted from the 1993 and 1998 elections is a legacy of the long history of BNP dictatorship. A political party is judged at the polls by its performance. The verdict passed by the electorate on the BNP in 1993 and 1998 testifies to this. You cannot rule against people's will for more than two decades and expect to be forgiven inside two years.

Has Lesotho's mixed parliamentary membership (MMP), instituted in 2002 changed democratic politics in terms of increasing popular participation and control? Was it sufficient to eradicate the legacy of the BNP dictatorship as alleged by Sekatle? Problems remain, as evidenced by the different interpretations of how MMP system has to be operationalised and the ruling party's (LCD) view that PR parliamentary seats are not legitimate.

Electoral and parliamentary reforms do not seem to have enhanced the prospects for inter-party collaboration and cooperation to generate genuine debates and exchanges in parliament (*Public Eye*, 11 April 2007). Inter-party relations remain adversarial, with the ruling party using its majority to win parliamentary debates rather than creating the basis for cooperation and consensual decisions. Is this likely to enhance the prospects of democratic consolidation in Lesotho? Lesotho's parliament is apparently alienated from the population, weakly linked with civil society and made up of people who can hardly appreciate their role and functions.

Ajulu's (1995:9) hypothesis on democratic breakdowns in the country highlights economic aspects. He argues that

the post-colonial state in Lesotho was and remains relatively weak in comparison with other post-colonial states in Africa. It inherited neither a manufacturing, commercial or secure agricultural base. It was therefore a dependent state par excellence. This dependent nature placed restrictions on what the state was capable of achieving, irrespective of whichever class or alliance of classes secured control of state power.

Ajulu (1995), and Fox and Southall (2003) all allude to problems of a weak economy, poverty and a fragile civil society. Notwithstanding this, a few hypotheses can be put forward on the basis of early discussions of the institutional dimensions which combine them with socio-economic factors. These arguments could be drawn mainly from the works of Kimble (1981) and Strom (1978).

Kimble (1981:155) argues that the social stratification in Lesotho during the period 1890-1930 in terms of Moshoeshoe's I placing policies resulted in the relations of dependence and dominance between the chiefs and the commoners, which made a foundation for what she described as "royal aristocracy". Kimble (1981:156) argues that by the time of Moshoeshoe's I death, he had moulded, with the assistance of the British,

a *koena* ruling lineage into a dominant class. Its totem is the “crocodile”; hence Breytenbach’s 1975 book is entitled *Crocodiles and Commoners*.

Strom (1978:82) argues that the political cleavage in post-colonial Lesotho is a mirror-image and legacy of colonialism. She states that in post-colonial Lesotho there are two distinct social groups, namely the lower strata consisting of the migrant workers and their dependants, while in the upper strata there are chiefs and the petit bourgeoisie. According to Strom, this social structure has been responsible for the lengthy political battles between the key political actors.

Machobane (1961) argues that the administrative reforms of the chieftainship and the court reforms in 1938, as well as the developments which followed, are crucial causes of the democratic breakdowns in Lesotho. Machobane (1961) argued that class consciousness and political assertiveness increased. There was also the emergence of educated elite within civil society movements such as the Basutoland Progressive Association (BPA), who were eager to participate in the governance of their country.

Machobane (1961) notes that the rise in the price of grain in the last quarter of the 19th century opened up Basotho subsistence farming to capitalist penetration, which in turn weakened the communal bonds that kept the Basotho nation together. Also, the commoditisation of agricultural products placed land at the centre of political debates as the chiefs started to move the commoners from the best agricultural land.

Neocosmos (2002:1) argues that the country’s political landscape in the post-colonial period is attributable to the outcome of struggles between the colonial state, traditional structures (chiefs), the poor economy and the emerging petit bourgeoisie. Relevant data show that in 1997 close 90,000 Basotho migrant workers employed in the South African mining industry were retrenched and this has aggravated the unemployment levels (Economist Intelligence Unit, 3rd Quarter 1996; Economist Intelligence Unit, 2nd Quarter 1997) ever since.

In 1989 the country followed the structural adjustment programmes prescribed by the World Bank, which had detrimental effects on the levels of employment and social conditions. Government subsidies were withdrawn and wages depressed. Consequently, poverty escalated as a result of the withdrawal of subsidies by the government.

One of the abandoned schemes was the Food for Work projects in the 1980s and early 1990s, where female labour were paid a small sum for working in constructing infrastructure such as roads, dams and bridges (Economist Intelligence Unit, 2nd Quarter 1997). Is the ongoing crisis of poverty, where the majority of the citizens live under conditions of low surplus creation, a possible explanation for Lesotho's democratic breakdowns?

Lesotho's economy is weak and dependent on South Africa. Unemployment is high and *per capita* income were less than US\$1000 in 2005, which is much lower than those of most multiparty systems of Southern Africa, notably those of Botswana, Namibia and South Africa. The country has high incidences of poverty and is dependent on the external sources of income (migrant remittances, customs revenues from the South African Customs Union (SACU) and foreign aid). Lesotho also has high HIV/Aids infection rates. Though the country made a positive progression during the colonial period towards democracy led by the literate civil society movements, the country had breakdowns. This suggests that socio-economic conditions might have contributed to this.

Weisfelder (1992) argues that Lesotho's democratic breakdowns even during those early days of independence were the consequence of poverty and underdevelopment. He (1992:23) argued that

a highly politicized population exists in an environment of abject poverty and negligible potential for satisfying popular aspirations...

fully mobilized with nowhere to go, the Basotho employ their energies in political battles.

Lesotho's democratic breakdowns therefore seem to be rooted in the socio-economic conditions as well as the weak institutions of the state. Institutional and socio-economic conditions are significant for democratic consolidation, as will be argued in this study.

The originality of the study lies in its posing a novel set of questions- based on the "multivariate model" of Bratton and Van de Walle (1997), which have not been asked together before. This fills a gap in the literature. Another new dimension of this study is that it deals with the 2007 elections and the working of the new electoral system by comparing the 2002 and the 2007 elections. Likoti (2005), Matlosa (2002), (2003), Makoa (1996), (2002) and Southall (2003) have written extensively on the prospects and challenges facing democratic consolidation in Lesotho before these later events. They concluded that the consolidation of democracy in Lesotho was unlikely as long as political parties do not adhere to democratic principles. Much of their attention was also focused on the institutional reforms (reforms of the electoral systems, and the restructuring of the military, the police and the bureaucracy).

The Electoral Institute of Southern Africa (EISA) and the International Institute for Democracy and Electoral Assistance (IDEA) undertook studies in 2003 and 2004 respectively on the theme Consolidating Democratic Governance in the Southern African Development Community (SADC) Region. These studies investigated the state of political parties in the democratisation process in the SADC region. They further assessed the role and effectiveness of political parties in the institutionalisation of democratic governance in the SADC region (EISA, 2004). But their study was more on the institutional reforms in Lesotho. It also covers issues such as representation and accountability, local government and citizens participation, though it acknowledges the significance of socio-economic factors such as economic and corporate governance in democratic consolidation.

Mahao (1997), Makoa (1996), Mothibe (1999) and Matlosa (1995) provided detailed insights into Lesotho's military, its lack of cooperation with the democratically elected civilian administration, and the poor civil-military relations after the 1993 elections. But they did not cover the depoliticisation of the military after the 1998 election and its role after the 2007 election in safeguarding democracy. My approach seeks to assess the impacts of the restructuring of the military in the post-1998 electoral crisis and the military's role in the promotion of democracy in Lesotho.

Machobane (2001), Makoa (1996), Sekatle (1999) and Weisfelder (1999) have written extensively on the role of the monarchy in Lesotho's politics. They argued that since independence the monarchy has over the years striven to attain executive powers. But the limitation of these studies is their lack of attention to the political developments that occurred after the 1998 electoral crisis, which is the depoliticisation of the monarchy, the gradual erosion of its influence and its role in the promotion of democracy after the 2007 election.

Sechaba Consultants (1995), (2000), Matlosa (2003) and Southall (2003) allude to the significance of socio-economic conditions. They argue that poverty and the increasing retrenchments of migrant workers were likely to hamper the prospects for democratic consolidation in Lesotho. They concluded that Lesotho's economy does not have an internal growth dynamic and depends mostly on external sources. But they did not make a comparative assessment of the role of both institutional and socio-economic factors. They also did not divide the link between the role of socio-economic conditions (poverty) and electoral politics (jobs for representatives) in Lesotho's democratic breakdowns and democratic consolidation. This study therefore, addresses the following questions:

- In what way did the monarchy affect the breakdown of democracy in 1970 and 1998?
- In what way did the military affect the breakdown of democracy in 1970 and 1998?

- How did the electoral system of FPTP affect the breakdown of these democratic regimes?
- What has been the impact thus far of the new Mixed Member Proportional System (MMP) instituted in 2002?
- What role did socio-economic factors (including poverty and dependence on external sources of income) play in the breakdown of democracy from 1970 to 1998?
- What are the prospects for consolidation given institutional reforms amidst continued weak socio-economic conditions? How would the factors impact on the endurance of democracy?

1.4 Conceptual framework

The key concepts relevant to the research problem are: authoritarian regimes, democratic regimes, democratisation and democratic survival, and democratic consolidation and breakdown. The multivariate framework is based on institutional, social and economic variables and is set out below.

In authoritarian regimes rulers exercise power regardless of the consent of those over whom they rule. Absolutist monarchies and military rule are typical examples (Heywood, 2002:38). In democracies rulers govern with the consent of the ruled. In liberal democracies consent is acquired through competitive elections that are fair and inclusive, and the rulers are limited in the exercise of power by upholding specific civil and political rights (Dahl, 1971) and policy restraint (Leftwich, 2000). Electoral democracies typically hold regular elections that are to some extent inclusive, but fall short of upholding all liberal rights. Democratisation is the process by which regime rules are re-written to move closer to those of the ideal of liberal democracy (Heywood, 2002:422).

The breakdown of democracies occurs with “dramatic, sudden and visible relapses to authoritarian rule” (Schedler, 1998:97). For the major actors in new democratic regimes, “consolidating democracy means reducing the probability of its breakdown to the point

where they can feel reasonably confident that democracy will persist in the near (and not-so-near) future” (Schedler, 1998:98).

A key indicator of the consolidation of democracy is that major players resist the temptation to act outside of the constitutional rules of the democratic regime, but freely choose to act competitively within these rules of political contestation (Linz and Stepan, 1996: 16).⁴ In the case of Lesotho, the major actors who have departed from democratic rules have been the monarchy, the military and the political party (BNP) led by Chief Leabua Jonathan immediately after independence. And in all instances the moment of default occurred when election results were announced. The role of these actors, as well as of the electoral rules as mechanisms of conflict resolution, is therefore critical in both the breakdown and the consolidation of democracy in Lesotho.

In moving away from a single-factor account of democratic consolidation and breakdown, this study follows the methodology of Bratton and Van de Walle (1997), Leftwich (2000), Przeworski, Alvarez, Cheibub and Limongi (1996), Linz and Stepan (1996) as well as others who applied a new theoretical approach to understanding democratic consolidation in Africa. Bratton and Van de Walle proposed a “multivariate model” (1997: 149-158, 186-193, 221-232), i.e. taking into account both institutional as well as socio-economic factors.

They emphasise, however, that their approach is minimalist in that it deals with a minimum number of independent variables, which they isolate as “the mechanism” for regime change, i.e. what triggered breakdown, or what was favourable for the endurance of democracy? Bratton and Van de Walle (1997), Leftwich (2000) and Przeworski *et al.* (1996) note that institutional and socio-economic issues were essential in understanding democratic consolidation. Leftwich (2000) further proposed additional

⁴ According to Linz and Stepan (1996:16), this indicator can be measured in three dimensions: *behaviourally*, when no powerful actor attempts to achieve its objectives by creating new non-democratic regimes; *attitudinally*, when the majority of the public hold the opinion that democratic rules and procedures are the most appropriate way to govern public life; and *constitutionally*, when all political actors freely accept, and become “habituated to”, the democratic process as the appropriate set of rules for conflict resolution.

conditions for democratic consolidation, namely, legitimacy, adherence to the constitutional rules of the game, and policy restraint by winning parties. He also lists poverty and ethnic divisions as constraints. Moore (1996) also mentions middle class as crucial for democratic consolidation. The application of Bratton and Van de Walle (1997) “multivariate model” and Leftwich (2000) arguments gives the study a unique analysis of the problems facing democratic consolidation in Lesotho.

As mentioned, the study identifies the following factors as independent variables: the monarchy, the military,⁵ and the electoral system within which they compete with one another. Independent variables such as Christianity will not be dealt with. In addition to these four factors mentioned above, the literature on democratisation also points to certain socio-economic conditions that favour the consolidation of democracy. Restated in terms of the above definitions, these are conditions that contribute to, or facilitate, the establishment of the behavioural, attitudinal and constitutional attributes of a consolidated democracy.

1.5 Research methodology

The study is not based on questionnaires and opinion surveys. It is a desktop research making use of generally available literature. I feel particularly equipped to write more on the political developments having closely observed events as they unfolded in the country since the redemocratisation period in 1993. I also had informal and unstructured interviews with some leaders of the main political parties. This is a descriptive and analytical study using concepts derived from the theories of transitions away from authoritarian rule and supportive of democratisation in Latin America, Asia and Africa. Bratton and Van de Walle’s seminal work on democratic experiments in Africa (1997) in which regime transitions were studied in a comparative perspective is used as point of

⁵ The importance of the military has also been emphasised in other studies. In his seminal work on military interventions in Africa, Liebenow in *African Politics: Crises and Challenges* (1986) proposes that once any military has carried out successful takeovers (repeatedly in Ghana, Nigeria and Benin), that option will remain. Soldiers “learn” how to stage *coups*. These conditions were applicable to Lesotho, and the question is to what extent these conditions persist. See also works by Huntington (1998), Finan (1975) and Janowitz (1977).

departure, along with the conceptual frameworks of Leftwich (2000), Schedler (1998), Przeworski *et al.* (1996) and Linz and Stepan (1996).

The study is broadly located within the body of work that is found in the field of political science that deals with democratisation. The 2007 national elections will be included in this study as it represents the second set of elections under the MMP system, hence allowing for valuable additional material to assess the electoral system and its impact on democracy.

The study will depend on both primary and secondary sources. Primary sources to be used from the political parties will include the election manifestos and the parties' economic, strategic and policy documents. Government documents of primary value will include the Lesotho Vision 2020 strategic paper, financial budgets (1993-2006), the Langa Commission of Inquiry into the 1998 Elections in Lesotho, Lesotho Defence Force (LDF) Act of 1996 and policy documents.

Other primary sources are the archival material on Lesotho at the Morija Museum, Lesotho National Library and archival section of the National University of Lesotho (NUL). There is a substantial data on Basutoland colonial records, Sechaba Consultants records, statistical evidence of the trends in employment, the growth of the middle class, economic indicators, poverty trends, migrant labour and population growth rates.

Lastly, the study draws on the monarchical documents of King Moshoeshoe I, *Melao ea Lerotholi* (Laws of Lerotholi) and the Chieftainship Act. Other useful primary sources include the IEC electoral pamphlets, the Interim Political Act of 1998, results of the elections up to and including the 2007 election as well as information on the delimitation of constituencies. Secondary sources to be used include newspaper articles, academic and scholarly books, journal articles and media briefings.

Finally, an important resource for the study is newspapers that are written in Sesotho. Although English is an official language in Lesotho, most of the party electoral manifestos, archival material and some government briefs are written not only in

English, but in Sesotho as well. I did not have any difficulty in understanding the issues covered in these sources.

As the result of the endless breakaways of the main political parties, for instance, the breakaway of the ABC from the LCD, the BNDP from the BNP and the formation of the coalitions between the LPC, BAC and the *Mahatamoho a Poelano le Kopano* (Congress of Reconciliation and Union), it's been difficult to access the party's official documents. The emergence of these coalitions and breakaways has resulted in substantial changes to the original parties' election manifestos, policy documents and strategic papers, which have been difficult to assess them in order to make balanced conclusions. How seats are apportioned in MMP systems between coalition parties after an election is a special problem not only in Lesotho but elsewhere as well.

There has been a significant change to the original version of the Lesotho Defence Force Act of 1996 as part of the ongoing process of the transformation of the LDF after the 1998 electoral crisis. Statistical evidence on employment trends, poverty trends, migrant labour and economic indicators was slightly tampered with in the population census in 2006. Some substantial parts of the Basutoland records were burnt and destroyed during the 1998 political crisis. The study is also subject to a time limitation, as the 2007 election serves as a cut-off point for the study.

The significance of the study lies in the foundation it can provide for the collective and critical (institutional, social and economic) understanding of the challenges facing Lesotho as well as of the route that the country has to follow in order to consolidate its democracy. The study will also indicate approaches on how to deepen democracy in Lesotho through an in-depth examination of the significance of institutional and socio-economic conditions and factors (Leftwich, 2000) pertaining to consolidation and endurance.

CHAPTER 2: DEFINING DEMOCRACY: INSTITUTIONAL AND SOCIO- ECONOMIC FACTORS IN DEMOCRATIC SURVIVAL AND CONSOLIDATION

2.1 Introduction

The objective of this chapter is to provide a framework within which the four variables inductively identified in Chapter One can be systematically analysed. These are the monarchy and the military, the electoral system and socio-economic factors. The chapter begins with an emphasis on democratic institutions. Attention is drawn to the definition of democratic consolidation, followed by the relevant conditions and factors for its consolidation.

An assessment is made about the levels of democraticness and breakdowns. The objective is not to create a new theoretical framework for this purpose from the various works currently available. Instead, the aim of the chapter is to provide an overview of various theoretical frameworks available with which to analyse the dynamics of breakdowns/consolidation and then to select one multivariate framework which is to be used in this study.

The global wave of democratisation after 1974 (the “third wave”) and especially in the 1990s saw Southern African countries undergoing profound political changes including the embracement of political liberalisation. There was a shift from the previous authoritarian regimes to multiparty democracies. Lesotho, too, was not immune from the effects of democratisation on the global scale (Matlosa, 1997, 2000). What should be noted is that the emergence of these democratic systems still remains in its early stages and it is not necessarily irreversible (Matlosa, 1997), as breakdowns in Lesotho and Zimbabwe have demonstrated.

Breakdowns can occur. The Commonwealth Heads of States (1997) noted that “unless appropriate structures and institutions are developed and sustained, democratisation may destabilise society rather than help resolve social and political conflicts”. Nor is

political change or transitions away from authoritarian rule tantamount to fully fledged democratisation, let alone consolidation (Matlosa, 2000). Bratton and Van de Walle (1997:29) accurately capture this situation:

... cracks in the edifice of autocracy should not be mistaken for fully fledged transitions to democracy ... political liberalisation and democratisation are simultaneous, complementary, but ultimately autonomous processes: the former refers to the disassembly of authoritarian regimes, whereas the latter requires the deliberate construction of democratic institutions. It is entirely possible that liberalisation can occur without democratisation, and in some parts of Africa the disintegration of authoritarian rule may be followed by anarchy or intensified corruption, rather than by stable and accountable governments.

Many countries that experienced re-democratisation after 1974 and in the 1990s have had their second or third elections. The challenge confronting them is how to consolidate their democracies.

Consolidation as later explained occurs when the democratic regime is free from challenges of legitimacy and when all political actors support the rules of the game (Leftwich) established by the new democratic institutions (Diamond, 1996). Factors are parliamentary institutions (Przeworski *et al* (1996) and Leftwich, 2000)) political parties, rule of law (Linz and Stepan, 1996; Leftwich, 2000), policy restraint by the winners (Leftwich, 2000) and socio-economic factors such as affluence, economic growth and inequality reduction (Przeworski. *et al* (1996) and Leftwich (2000)) must exist. There must also be a vibrant civil society (Linz and Stepan, 1996) and middle class (Moore, 1996) for the regime to be regarded as consolidated. High literacy rates are also positive (Bratton and Van de Walle, 1997:237-241).

Some authors argue that the choice of institutions is critical for democratic consolidation. Cardoso (2001:17) states that the revitalisation of institutions of political

expression and representation constitutes one of the main challenges confronting the contemporary world.

Heywood (2002:87) indicates that state is a political association that establishes sovereign jurisdiction within a defined territorial borders and exercises authority through a set of permanent institutions that are public and responsible for enforcing collective decisions. This means that the state must have the capacity to mediate, manage and perform redistributive functions. This underlines the significance of the state as an autonomous entity for democratic consolidation. The salient question is: does Lesotho's state have appropriate institutions to manage its internal affairs given its chronic economic dependency on South Africa?

2.2 Democratic institutions

The study has adopted Robert Dahl's (1971:1) contention that democracy is a system of government that is characterised by its continuing responsiveness to the preferences of the citizens, considered as political equals. Dahl's assumptions are that for a government to be continuously responsive to the needs of its citizens, it is required to formulate preferences, to signify preferences and to include preferences weighed equally in the conduct of the government without any form of discrimination regardless of the content or the source of the preference (Dahl, 1971:2).

He describes democracy as *polyarchy* (1971, 1986a and 1989) and further stressed the significance of participation and contestation. However, these are ideals; Elklit (1994:89) argues that whenever these democratic ideals are made applicable in the real world, it is evident "that no countries satisfy the requirements perfectly, and ... that countries differ in the degree to which they fulfil them". See the discussions on the levels of democraticness below.

In *Democracy and Its Critics* (1989:221), Dahl defines *polyarchy* as "a political order distinguished by the presence of seven institutions, all of which must exist for a

government to be classified as a *polyarchy*". Dahl (2005) re-emphasised the significance of institutions in his article "What political institutions does large-scale democracy require". These include:

- elected officials;
- free, fair and frequent elections;
- inclusive suffrage;
- the right to run for public office;
- freedom of expression;
- alternative sources of information; and
- associational autonomy (freedom to form and join organisations).

Elklit (1994:5) points out that these seven democratic institutions put forward by Dahl (1989) for a government to be classified as a *polyarchy* can be seen as constituting two dimensions of democratisation, which are liberalisation (public contestation) and inclusiveness (participation). Hence, democratisation is explained as development on both dimensions (Dahl, 1971:4-8).

These rights, institutions and processes are operationalised through specific indicators, as advocated by Elklit (1994:93). Elected officials are members of legislatures or executives. Moreover, elected officials are constitutionally elected by the citizens and have influence and control over government decisions on policy. Dahl indicates that attaining this democratic requirement is sometimes problematic, but the feasible solution is that citizens should be in a position to elect their top officials and "hold them more or less accountable through elections by dismissing them ... in subsequent elections" (2005:193). The question of electoral turnover is therefore relevant (Huntington, 1991). Huntington postulates that two turnovers are minimal requirements for consolidation. In this way, the citizens might be in a situation to have effective participation and be in a position to choose another government agenda through elected representatives (Dahl, 2005).

Writing on political representation and participation, Heywood (2002:316) argues that legislatures for elected officials should “provide a link between government and the people ... [and are] channel[s] of communication that can both support government and help to uphold the regime, and force government to respond to public demands”. Heywood (2000:317) states that the key functions of legislatures are not only to represent, but also to enact, legislation; hence, they are vested with “legislative power in the hope that the laws thus made will be seen to be authoritative and binding”.

Heywood (2002) argues that an “assembly is a forum in which proposed laws can be openly discussed and debated ... [and] are constituted so as to suggest that the people (or, in pre-democratic days, the major interests in society) make laws themselves”. Secondly, in terms of increasing representation, assemblies are essential for they provide a link between the government and the people. This is where the choice of an electoral model becomes crucial.

On the issue of free, fair and frequent elections, Dahl (2005:195) notes that in terms of increasing political equality, all citizens should enjoy an “equal and effective opportunity to vote and all votes must be counted as equal”. Dahl states that if voting equality is to be implemented, this means that elections have to be free and fair. This also means that the citizens can freely go to the polls without the “fear of reprisal and.... all votes must be counted as equal”.

But free and fair elections are not sufficient. Dahl (2005:195) argues that “if citizens are to retain final control over the agenda, then elections must also be frequent”. Dahl argues that absence of regular elections denies citizens a considerable measure of control over their elected officials. Equality in voting enables the citizens to have control of the government agenda through their regular and elected officials (Dahl, 2005). The weight of the votes should be equal and the electoral system should not be manipulated to the benefit of any political movement or candidate, whilst electoral fraud and vote rigging should be avoided (Elklit, 1994:93).

Heywood (2002:229) notes that some scholars initially regarded elections as the core of the democratic process. He acknowledges Joseph Schumpeter, who argues in *Capitalism, Socialism and Democracy* (1942:23) that democracy is to be viewed as an “institutional arrangement, as a means of filling public office by a competitive struggle for the people’s vote. As he put it, democracy means only that the people have the opportunity of accepting or refusing the men who are to rule them”.

The core of Schumpeter’s argument is the interpretation of democracy as a contest between elites through elections and, significantly, with competitive elections. Heywood (2002:229) states that most scholars adopted the argument put forward by Schumpeter of relating democracy to competitive elections. They define a “democratic government in terms of the rules and mechanisms that guide the conduct of elections”.

Heywood, however, notes that the issue of electoral fairness cannot be determined alone by the issue of how people vote. This is because it is affected by the accessibility of the voters to reliable and balanced information, the variety of choices they are exposed to and the circumstances under which the campaigning was undertaken. Heywood (2002:230) emphasises that elections are mechanisms through which politicians are “called into account and forced to introduce policies that somehow reflect public opinion”.

On freedom of expression, Dahl (2005:196) states that “freedom of expression is required in order for citizens to participate effectively in political life”. Citizens should have the right to make their views known to the elected representatives without any form of hindrance and on any issue concerning the conduct of the government. Heywood (2002:202) warns against the ability of the media to influence and shape political attitudes which can influence political and electoral choice through shaping public perceptions on “the nature and importance of issues and problems”.

Dahl (2005:196) notes that “free expression means not just that you have a right to be heard. It means that you have a right to hear what others have to say”. To attain an

“enlightened understanding” on government actions and policies requires freedom of expression. Dahl (2005:196) further notes that in order to attain civic competence,

citizens need opportunities to express their own views, learn from one another, engage in discussion and deliberation, read, hear and question experts, political candidates and persons whose judgements they trust and learn in other ways that depend on freedom of expression.

Dahl states that in the absence of freedom of expression, citizens would gradually lose their capacity to influence the “agenda of government decisions”. Dahl (2005:197) concludes this argument with the proposition that “silent citizens may be perfect subjects for an authoritarian ruler; they would be a disaster for a democracy”.

On the issue of the availability of alternative and independent sources of information, citizens must be in a position to attain alternative sources of information that are not under the government’s control or dominated by a certain section of the population or interest groups. There have to be alternative sources of information to widen the scope of effective participation as well as increasing influence over the public agenda (Dahl, 2005).

On associational autonomy, independent associations are essential for they enable citizens to unite into interest groups, pressure groups and political parties. They further enable citizens to be aligned to any independent association with which they share similar grievances and through which they can influence policies through the legislative representatives from their ranks. There should be no discrimination based on ethnic, racial and religious differences. Dahl states that independent associations are essential as the source of “civic education and enlightenment”. They are essential not only for the provision of information to citizens, but to serve as platforms for discussion, deliberation and the attainment of political skills (Dahl, 2005:197).

Inclusive citizenship entails that everybody who resides in a country is subject to its laws and cannot be discriminated against or denied the rights enjoyed by all members of the society. These include the right to vote in the election of public representatives, the right to contest for public office, the right to freedom of expression as well as the right to form and participate in independent political organisations (Dahl, 1986a). The right to access independent sources of information and rights to other liberties should not be inhibited.

Dahl and Heywood state that the rule of law is essential for democracy. Heywood (2002:301) argues that the rule of law requires a judiciary, an independent organ to ensure that the rights and freedoms of citizens are respected and protected within legal confines. The distinctive feature of the judiciary is that “judges are independent and non-political actors. Judges are presumably seen as being ‘above’ politics and the judiciary is classified as a crucial determinant for the separation of powers between law and politics. Heywood (2002:304) states that

this is particularly important in states with codified constitutions, where it extends to the interpretation of the constitution itself, and so allows judges to arbitrate in disputes between the major institutions of government or in ones between the state and the individual.

Constitutions are significant in upholding the rule of law, for they empower states to establish the unifying values and goals, and the provide stability for governments. Heywood (2002:299) indicates that they operate as “organisational charts” as well as “definitional guides”. They assist in the regulation of relationships between political bodies and ensure that there are structures established for resolving conflicts and differences. In the protection of freedoms, constitutions lay down the relationship between the government and the citizens, hence “marking out the respective spheres of government authority and personal freedom” (Heywood, 2002:299).

Significantly, constitutions attain this through the clear guides that define civil rights and liberties, and this is often done through bills of rights. In fact, this is intended to promote features such as freedom of expression, freedom of religious worship, and freedom of assembly and movement, which are seen as fundamental because they are constitutionally guaranteed. Lastly, on the provision of legitimacy for regimes, constitutions ensure that states are internationally recognised as they lay down rules and regulations that govern them.

According to institutionalist theories, the creation of institutions of democratic order forms a critical starting point for democracy. Huntington's (1991) conception of democracy falls within the Schumpeterian thesis that the key procedure of democracy is the selection of leaders through competitive elections by the people they govern. Huntington's perspective on democracy is similar to other institutionalist theories on democracy, although not exclusively; he additionally identifies the role of civil and political freedoms as being critical to democracy.

Huntington (1991:7) points out that

following in the Schumpeterian tradition ... a twentieth-century political system is democratic to the extent that its most powerful collective decision makers are selected through fair, honest and periodic elections in which virtually all the adult population is eligible to vote. So defined, democracy involves the two-dimensions contestation and participation that Robert Dahl saw as critical to his realistic democracy or *polyarchy*. It also implies the existence of those civil and political freedoms to speak, publish, assemble and organise that are necessary to political debate and the conduct of electoral campaigns.

This is not a case of one size fits all. A key institutional ingredient in any democracy is the distinction between presidential and parliamentary systems as frameworks within

which voters can exercise their choice of who is to represent them (Notably, Przeworski *et al.* (1996) and Leftwich (2000), in line with Linz (1990), identified a parliamentary system as preferable for democratic consolidation than a presidential system.)

Linz (1990:84-91) writes on *The Perils of Presidentialism* and makes a comparison between parliamentary and presidential systems. Linz (1990) states that in presidential systems, given the enormous powers that the president has, there is a likelihood of the development of presidential partisan interests becoming the national interest, and this consequently undermines the legitimacy afforded to the opposition. Under these conditions political struggles become a zero-sum game characterised by solid polarisation.

Linz (1990:86) further warns that presidential democracies are likely to create legislative paralysis. This is because in presidential systems the executive, with its fixed term of office, can survive alongside hostile legislatures, thus resulting in “stalemates between the executive and the legislative branch”.

Linz (1990) also argues that in presidential systems there are high stakes because there is only one winner. Linz notes that the defeated presidential candidate does not have an official role in politics and may most likely not “even be a member of the legislature”. Przeworski *et al.* (1996:45) conclude that under presidential systems the key “political conflicts” occur between the president and the legislature, rather than among the political parties. Importantly, the two-dimensional function of the president as the head of state and the chief executive, “combined with the popular mandate, may imbue the holder with an assumption of a supreme political standing, leading him or her to refuse to acknowledge the constitutional limits of the office” (Hadenius, 1994:75).

On the other hand, Heywood (2002:315) notes that presidential systems, with the doctrine of separation of powers, “create internal tensions that help to protect individual rights and liberties”. Heywood further points that this can assist in the reduction of the domination of the executive as the result of the powers that are vested in the legislature.

Linz (1990) notes that parliamentary systems enhance responsibility in government and he asserts that in a parliamentary system the defeated candidate can assume the status of an opposition leader, thus enabling the opposition's participation in the democratic process. But this depends on the electoral systems used. Heywood (2002:314) notes that the main feature of the parliamentary system is the "fusion of legislative and executive power: government is parliamentary... [and] is drawn from and accountable to the assembly or parliament".

According to Heywood (2002:314), the strength of parliamentary system is that "it supposedly delivers effective [and] responsible government". Governments therefore become effective because their existence depends on support from the legislature, which further participates in the formation of the programmes to enhance government's accountability to the electorate.

Linz (1990) and Heywood (2002) both acknowledge that a parliamentary system enhances the responsibility of the government. In parliamentary systems, coalition governments and other forms of power sharing are common. This helps to create a cordial working relationship between the political parties. Hadenius (1994:74) agrees and states that "coalition governments and other sorts of power-sharing are ... common, breeding an atmosphere of cooperation and unity among the parties".

Heywood (2002) argues that presidential systems with the doctrine of separation of powers can be beneficial for the protection of individual rights and liberties. On the one hand, there is Heywood's argument that human rights and liberties can be protected. But on the other, Przeworski *et al.* (1996) differ from Heywood that political differences in a presidential system are more between the president and the legislature than between political parties. This often overshadows the protection of human rights and liberties that Heywood mentions.

Przeworski *et al.* (1996) and Linz (1990) conclude that a parliamentary system lasts longer than a presidential system. This is also because parliamentary systems are much more participative as they involve legislatures in policy formulation, evaluation and implementation.

Lesotho is a constitutional monarchy; hence I intend to focus on how constitutional monarchies operate. Heywood (2002:342) states that in constitutional monarchies, the monarchy assumes a ceremonial function as in modern-day in Europe. Heywood notes that a constitutional monarchy offers a neutral, “non-partisan” head of state who is above politics. It acts as an embodiment of traditional authority and thus serves as symbol of “patriotic loyalty and national unity”. The monarch also “constitutes a repository of experience and wisdom”, particularly with regard to constitutional issues that are available to democratically elected governments (Heywood, 2002).

Heywood (2002:342) warns that the existence of a constitutional monarch may contribute towards the violation of democratic principles as the head of state is not “based on popular consent and is in no way publicly accountable”. The monarchy then often symbolises and supports conservative values “such as hierarchy, deference and respect for inherited wealth and social position”. The monarchy can thus become an impediment to progress because it “binds” the population to previous “outmoded ways and symbols of the past” (Heywood, 2002:343).

Electoral systems are significant frameworks within which to exercise choice, for they are “a set of rules that governs the conduct of the elections” (Heywood, 2002:232). Lijphart (1994) argues that electoral systems are essential in the establishment of the rules of the electoral process, the core of what democracy is all about. A significant number of studies on electoral systems have raised questions about the relative performance of PR and FPTP or the single-member plurality system with respect to criteria such as participation and stability (Powell, 1982:18).

Reynolds and Reilly (1997:27) indicate that in FPTP systems the bigger and established parties usually win with a higher proportion of seats than the proportion of votes they gain in the election. The winning candidate in FPTP systems is the candidate who gets the most votes in a particular geographical constituency, or electoral district.

Reynolds and Reilly (1997:28) argue that FPTP is renowned for its simplicity and “its tendency to produce representatives beholden to defined geographic area”. The advantages of a FPTP system are that it establishes a clear link between the representatives and constituents. It gives rise to a parliament made up of geographical representatives of clearly demarcated constituencies. The MPs are directly elected representatives from various cities and towns rather than just party labels. Reynolds and Reilly (1997:28) argue that this enhances accountability as the voters have an opportunity to know their representatives, whom they can re-elect or vote out in the next election.

It ensures that the constituency duties are undertaken and gives the electorate a certain choice of potential parties of government. It often leads to single-party governments. It also enables governments to be formed with an obvious mandate from the electorate. It further creates a coherent parliamentary opposition (Reynolds and Reilly, 1997).

Reynolds and Reilly (1997:28) argue that “in theory, the flip side of a strong single-party government is that the opposition is also given enough seats to perform a critical role and present itself as a realistic alternative to the government of the day”. In ethnically and regionally divided societies, it is renowned for encouraging political parties to be “broad churches”, to encompass various elements across the society, particularly when there are only two main political parties and various societal groups (Reynolds and Reilly, 1997:29).

Heywood (2002:233) argues that it prevents extremist parties from gaining parliamentary representation. Reynolds and Reilly (1997:28) note that

unless an extremist minority party's electoral support is geographically concentrated, it is unlikely to win any seats under FPTP. This contrasts with the situation under straight PR systems, where a fraction of one per cent of the national vote can ensure parliamentary representation.

FPTP systems enable the voters to choose between people rather than just between parties. The voters have an opportunity to assess the individual performance of various candidates rather than just having to accept the list of candidates presented by the party as may be the case under some PR list systems. FPTP systems give independent popular candidates a chance to be elected in their constituencies (Reynolds and Reilly, 1997).

The disadvantages of FPTP systems are that many votes are wasted because those cast for the losing candidates are ignored. It is seen as exclusive and denies the minority parties fair representation in parliament. It leads to the under-representation of the smaller parties and those with geographically evenly distributed support. It encourages the development of political parties based on race or regions (Reynolds and Reilly, 1997:29).

Reynolds and Reilly (1997:30) argue that "FPTP can encourage parties to base their campaigns and policy platforms on hostile conceptions of clan ... race or regionalism". FPTP systems further affect the ability of women to be elected to parliament because they are less likely to be selected as candidates given the dominance of men in party structures.

Reynold and Reilly (1997:31) argue that "FPTP systems can be open to the manipulation of electoral boundaries. Any system which uses single-member districts is susceptible to boundary manipulation, for example, unfair gerrymandering or malapportionment of district boundaries". It further discourages the selection of a

socially broad spread of candidates in favour of those who are attractive to a large body of voters.

Alternatively, Reynolds and Reilly (1997:60-61) argue that in a pure PR system, if a party gains 45 per cent of the votes, it gets exactly 45 per cent of the seats. This promotes unity (in a heterogeneous state) for it encourages voters to identify with their region or minorities rather than a focus on a particular constituency.

Reynolds and Reilly (1997:61) state that in most countries that use the List PR system, each party presents a list of candidates to the electorate. The voters vote for a party, whilst the parties receive the seats in proportion to their total share of the national vote. The winning candidates are taken from the top of the lists in order of their ranking in the lists.

Reynolds and Reilly (1997:62) point out that in most new democracies, especially those with deep societal divisions, the inclusion of all significant groups in the parliament can “be a near-essential condition for democratic consolidation”. It may therefore be seen as an instrument that overcomes the divisiveness of heterogeneity.

The advantages of PR are that it accurately translates the votes cast into the seats won. It enhances the representation of bigger and smaller parties, which in turn ensures that there is an emphasis upon negotiation, bargaining and consensus. It therefore boosts fuller participation. Only few votes are wasted (Reynolds and Reilly, 1997). Reynolds and Reilly (1997:62) note that “when thresholds are low, almost all votes cast within PR elections go towards electing a candidate of choice”. It encourages parties to present inclusive and socially diverse lists of candidates. Reynolds and Reilly (1997:62) hence state that

the incentive under List PR systems is to maximise your national vote, regardless of where those votes might come from. Every vote,

even from an area where you are electorally weak, goes towards filling another quota and thus gaining another seat.

PR enables the minority groups in the society to be elected into parliament. This might be good for nation building. When voting behaviour proceeds along cultural and social divisions, PR systems can therefore assist in ensuring that parliament includes both majority and minority groups. Parties can thus be encouraged by the system to create a balanced list of candidates in order to appeal to an entire spectrum of voters' interests (Reynolds and Reilly, 1997).

A PR system makes it much more likely for women to be elected into parliament. Parties have an advantage of using the lists to promote the advancement of women politicians. Reynolds and Reilly (1997:63) acknowledge that much of the evidence that provides a link between PR and women's representation comes from Western democracies, but there is preliminary evidence that the similar trend was followed in democracies such as South Africa, Mozambique and significantly in Lesotho as the LCD/ NIP PR list for the 2007 election in Lesotho was dominated by women.

Reynolds and Reilly (1997:63) argue that in most Western European democracies experience shows that parliamentary PR systems perform better in comparison to FPTP parliamentary systems in terms of "governmental longevity, voter participation and economic performance". This is different from the regular changes in government that can occur between two ideologically polarised parties in FPTP systems, which makes long-term economic planning more difficult. PR systems make power-sharing between parties and interest groups more visible (Reynolds and Reilly, 1997:65).

The disadvantages of PR systems are that its tendency to form coalition governments can result in the legislative "gridlock" and the subsequent inability to implement coherent policies at crucial times. Urgent and coherent decision-making can be impeded by coalition cabinets and governments of national unity that are split by factions (Reynolds and Reilly, 1997).

PR systems may also lead to the destabilisation of the party system. Minority parties can hold the larger parties to ransom in coalition governments and they also create platforms for extremist parties. Reynolds and Reilly (1997:65) point out that such systems result in

governing coalitions which have insufficient common ground – in terms of either their policies or their supporter base. These “coalitions of convenience” are sometimes contrasted with stronger “coalitions of commitment” produced by other systems ... in which parties tend to be reciprocally dependent on the votes of supporters of other parties for their election.

PR systems create a weak link between the MPs and their “constituencies” because there are actually no constituencies. The voters do not have the ability to determine the identity of the people who will represent them and they do not have the ability to easily remove representatives – only party leadership can do this, because it is they who rank the PR lists. Unpopular candidates who are highly placed on a party list cannot be removed from the list by voting (Matlosa, 2003:100).

PR systems are often criticised for vesting too much power and decision making in the party leadership. A candidate’s position on the party list depends mainly on “currying favour” with party bosses, whose relationship with the electorates is of secondary significance (Gallagher and Mitchell, 2005:420).

PR systems presume some kind of a recognised party structure, since the voters are expected to vote for parties rather than individuals. This makes the PR systems more difficult to implement in areas that do not have parties, or have embryonic and loose party structures. PR systems are still unfamiliar in most countries with English or French colonial legacies and are difficult to operationalise for the electoral administrations to implement (Reynolds and Reilly, 1997:65).

Gallagher and Mitchell (2005:591) point out that some electoral systems combine both FPTP and PR and are known as mixed systems. Mixed systems refer to “electoral systems under which deputies are elected from single- member constituencies’ while other are elected from lists”. In most mixed systems the voter casts two votes. Gallagher and Mitchell (2005:591) argue that “characteristically, the voter is faced with two ballot papers ... one which they can cast their vote to indicate their choice of a candidate to represent the single-member constituency and another on which they cast a vote for a party list”. They not forced to choose the same party in both votes and they can split their votes, if they have genuine preferences.

Mixed systems can either be *compensatory* or *parallel* (Shugart and Wattenberg, 2001). The workings of these two types of mixed systems will be discussed in Chapter Five. However, the choice of electoral systems is crucial for they are mechanisms through which votes are translated into seats.

2.3 A definition of democratic consolidation

According to Munck (2001:2), democratic consolidation has become “one of the most frequently used concepts in comparative politics”. Democratic consolidation was firstly introduced as a concept for addressing the challenges of regime stabilisation and for providing an answer to the critical question: when are democracies reasonably secure from breakdown? Guiseppe Di Palma’s (1990:141) interesting formulation is: “At what point ... can democracies relax?” The concept initially developed to cover a whole array of political problems confronting “third wave” and “fourth wave” democracies (Munck, 2001; Olaleye, 2004:2).

Most definitions of democratic consolidation involve stabilisation, institutionalisation and legitimation. Bratton and Van de Walle (1997) “multivariate model”, which incorporates vital aspects of the work of Leftwich (2000), Przeworski *et al.* (1996) and Linz and Stepan (1996) applied in this study covers both institutional and socio-economic factors

essential for consolidation. Przeworski *et al.* (1996) argues that democracy is consolidated when under given political and economic conditions a particular system of institutions becomes acceptable. Diamond (1996) argues that consolidation occurs when a new regime becomes institutionalised, its framework open and competitive political expression becomes internalised.

O' Donnell (1996a) argues that a democratic regime is consolidated when it is "likely to endure" and when it may be expected "to last well into the future" (Valenzuela, 1992:70). Diamond 1996 (cited in Gouws and Gibson, 2000:2) defines democratic consolidation as the process by which democracies become broadly legitimate (accepted) among the population. It takes time to mature, i.e. only a democracy can become a consolidated democracy.

Linz and Stepan (1996) say consolidation occurs when democracy is "the only game in town", which is when it is *behaviourally*, *attitudinally* and *constitutionally* internalised by the political elites and the majority of the population. It becomes *behaviourally* accepted, with democratic principles used to attain objectives, and *attitudinally* internalised when all democratic principles are widely accepted as the most credible means of conducting politics. Lastly, it becomes *constitutionally* internalised when all rules and laws written down are adhered to.

Du Toit and Kotzé (2006:249) indicate that democratic consolidation requires that there ought to be "congruence" between the following set of norms;

the norms set by the regime – written into the constitution, especially those that pertain to formal citizenship, ... norms set by the government of the day, enacted in public policy statements and policy measures, laws, speeches, public agenda setting, ... norms enacted by and embodied in the institutions of civil society ... [and] norms contained in the networks of social capital, which exist and are built up within the civilian population.

Schedler (1998:92) also argues that democratic consolidation seeks to describe the challenge of making new democracies endure, extending their life expectancy beyond the short term and making them immune to the threat of authoritarian regression, of building dams against eventual “reverse waves”. Thus democratic consolidation may engage the “positive” mission of ‘deepening’ a fully liberal democracy or completing a semi-democracy (Schedler, 2001:1).

In defining democratic consolidation, some scholars have adopted a procedural, minimalist definition. Huntington (1991:267) defines a democratic regime as consolidated after two electoral turnovers. This refers to the situation where different sets of elections occur and in which different political parties win. According to this Huntingtonian thesis, democratic consolidation occurs if the party wins the initial elections at the time of the transitions and loses the second or subsequent elections and peacefully hands over state power to the winners, whilst the winners will peacefully hand over power to the winners of the later elections.

The underlying presumption of this proposition is that winning the election is not what initially matters but losing it, and acceptance of the result is vital. This shows that political parties and their supporters are willing to allow for the democratic game to take its course (Huntington, 1991). The limitations of this approach are glaring, as Beetham (1994:160) argues that “it is possible to have an electoral system that meets certain minimum democratic standards, but where such a transfer of power does not take place simply because the electorate goes on voting for the same party” or it becomes impossible for ruling parties to lose elections because of the unfairness of the electoral process.

Beetham points to the classic example of Botswana, where there has been no turnover yet. He poses a critical question as to whether such democracies are consolidated because there has been no transfer of power. Bratton (1998:51) argues that elections are significant for democratic consolidation. However, they are not sufficient. Bratton

and Van de Walle (1997:234) state that despite multiparty elections, their freeness and fairness can sometimes be problematic. Zimbabwe is a case in point.

Some scholars even argue about the “fallacy of electoralism” (Diamond, 1996:30). Diamond (1996) believes that elections do not safeguard the consolidation of democratic values and practises despite the fact that multi-party institutions may exist over prolonged periods. According to Leftwich (2000) winning parties must exercise policy restraint. Diamond argues that it is a grave mistake to overemphasise elections and concludes his argument that there is a possibility that multi-party elections can sometimes prove to be an obstacle for consolidation. This occurs, according to Carothers (2002:1), when ruling parties “cannot loose”.

Bratton (1998) therefore argues that elections do not constitute a consolidated democracy though they are critical determinants for the survival of democracies. Bratton (1998) makes the interesting point that, whilst one can have elections without democracy, one cannot have democracy without elections. If elections are therefore necessary but not sufficient, the questions are what conditions make for democratic endurance, i.e. for survival and consolidation.

2.4 Conditions for democratic consolidation

Leftwich (2000:134-135) makes an important distinction between democratisation and consolidation. He proposed the following conditions for democratic consolidation: legitimacy, adherence to the constitutional rules of the game, policy restraint by the winners, success in reducing poverty, and the ability to deal with ethnic, cultural, racial or religious divisions within the society. But there is a different set of factors that make for democratic endurance, including affluence, economic growth, reduction of inequality (these are exactly the same as Przeworski’s arguments made in 1996), the absence of breakdowns, preferably parliamentary systems and a strong civil society according to Linz and Stepan (1996).

2.4.1. Legitimacy

Leftwich (2000:136) states that a democratic system can survive if it enjoys legitimacy, which means “acceptability”. Leftwich (2000:136) states that legitimacy can easily be “understood and operationalised” if it is broken into geographical, constitutional and political legitimacy. Leftwich does not mention performance in his list of items that comprise legitimacy. This has been added to the definition of legitimacy to highlight the significance of the performance of the state in the delivery of services, which is likely to create greater acceptability amongst the population.

Geographical legitimacy occurs when no regional secessionist movement lays claim to any place of the geographical state as the home of a separate nation. It means that “those who live within the state accept its territorial definition and the appropriateness of their place within it” (Leftwich, 2000:136). Constitutional legitimacy involves the “acceptance of the rules within which the contestation of political power is contested, in terms of which policies of re-distribution and redress are shaped” (Leftwich, 2000:137).

Political legitimacy thus occurs when legitimate constitutional rules are effectively applied and the winners in the contest for power can be deemed worthy of their position. Leftwich (2000:138) points out that this occurs when “the electorate (or more realistically, organised parties in it, or other institutions like the army) regard the government in power as being entitled, procedurally, to be there”.

Performance legitimacy is attained when the government of the day exercises its incumbency to deliver goods and services to citizens previously deprived thereof. Despite their generally poor human rights records, many developmental states, even non-democratic ones, have had widespread support from among the ranks of their citizens. (The elites generally would be well looked after in any case, being the managers of developmental policies, and where these succeed in producing new wealth, the immediate beneficiaries as well).

Notwithstanding at times resorting to outright repression against organised opposition, these states have been able to disburse the benefits of sustained strong growth lasting over decades into the civilian population in a tangible way. This is undertaken by widening service delivery on a broad basis – in schools, homes and health care, and by providing bore holes and veterinary services. In this way “development has rarely exacerbated societal inequalities and has contributed to increased life expectancy and higher ratings on the Human Development Index” (Leftwich, 2000:166-167).

Socio-economic conditions, particularly the eradication of poverty, are relevant to performance legitimacy. The delivery of services to the vulnerable, the poor and previously disadvantaged should be widened by performance legitimacy. This restores confidence in the system of governance and ensures that government policies are people centred. Central to performance legitimacy is capacity building for the poor to ensure that there is a reduction of social exclusions and inequalities.

2.4.2 Adherence to the constitutional rules of the game

Under this condition both winners and losers should abide by the rules of the electoral process. Losers ought to accept their defeat and accept that they have to wait until the next electoral contest arrives. Winners should accept that winning the elections does not mean attainment of power on a permanent basis. Hence, “it is limited power and conditional power and the most significant limitation is to leave intact the constitutional rules of contestation that brought them to power in the first place” (Leftwich, 2000:138).

Another crucial set of constitutional rules are those that determine how the spoils of victory are to be distributed. However, there is substantial evidence that organs of the state, such as militaries, have often failed to adhere to the rules of the game in democracies such as Nigeria and Latin America.

On militaries, analysts have argued that lasting transitions from military rule are hard to secure because the military retains the capacity to step back into politics long after

returning to the barracks (Huntington, 1991:120). Huntington (1998) in *Political Order in Changing Societies* and Finer (1975) in *Men on Horseback* similarly note, as indicated in the previous chapter, that *coups* occur in states that suffer economic hardships. Liebenow (1986) mentions in *African Politics: Crises and Challenges* that militaries claim legitimacy, efficiency, unity and development.

Decalo (1976) in *Coups and Army Rule in Africa* and Biemen (1978) in *Armies and Parties in Africa* similarly argue that the intervention of the military in politics could be linked to corporate interests and the fragmentation of party politics. Gill (1993:289) argues that as militaries claim to promote stability, they are often used as political instruments by the victorious parties to suppress opposition, or sometimes they sympathise with the losing parties as they refuse to accept the election outcome.

I concur with these arguments that militaries intervene in politics driven by economic desires, claiming to promote development and unity. But this situation often turns violent as military governments “are ... by their very nature authoritarian. Their rule is founded principally on the bullet and ballot-based rule is a figment of the imagination in the military’s political scheme of things” (Matlosa, 1997: ii).

The relevance of these arguments on the military to Leftwich (2000) is that the military is one of the key organs of the state which is vested with the powers of upholding the constitution and maintaining law and order. Militaries ought to be committed to democratic practises, which entails adherence to the rules of the game. Leftwich (2000:140) states that “crudely, the troops which held the old regime in power must return to the barracks – and stay there”.

Electoral systems are also a particular set of the rules of the game that have to be followed. Hence, Leftwich (2000:138-139) states that “there needs to be agreement or acquiescence about the rules of the political game [i.e. electoral systems] and loyalty to those rules”. Therefore, I concur with Heywood (2002) and Reynolds and Reilly (1997) that FPTP enhances public accountability. But it should be noted that it creates

uncertainty among the losing and small parties, who often feel excluded from participation in the electoral process.

Arguably, PR has assisted some countries in Sub-Saharan Africa to manage their protracted election-related conflicts by broadening representation, enhancing participation and entrenching democratic governance. This was evident in political transitions in Namibia (1990), Mozambique (1994) and South Africa (1994) (Kadima, 2003:43).

Leftwich also agrees with Przeworski *et al.* (1996) that parliamentary democratic governments last longer than presidential ones and this enhances the chances for consolidation. This is because presidential systems often leads to a deadlock between an executive presidency and the legislature, whilst parliamentary systems have an executive that reflects the dominant party or a coalition of parties in the legislature. Przeworski *et al.* (1996:49) accurately capture this situation by indicating that

democracies can survive in even in the poorest nations if they manage to generate development, if they reduce inequality, if the international climate is propitious and if they have parliamentary institutions.

On the significance of institutions, Linz and Stepan (1996:17) argue that political parties must be able to adapt themselves to the rules of the game and that all political stakeholders must be effectively subjected to the rule of law; therefore the ideal situation is a "*rechtsstaat*" or a "state subject to the law". There must also be a state bureaucracy that can be used by the new democratic government to protect the rights of the citizens and that has the capacity to deliver the basic services to the population.

2.4.3 Policy restraint by the winners

Leftwich (2000:140) suggests that, under this condition, new democracies have a greater chance of surviving and prospering, if the newly installed government does not pursue “highly contentious policies”. That is, winners consolidate the regime, “if the new government does not pursue [controversial] policies too far or too fast, especially when these policies seriously threaten other major interests” (Leftwich, 2000:141). But it must win over them in order to increase and widen the levels of development in the country. Hence Leftwich (2000:140) states that

... it is unlikely that any group or party would accept the rules of the electoral game if losing meant that it or the interests it represented would lose *too* much. It follows that while losers must accept the outcome, winners must also accept that there are significant limits to what they can do with their newly won power.

Leftwich (2000:141) mentions South Africa as an explicit example where, upon its assumption of power in 1994, the African National Congress (ANC) was cautious not to threaten the white economic interests. Newly elected governments have to rule with restraint in dealing with more dominant interest groups in society. These powerful interest groups are typically found in the ranks of established economic elites such as landowners, or industrial elites, or in the traditional society, where the elites could be the monarchy or tribal leaders (chiefs) or both, or in the bureaucracies of the state, where the military is an obvious example.

2.4.4 Poverty as an obstacle

According to Leftwich (2000:142), the successful eradication of poverty is a crucial determinant for democratic survival. He agrees with Huntington (1996) and Lipset, Seong and Torres (1993:156) that there is a strong positive correlation between the wealth of a country and democracy. This is in line with the thinking of Przeworski *et al.*

(1996). If economic growth and wealth are effectively distributed across the society, this could have a positive impact on democratic consolidation.

Leftwich (2000:143) argues that poverty can become an obstacle for democratic conditions in poor countries as the result of the struggle for scarce resources. He states that “the enormous advantages that permanent control of the state may bring to a party or faction make democracy very unlikely”. Thus, the control of state power is often seen as the most reliable source of economic wealth. Hence, Leftwich (2000:143) points that “incumbents holding of state power will be reluctant to engage in compromise and will be very unwilling to lose control; suspending democracy is a good way of staying in power”.

Przeworski *et al.* (1996), writing in *What Makes Democracies Endure*, agree with Leftwich (2000) that the distribution of wealth is vital for democratic survival. They postulate that the following conditions should prevail for democratic survival: affluence, growth with moderate inflation and declining inequality. Lipset (1960:31) correctly asserts that “the more well-to-do a nation, the greater the chances that it will sustain democracy”. Certainly, poverty and social inequality are seen as threats for the stability of democratic regime.

Feng (2001:170) points that “wealth ... sustains democracy once it is achieved”. Huntington (1996:5) believes that economic growth minimises inequalities and increases the chances for the survival of democracy. He suggests a “*coup*-attempt ceiling” beyond which military *coups* are unlikely to happen at GNP of US\$3,000 as well as “*coup*-success ceiling” beyond which military interventions are unlikely to succeed at US\$1,000.

Further insights are found in Lipset (cited in Diamond, 1996:33) that there is a relationship between the existence of democracy and variables such as *per capita* income, industrialisation, urbanisation and the levels of education. Diamond (1999), Linz and Stepan (1996) and Lipset (1960) all argue that democracy is likely to survive in

areas where poverty and inequality are reasonably low and where the levels of education and income are relatively high. Lipset (1960:31) states that

from Aristotle down to the present, men have argued that only in a wealthy society in which relatively few citizens lived at the level of real poverty could there be a situation in which the mass of the population intelligently participate in politics and develop the self-restraint necessary to avoid succumbing to the appeals of irresponsible demagogues.

Lipset implies that the more developed the country is, with sufficient and equal distribution of wealth, the greater the chances are for the occurrence of democratic survival.

The successful eradication of poverty is therefore relevant to performance legitimacy as governments should resort to all available avenues to ensure that there is efficient and effective distribution of services. Civil society groups or political parties must push for increased widespread development initiatives as this enables people to acquire the fair share of benefits that follow from economic growth and development. Democracy must be seen as the re-organisation of productive and distributive processes for all. Banguara (1992:34) correctly asserted that

although democracy is concerned with the rules and institutions that allow for open competition and participation in government, it embodies also social and economic characteristics that are crucial in determining its capacity to survive.

2.4.5 Social Cleavages

Lastly, the other cardinal factor for democratic survival is the ability to deal with ethnic, cultural, racial and religious divisions within the society (Leftwich, 2000:143). Leftwich

(2000) argues that ethnic, cultural or religious differences can be obstacles and may have a negative impact on democratic survival. Lesotho is in a favourable condition because of its homogeneity, although social cleavages between Catholics and Protestants played major roles in the recruitment of supporters for political parties (see Chapters 3, 4 and 5 hereunder).

Linz and Stepan (1996) indicate that although cleavages are obstacles, they are “surmountable” through institutional devices such as proportionalism. Leftwich (2000:144) further argues that intense conflicts can erode the “prospects of a consensus basis for democratic politics”. These differences can be followed by hostile acts and violent confrontations. Governments should be able to contain national, cultural and religious differences. Constitutions or inter-elite pacts ought to be carefully drafted to ensure that all these segments are covered in the society.

In Lesotho’s case, the cleavages are not ethnic, but between monarchists and minor chiefs, between traditionalists and modernists, between Catholics and Protestants, and between lowlanders and mountain dwellers. Can a constitution be crafted to suit these conditions?

2.5 Related economic and social factors for endurance

Leftwich (2000:145) pays attention to the factors for democratic consolidation and acknowledges the role of socio-economics. Leftwich (2000:145) agrees with the arguments put forward by Przeworski *et al.* (1996) on the survival and death of democracies of 224 political regimes in 135 countries between 1950 and 1990. He identifies affluence as a critical for democratic endurance.

Przeworski *et al.* (1996:41) (using data for 1990) in their analysis of 135 countries state that *per capita* incomes that are above US\$6,000 make democracies “impregnable” and that democracies are “fragile” when *per capita* incomes are US\$1,000 or lower. For states with *per capita* that is higher than US\$6,000, the chances of democratic survival

are excellent. This is because “no democratic system has ever fallen in a country where *per capita* income exceeds US\$6,055”. These data have not been adjusted for today’s inflation. If this is done, then fragility would be in the order of about US\$3,000 or lower, and impregnability would be about US\$18,000, or higher.

Economic viability is therefore of utmost importance for consolidation and the following factors are regarded as essential for the state economic viability: the functioning of the state economy and the market (Linz and Stepan, 1996). Democracy can survive in areas that have adequate levels of *per capita* income, adequate levels of United Nations Human development Index (UNHDI) and literacy rates. This means that economic growth is good for democracy.

Lesotho’s *per capita* income is currently at US\$950, which is lower even than Przeworski’s outdated benchmark of US\$1000 in 1990. It is three times lower than US\$3000 when adjusted for inflation. Breytenbach (2007) found that the average for Africa’s older democracies in 2005 was US\$2996. Clearly, Lesotho remains fragile despite institutional reforms since 1998.

Leftwich (2000) also agrees with Przeworski *et al.* (1996) that weak democracies can consolidate if their economies “do not stagnate or contract”. Growth can reduce the levels of poverty. Leftwich (2000:145) argues that Przeworski *et al.* (1996) postulated that democracies have a greater chance of consolidating if their income inequalities are “either moderate or declining”. Similarly, Nylén (2000:127) states that “a concern for greater social and economic equality is absolutely necessary to enable formal democracy to become consolidated in any meaningful sense of the world”.

Leftwich (2000:146) notes that in areas where democracies have previously been overthrown, new democracies under these “economic circumstances are more vulnerable – a bleak consideration for many African and Latin countries where the *coup* culture has been deeply entrenched”.

Leftwich (2000) agrees with Rueschemeyer, Stephens and Stephens (1992:6) and Diamond (1999:239-60) that a “rich and pluralistic civil society” is significant for democratic consolidation. For Linz and Stepan (1996:17), the foremost condition for consolidated democracies is a “free and lively civil society”. Civil society must work towards the improvement of the lives of people; it is one sphere capable of pushing towards performance legitimacy of the state. Leftwich’s argument is in line with the social structuralist theories that encapsulate the role of class and civil society as crucial for democratic consolidation (Schmitter, 1994).

Barrington Moore (1996) also pays particular attention to the social factors. Moore argues that the existence of the bourgeoisie remains essential for democracy. He believes that the middle class is the primary actor in a democracy. Breytenbach (2007:3) notes that Moore “was dismissive about peasants as modernisers but was convinced that the middle class is the key not only to modernisation, but to democracy as well”. Hence Moore (1996:418) points out: “No bourgeoisie, no democracy”. This means that the middle class plays an important role in democratic consolidation. Bratton and Van de Walle (1997) also mention that a sizeable middle class is essential for democratic consolidation.

2.6. Levels of democraticness and breakdowns

Schedler (1998:92) states that “there are those borderline cases that possess some but not all of liberal democracy’s essential features, and therefore fall somewhere in between democracy and authoritarianism”. He calls such semi-democratic regimes “electoral democracies”. Schedler (1998:93) explains that a special feature of these electoral democracies is that they have succeeded and managed to have more or less free and fair elections, but they fail to uphold both political and civil freedoms critical for liberal democracy to be assured.

Schedler (1998:91) postulates that there are varying degrees of democraticness. This perception is relevant to Collier and Levitsky’s (1997) four regime classification, which

includes authoritarian, electoral democratic, liberal democratic and advanced democratic regimes.

Nicholas Van de Walle (2002:68) supports the idea on the classification of regimes undertaken by Freedom House as “roughly correct” (Breytenbach, 2005:52). The Freedom House approach entails classification of regimes into “free”, “partly free” and “not free”. Diamond (2002) and Bratton (1998) relied on the Freedom House qualitative distinctions between different types of democracies as essential. Breytenbach (2005:52) states that Phillip Nel (2005) also follows the classification of political systems into “authoritarian, semi-democratic and democratic”.

Bratton, Mattes and Gyimah-Boadi (2005:16-19) have gone even further. They classified over 50 African countries into the following types: “unreformed autocracy” (which includes countries such as Swaziland and Sudan), “liberalised autocracy” (includes countries such as Zimbabwe and Angola) and “not free”, which they have also described as ambiguous (includes countries such as Nigeria and Zambia), followed by “electoral democracy” (includes countries such as Ghana and Namibia), which are “all presumably partly free”, and lastly, “liberal democracy” (which includes countries such as Mauritius, South Africa and Botswana). Recently, Freedom House ranked Lesotho as free. But it is the poorest of the free nations in Southern Africa. Whether they are consolidated is a different issue.

Schedler (1998:97) argues that whilst many new democracies face the danger of illegal or pseudo-legal overthrow by anti-democratic forces, this is not the real danger, as many new democracies have to contend with the danger of erosion, of less spectacular, more incremental and less transparent forms of regression.

Schedler (1998:97) argues that “while the former (illegal overthrow) referred to classical *coup* politics”, O’Donnell (1996a:143) described the latter as “a progressive diminution of existing spaces for the exercise of civilian power and the effectiveness of the classic guarantees of liberal constitutionalism” as a “slow and at times opaque ... process of

successive authoritarian advances”, which ultimately end as “*democradura*, a repressive, facade democracy”.

Schedler (1998:93) argues that the main threat for new democracies is not sudden deaths, *coup d’etats* but erosion from within. His acknowledgement is made to Huntington (1998:93), who states that “the problem is not overthrow but erosion: the intermittent or gradual weakening of democracy by those elected to lead it”.

Schedler (1998) also alludes to the concept of erosion and breakdown of institutions. Democratic breakdown provokes radical discontinuity with democratic politics (leading to authoritarianism) and this can sometimes take the form of *coups*. This illegal overthrow may be undertaken by anti-democratic actors such as the disenchanting population, who may feel tired of democracy, or have a feeling that democracy has not benefited them, or has produced much more economic and social inequality (Diamond, 1996; Gunther, Diamandourous and Hans-Jurgen 1995; Huntington, 1991).

Schedler (2001) argues that the “core symptom of failed institutionalisation” is violence. He further states that political competition in a liberal-democratic framework entails the unconditional renunciation of violence. Violence occurs when actors with their own political goals use the element of force to violate the fundamental norms of democratic theory and practice. In fact, they play “other games” than their democratic counterparts, the one which undermines the universal validity of democratic values (Schedler, 2001:71).

He also argues that the deepening of democracy is not inevitable. Carothers (2002:11) makes a critical point on the misconception that young democracies would inevitably take the way of becoming consolidated democracies. Carothers’s argument is that the regression of transitional governments often turns out to be chaotic rather than a linear one-way direction. He indicates that authoritarian trends can emerge, even after the establishment of democratic institutions, and ultimately regression could occur rather than increased progress towards democratic consolidation.

Carothers (2002:11) provides an explanation for the syndromes that inhibit democratic consolidation in the “gray zone” governments. He terms them as “feckless-pluralism” (i.e. better) and “dominant–power” (i.e. worse) syndromes. In Africa “the most common other political syndrome in the “gray zone” is dominant-power politics” (Carothers, 2002).

Carothers (2002:12) continues by indicating that “a key political problem in dominant-power countries is the blurring of the line between the state and the ruling party. The state’s main assets – that is to say, the state as a source of money, jobs, public information (via state media), and the police power– are gradually put in the direct service of the ruling party”. He further states that a typical issue about these “dominant-power” countries is that the judicial organ is cowed, as part of the one-sided grip on power; over time elections are tilted considerably in favour of the ruling party.

This is undertaken through the suffocation of the opposition groups just enough so that they won’t die and as a result the political elites enjoy a monopoly of consistently being in power and immune from the considerations of the voters (Carothers, 2002:12). Carothers (2002:12) further argues that “dominant-power” systems are common in sub-Saharan Africa and usually experience problems with large-scale corruption and crony capitalism, so much so that the leaders do not often face strong pressure from the public to curb down.

2.7 Summary

Bratton and Van de Walle (1997) proposed a “multivariate model”. This “multivariate model” alludes to the significance of institutions and socio-economic factors for democratic consolidation. Leftwich (2000:136-145) argues that the following conditions are essential for democratic consolidation: legitimacy (which entails geographical, constitutional, political and performance legitimacy– the latter being my addition), adherence to the constitutional rules of the game, policy restraint by the winners, successful eradication of poverty and the ability to deal with ethnic, cultural, racial or

religious divisions within the society. Bratton and Van de Walle's (1997) "multivariate model" does not entail any of the above mentioned factors. But Leftwich (2000) adds most of them as factors for the endurance of democracy.

Leftwich (2000) thus proposed the following additional factors as critical for democratic consolidation: affluence, economic growth and declining income inequalities. He adds that in areas that have previously had their democracies overthrown, new democracies under "these economic circumstances are more vulnerable". He noted that a parliamentary system lasts longer than presidential systems and the existence of vibrant civil society is essential (2000:145-147). These additional factors proposed by Leftwich are relevant to Bratton and Van de Walle's (1997) "multivariate model" and to the preconditions for democratic consolidation indicated by Przeworski *et al.* (1996).

Linz and Stepan (1996) argue that civil society, acceptance to the rules of the game, rule of law, state bureaucracy and delivery of services are crucial for democratic consolidation. Schedler (1998) argues that institutions such as political parties, legislatures, bureaucracies, judiciaries and organised interest groups are essential for the consolidation of democracy. Linz and Stepan's (1996) and Schedler's (1998) conditions are broadly relevant to Leftwich's (2000) conditions for democratic consolidation as they cover both institutional and socio-economic factors.

Leftwich's (2000) conditions for democratic consolidation could also be described as conforming to a "multivariate model". Bratton and Van de Walle (1997) "multivariate model" and Leftwich (2000) arguments are significant for assessing prospects of consolidation, as they are empirically measurable because most democracies in sub-Saharan Africa are still confronted with problems of poverty, lack of development and have weak civil society organisations. Also, the democratisation process in most countries has produced largely unresponsive and unaccountable governments in countries such as Angola, which have been unable to deliver on their electoral promises.

Institutional and socio-economic conditions coupled with HDI will form a critical element for the assessment of the prospects for democratic consolidation in Lesotho, all of which will be subjected to critical analysis within the “multivariate model”. Institutions identified in Lesotho include the monarchy, the military and the electoral system. The socio-economic factors identified are affluence, economic performance and inequality reduction as well as civil society. A special attempt will be made at the end of every chapter to assess the implications of the discussion for democratic consolidation.

CHAPTER 3: POLITICAL LEGACY OF THE BASOTHO MONARCHY

3.1 Introduction

This chapter focuses on the rise and erosion of the monarchy during British colonial rule, a period of six ruling generations (six monarchies ruled under the British). Its purpose is to examine the political legacy of the Basotho monarchy and to assess its implications for Lesotho's democratic consolidation. The monarchy as an institutional factor is one of the four historical forces that have been inductively identified as major actors in Lesotho's political landscape: the other three are the military, the electoral system and socio-economic factors.

The earliest political structures of the country are eloquently documented in Ashton (1967), Eldredge (1993), Gill (1993), Leeman (1985), Machobane (1990), Maqutu (1990), Ritter (1955), Tylden (1950) and Weisfelder (1971). I have no intention of repeating the country's pre-colonial and colonial history, but I have carefully narrated the events relevant for the purposes of this study until 1966, when Lesotho became independent as a constitutional monarchy.

3.2 The rise and erosion of the monarchy

3.2.1 Volatility in the mountains

During the 16th through to the 18th century fragmented groups of Sotho people gradually expanded into the portion of Southern Africa between the Vaal River and the Drakensburg mountains. Although these dispersed segments, primarily of ascendant Koena and Kgatla lineage clusters, dominated and often assimilated the earlier inhabitants of the area, they retained a decentralised, small-scale pattern of political organisation (Weisfelder, 1971; Eldredge, 1993). The royal house is from the Koena lineage.

A trend towards the amalgamation of separate Sotho political units occurred in the late 18th and 19th centuries. This was a result of the increasing population densities and the

emergence of new trading patterns with Europeans. This was followed by the disastrous drought in the 1820s and a great famine which increased the competition for resources. Consequently, chiefdoms competed for expansion in an effort to acquire more resources (Leeman, 1985:5; Gill, 1993:14). The unifying catalyst which reinforced this 'rudimentary state-building' process occurred in the form of a devastating series of wars known as *difaqane* (1822-1835) (Weisfelder, 1971). Julian Cobbing (1988) argued persuasively that *difaqane* has been a construct of apartheid politicians and historians who were attempting to justify the longstanding oppression of black South Africans by the white colonisers. Cobbing's arguments are beyond the scope of this study because my attention is directed to the emergence of Basotho Kingdom not so much on the causes of *difaqane* and the rise of the Zulu Kingdom.

In this recurrent struggle the Southern Sotho suffered a degree of social and physical dislocation that substantially altered their territorial distribution, ethnic composition, political and economic life. It was through this that Moshoeshe I rose from obscurity and managed to counteract anarchic trends precipitated by *difaqane* (Weisfelder, 1971:35). Born in 1786 at Menkhoaneng and originally named Lepoqo, Moshoeshe I was the first son of Mokhachane of the Mokotedi clan of the Koena. In 1804 he went to be initiated (*lebollo*) and afterwards led his initiation mates in a series of successful cattle raids. Bardill and Cobbe (1985:8) indicate that

to commemorate one of these he composed a praise-poem to the effect that he had shaved his unfortunate victim's beard, i.e. his cattle. From this time onward he assumed the name, under which he was to become famous throughout Southern Africa, that of Moshoeshe....

Bardill and Cobbe (1985:8) further note that in 1820 Moshoeshe I left Menkhoaneng with his followers and established himself as a village headman at the foot of Butha-Buthe Mountain. But after the *difaqane* skirmishes with the Tlokwa in 1822 and 1823, he sought for a more secure refuge. He finally settled in Thaba-Bosiu Mountain from 1822 onwards (Ritter, 1955:109). The mountain had good pastures and "its steep uppermost cliffs and the passes could be easily defended against potential enemies" (Bardill and

Cobbe, 1985:9). Thaba-Bosiu's defensive capabilities were soon put to the test by the Ngwane in 1828, the Tlokwa of Sekonyela in 1829 and the Ndebele in 1831.

The Ndebele raid signalled an end for *difaqane* skirmishes for Moshoeshoe I's followers. The Ngwane left the area in 1828. Sekonyela, impressed by the increasing size and power of Moshoeshoe I, refrained from making any further attacks, whilst the Ndebele "confined their activities in their home base north of the Vaal River" (Bardill and Cobbe, 1985:9). Hailey (1953:28) states that around 1831 Moshoeshoe I was recognised as the leader of the tribal societies which surrounded him, who further supported him in exchange for protection. His prominence was recognised through the titles such as *Morena oa Basotho*, chief of the Basotho and *Morena e Moholo*, Great Chief or King (Bardill and Cobbe, 1985:10).

In 1833 Moshoeshoe's I small and insignificant chiefdom was transformed into a kingdom. MacGregor (1965:15) argues that the rise and transformation of Moshoeshoe's kingdom was attributable to events in the aftermath of *difaqane*. Both the Sotho and Nguni, driven by the desire for security and protection had voluntarily joined his Kingdom.

Weisfelder (1969:10) states that the Basotho nation was at its inception a political rather than an ethnic and linguistic entity. During this process of nation building Moshoeshoe I used "every means to forestall attacks from those stronger than [him] ... put on a great display of strength where necessary". His authority became legitimately accepted because of his capacity to fulfil these popular expectations (MacGregor, 1965).

He used the following political and social institutions for expansion and consolidation of his kingdom, beginning with the "Sons of Moshoeshoe" followed by 'placing', *lekhotla la mahosana* (grand council), *pitso* (public meeting), *matona* (privy council), *lebollo* (initiation), *mafisa* (cattle-loan) and *matsema* (surplus labour for chiefs) (Kimble, 1999:14). Leeman (1985:18) notes that, while the territorial integrity of the country was under threat, these institutions provided a powerful political platform for public discussion and tolerance of different views.

Although Moshoeshe I ruled from 1822 and consolidated his state between the 1830s and 1860s, threats were always imminent. For example, after the Basotho-Boer War of 1865-1868, the Basotho came under British control, from which time the survival of the ruling class was at stake (Ajulu, 1995:6). Early evidence of this was the Gun War of 1880-1881, after which the Basotho were disarmed. Another example was the reduction in the number of traditional chiefs from 2500 in 1935 (by the Pim Commission) to only 122 in 1946. Most junior chiefs were not recognised and within two decades this grievance led to the formation of the BNP in the 1950s by a junior chief, Leabua Jonathan, who came to power after the 1965 parliamentary elections immediately before independence in 1966, when the status of the once powerful monarch was reduced to that of a titular king.

3.2.2 Placing, *pitsos*, *mafisa*, missionaries and British protection in 1868

Moshoeshe's central power was enhanced through 'placing' all his sons and loyal relatives over segments of the country. Chiefs under 'placing' had full rights. 'Placing' became effective political and administrative machinery which ensured loyalty from his subordinates. Weisfelder (1971:16) argues that 'placing' established a sense of belonging and participation in a cohesive political community under the leadership of Moshoeshe I. But it also enabled Moshoeshe I to centralise his control and influence across his Kingdom.

'Placing' occurred in the following way beginning in the western lowlands. Butha-Buthe was 'placed' under the authority of Matela, a chief of the Khwakhwa. His second son Molapo was 'placed' in an area stretching from Butha-Buthe to Peka. Masupha, his third son, was put in charge of the area between Peka and Thaba-Bosiu. Letsie I's first son and heir to the throne was put in charge of the area between Thaba-Bosiu and Matsieng. The southern districts were under the authority of Moshoeshe's I brothers Poshudi and Mohale. The chiefs of the Phuthi and Taung tribes, Moorosi and Moletsane, were allowed to retain their status but owed their allegiance to Moshoeshe I (Ashton, 1938:296).

Lekhotla la Mahosana (grand council) composed of his sons, his advisers, junior chiefs and the representatives of the distant chiefs who owed allegiance to him (Kimble, 1999:14). *Lekhotla la Mahosana* assisted and advised Moshoeshe I on major policy issues (Ashton, 1967:24). Machobane (1990:22) further notes that “it was on such occasions when the *lekhotla la mahosana* convened that the allegiance of Moshoeshe’s I territorial chiefs was also tested”.

At the *pitsos* (public meeting) matters of national concern were widely discussed and major decisions made. *Pitsos* were characterised by considerable freedom of speech, the aim of which was to give an idea of popular opinion on matters of national importance (Weisfelder, 1971). Their significance was that people somehow participated in their government and their governance (Kimble, 1999).

Weisfelder (1971:35) argues that Moshoeshe’s domestic political influence was “contingent upon his ability to secure consent through regular consultation with his people at large”. Weisfelder further argues that the frequently cited Sotho maxim, “A chief is a chief by the people” was applicable in his Kingdom. *Pitsos* further served as the primary basis of support “in lieu of traditional hereditary legitimacy and as medium of political socialisation for inculcating a sense of cohesion among his polyglot following” (Weisfelder, 1971:36).

Arbousset and Daumas (1946:47) note that *matona* (privy council) were as “the eyes, ears, and arms of the chief” consisting mostly of senior members of the royal family. *Matona* advised him on public affairs, assisted him in the day-to-day execution of his duties and gathered intelligence on how the people felt about his rule. They checked his tendencies towards despotism and ensured that he ruled through the will of the people (Mothibe, 1998:41).

Those who felt marginalised would often voice their grievances in the *pitsos* and at times use *Matona* to voice their displeasure with the central administration. Casalis (1861:233-6) noted that *pitsos* were conducted with a discernible degree of order. A “subject of discussion was normally put to the people by one of the King’s courtiers, taking care to let his personal opinion appear as little as possible”. Machobane

(1990:23) argues that those “with the gift of speech aired their views with the greatest freedom and plainness of speech. There were always different opinions in terms of supporting what was being discussed. Moshoeshe I at the end summarised arguments, made his own presentation and then created consensus”. Through the consensus that Moshoeshe I created the following laws were widely discussed, debated and abolished:

- (1) The law removing the ‘customary spoor law’, stated by Mohato Letsie as “a law forbidding any person from being punished simply on the evidence of a spoor or of slaughtered meat being found at a village”;
- (2) Moshoeshe’s first law against witchcraft in 1843. Machobane (1990:25).

Mothibe (1998:42) further states that *lebollo* (initiation) was an educational system that marked a transition from boyhood to manhood. The initiates were taught adult responsibilities and “as loyal subjects to their chief” they were also taught to show “respect for the authority”.

Moshoeshe I was also responsible for the welfare of his citizens through the *mafisa* (cattle-loan) system. *Mafisa* created a system of dependence on him by the destitute members in the kingdom. Mothibe (1998:12) accurately notes that the beneficiary of the loan consumed the dairy products and used the cattle for agricultural purposes. The benefactor retained the ownership of the cattle. This created a strong social bond between the two parties (Moshoeshe I and his subjects) and ensured loyalty and dependence of the beneficiary on the benefactor.

Mafisa was not seen as exploitative by his subjects; instead it became a successful welfare system which eliminated extreme poverty. The socio-economic inequalities remained, but wealth “was redistributed in a permanent way, since a destitute person could acquire his own livestock through *mafisa* arrangements” (Eldredge, 1993:35).

Moshoeshe I was able to extract tribute in the form of labour in exchange for benefits. People willingly offered their labour in his fields, which were designated *masimo a lira*

(fields of enemy). Casalis (1861:143-144) noted that “the mosuto chief possesses ... the supreme degree of ... hospitality...such that in Basutoland there are never any poor, nowhere anyone who dies of hunger”.

Moshoeshoe’s prerogatives of summoning communal labour, levying taxes in cattle (*sethabathaba*) as well as having a larger share over the agricultural produce and wild game allowed him to mobilise economic resources that were necessary to undertake military and administrative responsibilities, for tribute payments to his enemies, to provide hospitality for stranded strangers and to care for the impoverished (Weisfelder, 1971:34).

Moshoeshoe I adopted a “tenacious defense coupled with conciliatory gestures toward his foes [which] offered the best chance of survival” (Bardill and Cobbe, 1985:10). In an effort to provide more security for his followers, he invited European missionaries whom he had been informed “were proving helpful in bringing peace to ... Rolong and Griqua settlements”. Ultimately, three Frenchmen of the Paris Evangelical Missionary Society (PEMS) responded to his call and arrived at Thaba-Bosiu in 1833 (Bardill and Cobbe, 1985).

Literacy rates improved over the years as missions stations were opened across the country. Mothibe (1998:40) notes that missionary innovations increased agricultural productivity and Lesotho became the granary of Southern Africa in the 1850s. The missionaries later acted as diplomats in Moshoeshoe’s dealings with the British (Widdicombe, 1895).

Although Moshoeshoe I was interested in the activities of the PEMS (Protestants), the missionaries were more interested in working with the ordinary population than the chiefs. Sheddick (1953:67) indicates that the missionaries developed an uncompromising attitude against what they viewed as “heathen” customs such as puberty schools/initiation (*lebollo*), polygamy and the payment of dowries (*bohali*). Similarly, Tylden (1950:193) notes that the payment of dowries was officially forbidden by the PEMS in 1881. The PEMS missionaries further refrained from converting chiefs.

Ellenberger (1938:39) notes that missionaries “had to develop in the very heart of heathendom, and had to deal with a strong and yet untouched nationality that stuck jealously to its ancient traditions. There the power of the chief was almost absolute. The missionaries had to acknowledge it just as much as the Basuto themselves”. As a result Christianity did not penetrate into the higher echelons of administration. Hence, Widdicombe (1895:77) noted in 1895 that “Basutoland [Lesotho]... [was] still emphatically a heathen country ... not a single chief of the front rank [principal chief] is a Christian”.

The PEMS missionaries’ arrival was followed by the Roman Catholic missionaries (RCC) in 1862 and those from the Anglican Church in 1876. As a result of the PEMS dominance, the Catholic and Anglican missionaries at that time had little influence on society (Sheddick, 1953:67). But over the years, because of their sympathy with the traditional customs, the Roman Catholic missionaries garnered an increased support from the conservative chiefs and their followers, especially further afield in the mountains in the eastern part of the country.

Paramount Chief Seeiso Griffith and some significant chiefs were converted to the RCC in 1913. Weisfelder (1971:34) argues that Griffith was “undoubtedly attracted by the Roman Catholic missionaries’ conservative emphasis on notions such as hierarchy and deference to authority, and by their ... eagerness to work through the traditional institutional framework”.

Breytenbach (1973) also agrees that the PEMS failed to make an impact upon the traditional structures, which were more impressed with the hierarchical nature of the RCC. Moreover, the Anglican Church also made a significant contribution to the spread of Christianity across the rest of the country. Undoubtedly, Lesotho’s missionaries – Protestants, Catholics and Anglicans – had a great impact on culture and change in this mountain kingdom. Protestants developed civil society in the western lowlands, as they were prominent among the members of the Progressive Association founded in 1907 and the Basutoland African Congress (BAC) established in 1954.

In cases where it became impossible to consult the nation at large, Moshoeshe I relied upon the wisdom of subordinate chiefs, close royal sympathisers (mostly his 'placed' sons) and other prominent members of the community. This small, informal core of national leaders tended to be responsive for they regularly had face-to-face interactions with ordinary citizens in their *lekhotla* (courts) (Weisfelder, 1971:34).

Amongst the 22 tribal chiefs that came under his protection, only the Khwakwa clan of Butha-Buthe, the Taung of Mohale's Hoek and the Tlokwa of Mokhotlong were able to retain their separate ethnic identities (Ashton, 1967:3). All other tribal groups and clans were eventually assimilated into the Koena culture (Breytenbach, 1973). Consequently, this led to the homogeneity of the nation.

Moshoeshe I further pleaded for protection under pressure of war from the Orange Free State (OFS) in the 1860s (Gill, 1993:67). Mahao (1994:191) states that "if this had [not] happened, it would have led to the loss of the territory and possible disintegration of the nation". But he had clearly indicated that the British could exercise their authority over his kingdom through him.

On his application for protection, Moshoeshe I in 1862 stated that;

I am like a man who has a house, the man rules the house and all that it is in it, and the government rules him. My house is Basutoland. So that the queen rules my people only through me ... I wish to govern my own people by native law, by our own laws, but if the Queen wishes after this to introduce other laws into my country, I would be willing, but I should wish such laws to be submitted to the council of Basutos (cited in Machobane, 1990:34).

Machobane (1990:14) indicates that Moshoeshe's application for protection showed that he did not wish to cede his sovereignty. He wanted to be under British protection as a 'vassal'. This was a status which the Amaondo of chief Faku enjoyed under his protection. The British High commissioner, Sir Phillip Wodehouse, grasped the point that Moshoeshe I did not want to be a "British subject and was not prepared to submit to British laws" but was desperate for protection (Machobane, 1990). Maqutu (1990:40)

agrees and indicates that “this was according to tradition, because Moshoeshe I had authority over subordinate chiefs but not over the subjects. He dealt with the subjects through their chiefs”. But this does not mean that all the chiefs that were ‘placed’ under him and his close relatives were always submissive to him. His nephew (Lesaoana), was one of the chiefs who usually made their independent decisions against Moshoeshe’s wishes. The competition for power between his three sons (Letsie, Molapo and Masupha) also saw them undermining his authority by making their own independent decisions.

Lesotho became under British protection in March 1868, but was placed under the Cape colonial government in the 1870s. The country’s loss of political sovereignty and independence was implicit in the Annexation Proclamation (1868, No. 14), which declared that “the said tribe of the Basutho (sic) shall be, and shall be taken to be, for all intents and purposes British subjects and the territory of the said tribe shall be taken to be British territory”. From 1884 (at the time of the Berlin conference that unleashed the “scramble for Africa”), it was ruled directly by the British (Machobane, 1990:49).

Pre-colonial Lesotho under Moshoeshe I had defined institutions of government; there was distribution and control of authority, a legal system and territorial integrity. However, Bardill and Cobbe (1985:12) note that

the kingdom was still a loose confederation rather than a tightly knit unitary state. Many of Moshoeshe’s brothers and sons, now stationed throughout the territory, were showing ambition for greater autonomy and became frustrated when autonomy was denied them. So too were powerful non-Koena subordinates such as Moorosi.

I acknowledge Bardill and Cobbe’s argument, but Moshoeshe I diplomatically managed to counteract such threats. Similarly, Breytenbach (1973:119) states that “Moshoeshe succeeded in achieving a relatively high level of national integration”. He created a powerful, strong and united state, with similar characteristics of a modern state. I concur with Machobane (1990) that there was a population, territory and government and which had established relations with other states.

Finally, Maqutu (1990:39) states that “the ascendancy of his dynasty was an integral part of the Basotho way of life”. “His less talented descendants held the nation together through the tradition of rallying to the recognised chief and making up for his deficiencies” (Maqutu, 1990). A senior chief could thus delegate to those who were more talented to perform duties in his name. Ashton (1967:243) also indicates that this “enabled the successors of Moshoesh to build up an exceedingly strong centralised organisation covering the whole country”.

3.2.3 The monarchy after Moshoeshoe I: the impacts of imperialism

Although Moshoeshoe I left the monarchy on a solid basis, the erosion of monarchical powers became evident after his death in 1870. His successor in 1870 (Paramount Chief Letsie I) and the colonial representatives wrestled for political authority. Paramount Chief Letsie I was eager to assert his control, while the colonial officials wanted to impose British supremacy (Machobane, 1990:50).

The British did not refer to Moshoeshoe’s successors as “Kings” but as “Paramount Chiefs”. Machobane (2001:1) argues this was to avoid a confusion of having many Kings under their Queen. Breytenbach (1973:3) argues that the British referred to all chief authorities in “centralised” kingdoms in Africa as “Paramount Chiefs”. These power struggles led to the colonial officials issuing a circular to the institution of the monarchy, strongly reminding them that “the Supreme chief in this territory in Basutoland [Lesotho], [was]... the governor representing the Queen of England” (Machobane, 1990:51).

The critical blow to the old monarchy was the Annexation Act of 1871. The Report of the Commission on Native Laws and Customs of the Basutos (1873), states that this Act stipulated that

- (a) All land should belong to the Queen. Private individuals should be encouraged to possess property and purchase land, to offset the comparative wealth and power of chiefs.
- (b) The individual should be protected from the chief – a practice such as “eating up” which is the chief’s confiscation of a subject’s entire property ... should be

forbidden (Report of the Commission on Native Laws and Customs of the Basutos, 1873:126-38).

Then came the Gun War of 1880-1881, after which chiefs and commoners alike were disarmed. Proclamation 2B of 1884 was another instrument used by the British colonial government to undermine the monarchy. Maqutu (1990:41) states that Proclamation 2B of 1884 stipulated that the High Commissioner's Agent known as the Resident Commissioner, who was the chief executive officer in Lesotho, became a court of law with

the jurisdiction in and [to] adjudicate upon all causes, suits and actions whatsoever, civil and criminal, within the said territory, such court to beholden at such place or places within the said territory as Resident Commissioner shall from time to time appoint (Proclamation 2B of 1884 Regulation 1).

Furthermore, Orders in Council in February 1884 Part II stipulated that

the High Commissioner shall have and may exercise, in the name of her Majesty, all the legislative and executive authority in and over the territory of Basutoland. The High Commissioner is ... empowered and required in the name and on behalf of Her Majesty, to make by proclamation such laws as may to him appear necessary for peace, order and good government ... and to appoint such Resident or Deputy ... Commissioners, Officers and Magistrates and generally to make such measures and to do all such matters and things as he may think expedient for peace, order and good government.

Through these proclamations the British High Commissioner in South Africa assumed the legislative and principal authority for Lesotho in the name of the Queen of England (Maqutu, 1990:42). The monarchy lost enormous administrative, political and judicial powers. The introduction of the colonial legal framework managed to undermine the political hierarchy of the monarchy and led to the gradual phasing away of the traditional *lekhotla*.

The colonial administration sub-divided the country into districts and allocated land in these areas. These districts were deliberately made in the way that coincided with those of Moshoeshe's three sons: Leribe (under Molapo), Matsieng (under Letsie I) and Thaba-Bosiu (under Masupha). This arrangement meant that all the three senior sons of Moshoeshe were deliberately and effectively made politically equal to each other and their powers significantly reduced. The colonial administration further introduced tax and secured the control over the movement of people in and out of the country by introducing passes (Kimble, 1999:27).

The changing socio-economic conditions also dealt a serious blow to the powers of the monarchy (Leeman, 1985:40). The discovery of minerals in the 1870s and 1880s created the demand for vast pools of labour and Lesotho was seen as a reliable area for the provision of labour by the colonial officials (Spence, 1968:11; Machobane, 1990:59). Spence (1968:11) states that "Basotho migrated to the Vaal diamond diggings [in large numbers]". This labour migration to the mines was greatly encouraged and favoured by the British colonial administration.

Eventually the social set-up where the chief was responsible for the welfare of his subjects changed. Many people began looking to mining wages for survival rather than dependence on their chiefs. People started questioning why chiefs should continue to retain their traditional privileges when they were no longer able to fulfil their traditional obligations (Spence, 1968). These changes were aggravated by the British policy of integrating Lesotho into the mining labour market. Hence, the British Resident Commissioners Report (1898/99:13) stated that,

though for its size and population, Basutoland [Lesotho] ... has the industry of great economic value to South Africa, viz. the output of native labour ... To others who urge higher education for natives, it may be pointed out that to educate them above labour would be a great mistake. Primarily native labour ... tends to fertilise native territories with cash which is at once diffused for English goods.

The chiefs often resisted the British innovations as they viewed the reforms as divergent from their national traditions (Breytenbach, 1973:113). However, the British influence gradually infiltrated into the traditional structures of authority, which weakened the monarchy. In the 1930s the number of chiefs was reduced as mentioned before, but they also became the agents of British colonial administration. They became the line functionaries of the British colonial administration. Most of the ruling lineage chiefs were excluded from positions of privilege and access to traditional methods of accumulation which they had previously enjoyed.

They assisted in the collection of taxes, controlled grazing areas and land allocation as well as the movement of people. They retained limited powers over the administrative functions of the country (Kimble, 1999:21; Leeman, 1985:40). Leeman (1985:41) adds that "chiefs gradually degenerated into a scavenging, inept, illiterate bureaucracy". Consequently, this saw the decline in the popularity of the monarchy as the junior chiefs in their ward areas collected more tax than was required. This enabled them to acquire their personal income at the expense of the citizens. The popular dissatisfaction with the chiefs was further worsened by the way in which the some chiefs were making gains from their close relationship with the colonial administration. This was openly articulated in 1880 when proposals to double tax met little opposition from the chiefs (Kimble, 1999:35).

The other critical factor that led to the significant erosion of the powers of the monarchy were the internal struggles and the tensions between the "Sons of Moshoeshoe". These tensions became violent under the reign of Letsie I (1870-1891) as well as under Lerotholi's reign (1891-1905). The lack of interference by the colonial officials in the internal affairs of the country and particularly not intervening in the traditional authorities further deepened the tensions between the "Sons of Moshoeshoe". The internal struggles occurred mainly between the two sons of Molapo, Joel of Butha-Buthe and Jonathan of Leribe (Weisfelder, 1971:27-29), the grandfather of the founder of the conservative BNP that won the elections of 1965.

Tensions also developed between Masupha of Thaba-Bosiu and his paternal uncle Lerotholi of Matsieng, an heir to the throne (Tylden, 1950:193). Moreover, there were

also tensions between Lerotholi and Jonathan, the second son of Molapo as well as between Lerotholi and his brother Maama, who felt that he was the rightful heir to the throne of their father Letsie I (Tylden, 1950:195).

There was an intense competition between Jonathan and Joel, sons of Molapo over the succession (Breytenbach, 1973:20-22). Paramount Chief Letsie I remained neutral and turned to Sir Marshall Clark, the Resident Commissioner, to resolve the succession issue. Overall, a lasting solution was not achieved until Joel was defeated in November 1885 (Widdicombe, 1895:276).

The consequences of these continuous internal struggles amongst the “Sons of Moshoeshe” and his grandsons led to the confirmation of the King’s power in the local affairs of the country. But the seeds of division were sown. Ultimately, this enabled the subordinate chiefs to pursue their own independent policies. This became prevalent amongst the junior chiefs in the mountain areas (Tylden, 1950:192). Because of the topographic nature of the country (mountains), regular contact was almost impossible between the junior chiefs and the central authorities in the western lowlands. Consequently, this undermined the central authority under the Paramount Chief and led to poor coordination in the upper echelons of administration.

The junior chiefs also refused to fully cooperate with the senior chiefs. Leeman (1985:40) indicates that ‘placing’ was abused as senior chiefs ‘placed’ their favourites. They further ‘placed’ their sons over the already existing and established chiefs and downgraded their authority by “obtaining the income of the area themselves” (Jones, 1977:4).

Leeman (1985) states that even in the event of a senior chief dying, his widow’s sons by another father would be ‘placed’ as her late husband’s sons. The junior chiefs were further displaced by their seniors who were eager to accommodate their numerous sons from polygamous marriages.

Consequently, this undermined ‘placing’, which had previously succeeded in maintaining cohesion, unity and loyalty (Kimble, 1999:21). Moreover, conflicts between the senior and junior chiefs undermined the possibility of creating national consensus on

major issues and consequently the *pitso* on a national scale became impossible to organise.

Against this background, the colonial administration proposed an alternative to *pitso*, which had disintegrated. This started as early as 1884. The *pitso* was replaced by the Basutoland National Council (BNC) in 1903. The BNC was adopted under Paramount Chief Lerotholi (Breytenbach, 1973). The BNC (1903-1910) was composed of chiefs, whose functions were to advise the colonial administration and the Paramount Chief on policy matters. The colonial officials were eager, however, “to take [chiefs] into partnership [in government]”, as Kimble (1999:106) noted. Consequently, there was a shift in the concentration of power from the monarchy to the BNC, an erosion of tradition.

It was through this council that the *Melao ea Lerotholi* (Laws of Lerotholi) in 1904 were formulated. *Melao ea Lerotholi* covered a wide range of principles and procedures “for judicial and political affairs..., political rights of succession”, the authority of the Paramount Chief, the rights and duties of the chiefs in relation to land allocation, tribute labour and seizure of property, the limits of jurisdiction of *makhotla a marena* (chiefs courts) (Kimble, 1999:106).

This was a watershed, for it marked official interference in affairs of the monarchy. I agree with Machobane (1990) that the BNC tried to restore and give the monarchy a new lease of life. But the context was different. It further attempted to restore the ‘nation’s faith in the indigenous government by bringing chiefs under law, with the objective of placing them under the monarchy. But it was doomed from the onset as a result of internal disputes between the “Sons of Moshoeshoe”.

Melao ea Lerotholi further provided challenges for Paramount Chief Letsie II, who succeeded his father Paramount Chief Lerotholi. His subordinate chiefs refused to obey him. Even the senior Chief Jonathan Molapo of Leribe became uncooperative in the efforts to restore the dignity of the monarchy (Machobane, 1990:91).

The BNC was not fully representative. It was composed of 95 members, of which the Resident Commissioner in Lesotho had the right to appoint five members. Kimble

(1999:106) notes that “the Basutoland colonial accounts were to be submitted to the Council, which was also permitted to discuss changes in local laws”. I am of the opinion that these laws did not only redefine the powers of the monarchy, but they led to the reduction of its powers. The monarchy became subject to British laws. From 1905 it was evident that the monarchy would have to cope with organised political organisations – an early manifestation of a civil society that was eager for greater participation in the country’s administration.

The monarchy therefore did not thrive under British colonial rule. The colonial authorities continued to depend on the chiefs partly because of the shortage of colonial administrative staff (Breytenbach, 1973:113). Maqutu (1990:19) states this resulted in the existence of two conflicting constitutional systems in the country: the monarchy (with the assistance of principal chiefs) and the colonial administration (with the minor chiefs assisting in the day-to-day administration).

Maqutu (1990:19) argues that this resulted in the development of a dualistic constitutional set-up in the domains of government and in the ‘realm of law’. This means that the British had their own government, laws and hierarchy of courts. On the other hand, there were traditional chiefs, with their laws and customary courts. Ordinary citizens were subject to both systems (Maqutu, 1990:19.). Maqutu (1999:20) also argues that “the British authorities ... used the office of the Paramount Chief to erode traditional chieftainship and to streamline it in the way they ... desired”.

After the Pim Commission – which undertook its study as early as 1934-5 – chiefs were gazetted. The choice to be gazetted depended on the Paramount Chief (i.e. the King). Most chiefs, eager to safeguard their appointment, hardly concentrated on serving their subjects (Leeman, 1985:44). Smith (1939:303) suggests that this resulted in a more oligarchic framework, which gave subordinate chiefs an increased interest in favouring their seniors than focusing on winning the respect and support of their subjects.

Another consequence of the Pim Commission was Proclamation No. 61 (Native Administration) of 1938, which confirmed chiefs as the agents of administration. Chiefs were allowed to remain in office only if they were officially gazetted. Leeman (1985:42)

notes that “a gazetted chief could ... be deposed”. Moreover, the chiefs’ powers to ‘place’ were dissolved.

A chief could only be ‘placed’ with consultation and the approval of the Paramount Chief and the British Resident Commissioner. Proclamation No. 62 (Native Courts) of 1938 also restricted the number of chiefs with the powers to conduct courts. In 1946 courts were reduced and only 122 chiefs were recognised, as mentioned earlier (Leeman, 1985). The colonial administration believed that these two proclamations of 1938 would rectify the administrative chaos caused by the shortcomings of the chiefs. But they led to the further erosion of monarchical powers.

The establishment of the Basuto National Treasury in 1946 was a devastating blow for the monarchy. Machobane (1990:220) argues that “the idea had been conceived by the colonial administration and was supposed to be beneficial to the monarchy; however, instead of strengthening, crippled it”. Consequently, the traditional relationship between the chiefs and the commoners collapsed.

Leeman (1985:42) asserts that “the main criticism was that chiefs would no longer be responsible to the people but to the [British colonial] government”. This situation further resulted in tensions and insecurity amongst the junior chiefs at the lower levels. The reason, as Leeman (1985:42) noted, is that “being usually illiterate, the lesser chief[s] were not well-prepared for the new tasks of submitting monthly reports...”

The significant consequences of these reforms (the proclamations of 1938 and the Basuto National Treasury in 1946) were that the colonial administration was able to exercise increased control over the monarchy and the chiefs. Secondly, Machobane (1990:188) states that “while the *bahlalefi* (the educated elite) – emboldened by the political victory over the chiefs, in the form of the reforms – doubled their efforts to gain more representation in the National Council and to turn it into a Legislative Council”

Another significant development that led to the erosion of the powers of the monarchy was the role played by Chief Leabua Jonathan. He was a descendant of Molapo (second son of Moshoeshoe I). Chief Leabua Jonathan led a formation of the BNP, as will be discussed later. He made a significant proposal in the BNC that Paramount Chief

Letsie II should sign an agreement binding him to respect the rights and property of others. He further proposed that the BNC should be divided into two chambers, one representing the chiefs, while the other should represent commoners.

Chief Leabua Jonathan became the first chief to advocate bicameralism in the BNC (Public Records Office, 417/411, No. 1138, 1905). He was defeated in both of his proposals as it became evident that chiefs were not willing to share power with the commoners along bicameral lines. But these proposals revealed the lack of unity amongst the “Sons of Moshoeshoe”, which had significant impact on the erosion of monarchical powers.

The BNC was replaced by the Basutoland Council (BC) from 1910 to 1958. The Basutoland Council (BC) was also criticised by most people, who argued that it was more representative of chiefs’ interests rather than catering for the needs of the population (Breytenbach, 1973). Hence, one member of the Council, Bernard Matete (1956) complained that

the constitution of this Council does not allow us to be quite free in expressing our views ... We young men ... are just like hammers in the hands of the Chiefs ... we cannot oppose the Chiefs.

Kimble (1999:108), on the other hand, argues that the Council created a “new space for political expression and a forum for two aspects of political struggle: the relations between the various classes in colonial Basutoland, and the interaction between the colonial administration and the chiefs”.

Nevertheless, the BC excluded the commoners, except the few who were advisers. This development failed to satisfy the increasing numbers of commoners, who believed that the chiefs were enjoying privileges with the British colonial government. The commoners continuously challenged the monarchy through their organised Basutoland Progressive Association (BPA) formed in 1907 and *Lekhotla la Bafo* (LLB) founded in 1918.

The BPA saw its role as representing the interests of the educated elite vis-à-vis the 'traditional authority' of chiefs within the forum of the council. It advocated the reduction of powers of chiefs and a greater role for the *bahlalefi* (educated elite) in both the economic and political affairs of the country (Rugege, 1993:1; Leeman, 1985:41).

The LLB became critical of the 'malpractices' of chiefs and their close association with the colonial administration. These movements demanded increased representation in the Basutoland Council (BC) and a transition towards a parliamentary system (Sechaba Consultants, 1995:67). This made political parties a significant factor.

The colonial administration did not only interfere with the Basotho pre-colonial forms of administration but it turned Lesotho into South Africa's labour reserve. Basotho were transformed into a nation of migrants. The colonial administration primarily fostered labour migration because their interests lay outside the country in the South African mines. The colonial administration labour policy was accompanied by measures which made the development of the national economy difficult. This meant that the country as early in the colonial period did not have a viable national economy that would increase interaction between the state and its citizens.

3.2.4 The emergence of modern political parties

Modern political parties were preceded by the Proclamations of 1938 and the National Treasury in 1946, through which the monarchy lost enormous powers. The first political party was the BAC, founded in 1954, which changed its name and became the BCP in the 1960s. The BCP emerged as a broad national front mobilising for unity between chiefs, commoners, Protestants and Catholics, but it later criticised chiefs as the "the long-time political incumbents, who ... proved their incompetence and unreliability by becoming agents of alien [British] rule" (Weisfelder, 1999:94). The BCP became aligned to the Paris Evangelical Missionary Society (PEMS) as it did not fully support the traditional authorities especially chiefs and the monarchy.

In a memorandum sent to the National Council Committee, which was tasked to investigate the reform of chieftainship, the BCP labelled chiefs as the agents of the

colonial administration. Ntsu Mokhehle (leader of BCP) stated in the BCP's newspaper that "the nation could progress well without chiefs" (Weisfelder, 1999:10).

Bennett Makalo Khaketla (who was then the deputy leader in the BCP, but he later left the BCP in 1960 and became a powerful figure in the MFP) castigated the chiefs for being undemocratic. Khaketla indicated that Lesotho's political traditions under chieftainship with the monarchy at its apex were previously democratic. He argued that

in Sesotho we have a saying that a Chief is a Chief because of the people. In other words, it means that he remains Chief so long as he protects the interests of his people, and rules them according to their wishes and not his own whims and idiosyncrasies. This saying expresses a very great fundamental truth and explains the nature of Chieftainship in a manner that is accepted by all democratic countries the world over. It means that Chieftainship is the product of the wills, the desires, the sympathies and the thoughts of men over whom it rules. It is constituted by comradeship in work, by fellowship in purpose and in hope, by a general desire for and a general willingness to submit to constituted authority that will be the protector of the interests of the ruled and not of a privileged section. Take away this desire, this willingness, this sympathy, and there is no Chieftainship (*Mohlabani*, Vol. 1. 11 December 1955) (my own translation from Sesotho).

In its efforts to politicise the population and detach them from the dependence on chiefs, the BCP "antagonized and frightened the powerful sectors of society". It campaigned against chiefs and the white traders (*Mohlabani*, Vol. 1. 11 December 1955). In a direct accusation against the chiefs and the monarchy, the party claimed that their love for their subjects had deteriorated so much that it was difficult for commoners to know where their grievances and problems could be addressed (Machobane, 2001:3).

Machobane (1990:282) argues that the party did not only develop a negative attitude towards the monarchy but also against the RCC. In 1961 Ntsu Mokhehle argued that

the British officials have organised chiefs, the white businessman, and the white [RCC] missionaries ... against us. They have also formed, with the help of the missionaries and chiefs, small political gangs – erroneously financed and morally supported by the white people both in Basutoland and in the Union of South Africa. Our policy is non-violence, but the British officials, using chiefs, the white traders, the white missionaries and their political gangsters, are set on provoking trouble and creating confusion in our peaceful but effective struggle for freedom (Machobane, 1990:283).

Consequently, the RCC declared a political war against the BCP. It labelled the BCP and its leadership as communists. But Machobane (1990:284) argues against this contention and indicates that there were only a handful people in the BCP with strong Marxist-Leninist views.

Its leader, Ntsu Mokhehle, was conversant with Marxist thought and as far back as in 1958 he had encouraged “some of his students to be familiar with Marxist views before rejecting or accepting them; but he was not a Marxist” (Machobane, 1990:284). He worked closely with the Secretary-General of the party, Godfrey Kolisang, and his deputy, Gerald Ramoreboli, who were both conservative. Importantly, Gerald Ramoreboli was a member of the RCC (Machobane, 1990). Overall, the BCP remained anti-Catholic church and the RCC remained anti-BCP.

The BNP was formed in 1957 by Chief Leabua Jonathan; although from the royal family, he was not a member of the ruling lineage. He defended the traditional structures of chieftainship. The BNP argued that “the unity of the nation ... [depended] on chieftainship” (Weisfelder, 1999:27). Its support became concentrated in the rural areas where the traditional structures of chieftainship were respected and commanded significant influence. These were the areas where Catholic missionaries were prominent.

Consequently, the minor chiefs and headmen became its powerful constituency for it recognised them as partners in governance (Weisfelder, 1999:27). These chiefs

developed a feeling that their traditional interests were under threat from the modernist BCP which enjoyed support from the lowlands, commoners and Protestants. Grotperter (1965:154) argues that the minor chiefs were aware of their “utility value” and the potential in a political party that could possibly be exploited as an instrument of power in pursuing their own interests both at the national and local levels of the political system.

The BNP constitution supported hereditary chieftainship and the restoration of ancient democratic relationships between the chiefs and the people (*Lesotho Times*. 9.2. 1968:7). But it stopped short of endorsing the monarchy. The BNP enjoyed official support from the RCC. This was because prior to the formation of the BNP, the RCC had attempted to form its own political party called the Christian Democratic Party (CDP). Khaketla (1971:18) argues that the name CDP was popular in countries where Roman Catholic dominated. Its key objective was to defend the freedom of the Church. Evidently, it was clear that the CDP had similar inspirations in Lesotho.

The programme of the CDP was to “fight against Communism under whatever name it may present itself” (Khaketla, 1971:19). But Patrick Duncan, formerly a Judicial Commissioner to Lesotho, advised Chief Leabua Jonathan, who had served as an assessor under him, to form his own political party. The CDP manifesto was handed to Chief Leabua Jonathan, who made some amendments to the original manifesto of the CDP, which then became the basis for the formation of the BNP (Machobane, 1990:286). This shows that the BNP was the brain-child of the RCC authorities and it became closely aligned to it.

Following the formation of the BNP, the RCC leadership made the following pronouncements, articulately paraphrased by the *Bloemfontein Friend* (1959) to the effect that

members of the Roman Catholic Church in Basutoland [Lesotho] should take part in the political development[s] of their country, said the Bishop, the Right Rev. J.D. Des Rosiers of Maseru, in an interview with the *Southern Cross*, official organ of the Church. The Bishop said that as the population was mainly Christian, it would be

the natural thing for them to belong to parties which subscribed to Christian principles and were led by Christians. Unfortunately, up to the present, the majority of political leaders ... [are] ... left-wing and anti-religious. He did not think it is proper for a Catholic party to be formed ... All Christians should join in the fight against communism.

Machobane (1990:286) argues that the “left-wing”, “communist” leaders and parties were labelled to Ntsu Mokhehle and the BCP. Chiefs and commoners now had their political parties. The weakened monarchy lacked any political support.

It was the MFP, formed in 1962, which advocated the restoration of executive powers for the monarchy. Bennett Makalo Khaketla, who was previously in the BCP, became one of its founders. Weisfelder (1999:46) notes that it was a “royalist” party and had strong sentiments that “a Paramount Chief ... [should] have a central role to play” in the political landscape. Weisfelder further notes that the installation of Bereng Seeiso as the Paramount Chief in 1960 was seen as a victory for the party to push for the restoration of his executive powers.

This was contrary to the strong opposition of some elements of the ruling lineage led by Chief Leabua Jonathan. Weisfelder (1999:40) accurately identified the MFP support base by stating that “many ranking chiefs gravitated toward[s] Marematlou [Freedom Party], while the majority of lesser chiefs and headmen remained loyal to the [Basotho] National Party “

The organised commoners movements had long insisted on greater participation in the country’s governance; Breytenbach (1973:175) asserted that the majority of them were eager to participate in the Basutoland Council (1910-48), as mentioned before, given the grievances against what they described as the abuse of power and exploitation by the chiefs. Significantly, the lack of commoner participation in the council further aggravated tensions and divisions between the commoners, junior chiefs and the “Sons of Moshoeshoe”.

Overall, political agitation was led from the beginning by the educated elite and mainly Protestants, mostly in the BCP. They had more significant exposure in terms of

economic and political independence (Weisfelder, 1971). Machobane (1990:245) mentions that the educated elite later joined ranks with the more agrarian-based but “less coordinated” groups in the organisations to expose the limitations of chieftaincy and pushed for reforms.

The elites labelled the Basutoland Council (BC) as “merely a parliament of chiefs, without a mandate from the people” (Machobane, 1990:246). Weisfelder (1971:35) indicates that “the [Basutoland] Council was dominated by the “Sons of Moshoeshoe” ... the major descendants of ... the Moshoeshoe lineage”. In questioning the legitimacy of the Council, Mohlori (1958:235) stated that

now these men who have not been chosen by the nation go to Parliament at the end of the year, to say what? Only they know, as even in the course of the year they never convene meetings with men of the districts from which they come, so that they may hear what they say and what [those men] wish to be brought to the attention of Parliament. There they go, these men who have been appointed by one person to speak at his Council, which is said to be respectable, ... some of us know ... it is the foundation of a strong government, when it is run properly.

The BCP further called for immediate self-government. Machobane (1990:254) notes that the essence of the party’s call for self-government was worth quoting as it stated that

whereas Basutoland is sometimes referred to as a democracy, we ... hold that there is no democracy in Basutoland – the High commissioner in Pretoria and the High commissioner at Matsieng rule this territory with such powers as amount to open dictatorship, in practice though not by law. The Basotho, who in fact own the land, have, through the National Council, been reduced to mere advisors on vital matters that fundamentally affect their own political, social,

economic and educational matters ... We ... therefore .. do demand self-government in Basutoland by the Basotho NOW.

It was against this background that the High Commissioner “authorised the establishment in April 1954 of the Administrative Reforms Committee chaired by Sir Henry Moore. Its purpose was to examine the Native Administration in Basutoland and make relevant recommendations with regard to its future developments” (Machobane, 1990:257). There were great expectations from the commoners movements that the Moore Report would focus on the establishment of the legislative council. But the Report did not raise the issue of the formation of the legislative council.

Machobane (1990:257) argues this was a result of the influence of the senior chiefs, who opposed such a move. Weisfelder (1974:17) notes that this was “owing to their fears that the more far-reaching demands for self-government under a legislative council would lead to the subordination and destruction of the chieftainship by an elected majority”. But with continuing commoners pressure on the colonial administration, the legislative council was finally established in 1958.

3.3 1960 District Council elections and their aftermath

The first direct elections took place in 1960. For these district council elections the country was divided into nine electoral districts, which had to elect 40 council members. The main contestants in the elections were the BCP, the BNP and the royalist MFP. The BCP won 30 seats, the MFP won five, the BNP won one and the independents candidates got four seats (Leeman, 1985:120).

The council seats won by the BCP meant that the party exercised its independence from the traditional structures in carrying out development projects. It further took over the functions that were traditionally undertaken by the chiefs, particularly the allocation of land (Machobane, 1990).

Leeman (1985:121) mentions that its leaders became “enthusiastic, idealistic and anxious to implement their ideas of village democracy”. Consequently, the chiefs became hostile to the councils and “even obstructive” (Leeman, 1985:121). Hughes

(1985:121) states that “the chiefs found that things were happening in their own areas of which they knew little or nothing”. Ultimately, the chiefs became dormant as decisions in their wards were made without their approval. Matlosa (1997:141) states that the district council elections succeeded in building a strong foundation for efficient government and democratised the local structures of government. Matlosa (1997:142) further states that

the BCP victory vindicated its nation-wide popularity as the oldest nationalist movement, its commanding mass base which could not be challenged by other protagonists, its Pan-Africanist ideology which was then a strong force in the liberation politics ... and its strong and deep-rooted network of local structures of village and constituency branches ... The BCP’s performance sent shivers down the spines of the conservative political actors as the independence elections approached. In those circumstances, the BCP naturally anticipated yet another landslide victory five years down the line and undoubtedly imagined itself assuming mantle of government from the departing British colonial authorities.

The BCP’s victory coincided with the installation of Prince Bereng Seeiso in 1960, who was officially given the name of King Moshoeshoe II (Machobane, 2001:2). Importantly, Chief Leabua Jonathan was against the installation of the Prince Bereng Seeiso. Chief Leabua Jonathan argued that the Prince was young and should be given time to mature and get married before his installation (Sixeshe, 1984:22). Machobane (2001:1-2) aptly captures Chief Leabua’s Jonathan behaviour by stating that

the subject of Prince Bereng’s installation was typified by acrimony and pursuit of traditional rivalry in the royal lineage ... of the eighteen chiefs who finally won the day and signed a letter in support of the Prince, fourteen were from the south, essentially sons of Letsie – the first born son of Moshoeshoe I. There were only two sons of Molapo, his second born son. And those chiefs, namely, Letsie Motsoene and Molapo Qhobela, shared a history of serious succession feuds in their recent ancestry. When [Chief] Leabua Jonathan’s faction lost

the battle, he himself pouted out of the royal village of Matsieng. The Prince exulted in triumph. A permanent mutual hatred between the two royal relatives commenced.

This contestation of power between Chief Leabua Jonathan and King Moshoeshoe II was later to become a political issue that divided the royalty and traditionalists. This was because Chief Leabua Jonathan, who led the BNP, did not support the executive monarchy. This situation contributed to the erosion of the powers of the monarchy as Chief Leabua was determined to subjugate it. On the other side, King Moshoeshoe II was inclined to the MFP, which was eager for him to be granted executive powers. Indeed, the monarchy was weak and divided, worsened by the infighting amongst the senior and junior sons of Moshoeshoe I.

Nevertheless, the BCP's victory in the 1960 elections became an appropriate political platform for the commoners to challenge the relevance of the monarchy in the country. This resulted in enormous pressure on the recently installed monarch, who was ambitious and eager to re-assert his control over the elected district councils.

The election was a turning point, for it signalled the emergence of the clash between the democratically elected elements (dominated by the commoner interests in the BCP) and the hereditary traditional structures. The defeat of the royalist MFP further aggravated the erosion of monarchical powers. This was because the party offered the monarchy with the political platform against not only the commoner's led movements, but also against the traditionalists faction (junior chiefs) led by Chief Leabua Jonathan.

The commoners called for self-government. In 1961 the motion of self-government was adopted (Khaketla, 1971:4). Consequently, King Moshoeshoe II set up a commission to gather views in a consultative process across society on the form of the constitution they preferred (Machobane, 1990:277). The commission, assisted by Professor D. Cowen (a constitutional expert), focused mainly on the following points:

- (1) the status of the Paramount Chief;
- (2) the status of chiefs;
- (3) the status of Basutoland;

- (4) the process of elections, direct or indirect;
- (5) the franchise;
- (6) the form of parliament;
- (7) the future of the Basotho courts (Leeman, 1985:11; Machobane, 1990:277).

As the commission continued with the gathering of evidence, Chief Sekonyela of Tlokoeng Ward as cited in the (Basutoland Constitutional Commission, 1962. Vol. 1 170) stated that

the Paramount Chief is the backbone of the country. If he is not there then there could be no life in the country, he is ... the pillar around which the whole nation is built. He should be given a higher title than he has at present. He should therefore be the ruler of Basutoland, ... the whole administration [should] be under him and [should] have under him all the various departments of government ... *his power [should] be undisputed*, parliament will be stable under him, if he is put in the position in which I propose he should be placed.

Machobane (1990:277) notes that the crucial issue was the status of the King. I concur with this for the King was eager to obtain executive powers. He hoped that the masses would support his desires. Moreover, Chief Sekonyela's response also suggested that he was in favour of an executive monarchy, hence his reference to the King's power being 'undisputed'. The King still felt that the masses wanted him to have greater powers. This was evident from the Moore Report (1954:12), which stipulated that

in Basuto eyes he is at once the custodian and embodiment of Basotho national aspirations. He is regarded as the head of the Basuto Government to whom all Principal Chiefs, Ward Chiefs, Chiefs and headmen are subordinate. No Chief, however powerful, can claim to share authority with him, once his status has been recognised and declared.

Apartheid South Africa was not entirely impressed with the political developments in Lesotho. In early as 1961, it voiced its displeasure with granting of Lesotho's

independence. Prime Minister Verwoed publicly argued that “an independent Lesotho could well become a danger to South Africa” (Makoa, 1996:14).

3.4 The independence constitution, 1966

A Westminster-style constitution was adopted, with 60 seats in the lower house (national assembly) elected through universal adult franchise. The upper house (Senate) comprised the 22 principal and ward chiefs, with 11 members nominated by the King on the advice of the Prime Minister.

The Senate was vested with limited powers of review (Maqutu, 1990:12; Breytenbach, 1973:239). It therefore created a parliamentary system within a constitutional monarchy. In the context of Africa this created interesting challenges. It also opted for a constituency-based electoral system based on the FPTP principle. Moreover, the 1965 elections were won by the BNP and the winner of the 1960 district elections (the BCP) was narrowly defeated. However, this will be discussed in detail in the next chapter.

The 22 Principal Chiefs formed the “College of Chiefs” (the old “Sons of Moshoeshoe”), whose function was to advise the King on decisions at the higher levels of administration. The King became the political head of the nation assisted by the principal chiefs, to whom he delegated powers and who were in charge of some their regional areas in the country (Breytenbach, 1973:133). The Prime Minister assumed all the governmental duties in the King’s name. The Prime Minister could only remain in office if he enjoyed the support of the majority of members of the lower house (national assembly) (Gill, 1993:47).

Regarding the final conclusion of the constitution, Cowen (1963:56) stated that

the basic plan of the proposed governmental structure is to provide Basutoland with a bicameral legislature, a British-style executive responsible to a democratically elected legislature, a Bill of Human Rights, and an independent judiciary charged with the duty of enforcing the constitution.

Cowen (1963) raised an interesting issue at that time, namely that the 'dangers of instability' in contemporary Africa were inherent in a parliamentary model. In this way the traditional kingdom of the Basotho became a parliamentary democracy (with unspecified dangers) under the political leadership of the party with the electoral support of the majority. The Prime Minister became the head of government, while the King was reduced to titular head of state, as mentioned earlier.

3.5 Assessment

Moshoeshe I left the institution of the monarchy on a solid basis with executive powers until about 1868. People had voluntarily joined his kingdom for security and welfare benefits. Though the monarchy was hereditary and not elected, Moshoeshe I managed to establish participative institutions (e.g. the *pitsos*).

Pitsos were characterised by considerable freedom of speech and equality for all the citizens. This provided the citizens with an opportunity "to unburden their minds and to seek for information and guidance" (Leeman, 1985:19). *Pitsos* also offered an important platform where political hierarchy was confirmed, new 'placings' acknowledged and legitimacy bestowed on the central authority (monarchy) through freedom of expression (Weisfelder, 1971).

Lekhotla further enhanced regular contact between the chiefs and their subjects. Hence, Weisfelder (1969:11) noted that

the Basotho system represented ... democratic facets suited to the social and economic environment of the pre-colonial era. It involved a series of reciprocal and closely related duties and functions performed by both ruler and ruled alike, where each element had an effective set of options for influencing and reducing and regulating the behaviour of the other.

Furthermore, in *pitsos* and *lekhotla*, a tradition of democracy and tolerance of opposition existed which was reflected in the Sesotho proverb: *Mo-oa khotla ha a tsekisoe* (What is said in the court is not blameworthy) (Kimble, 1999).

I concur with Weisfelder (1971:30) that these deliberative assemblies were modified reincarnations of consultative assemblies. There were meaningful political forums where a wide range of viewpoints were freely and intelligently articulated the ordinary citizens with minimal fear of reprisal. Moshoeshe I retained a dominant influence by controlling the agenda, recognition of speakers, applause for the preferred ideas and the right to formulate final decisions.

Mafisa (cattle loan) enabled Moshoeshe I not only to assert his influence, but he became responsive to the societal needs of the poor members and managed to reduce the levels of poverty. Hence, the centralisation of monarchical power occurred through 'placing'. The execution of law was maintained by the 'placed chiefs', who ensured that the law was applicable equally to all members of the society through the command and control from the monarchy.

Moreover, under Moshoeshe's I reign there was a grand council, which was comprised of different chiefs and allies. Its composition represented the divergent views of various chiefs under his authority. This helped to ensure that different views across the society were accommodated freely before any major decisions could be made.

Significantly, these indigenous institutions established by Moshoeshe I managed to maintain unity and cohesion for the nation. However, it should be noted that these were the characteristics of a pre-colonial society, which may not have had the exact features of a democratic state, but yet they had some distinctive features of a modern democratic polity. There were responsive and accountable institutions which enabled freedom of expression, the provision of welfare benefits and the execution of law. But his successors were less successful.

Over the years after colonisation in 1868, these participatory institutions degenerated and lost their legitimacy. This was because the colonial officers turned them into forums for introducing colonial visitors, giving direction on policy issues and imposing unpopular decisions. Eldredge (1993:167) notes that colonial officials consciously designed the strategies that were designed to weaken the authority and power of the monarchy.

Moreover, *pitso* was replaced by the Basutoland National Council (BNC) in 1903. An official interference in the affairs of the monarchy occurred through *Melao ea Lerotholi* in 1904. The commoners' grievances which had increased considerably were advocated through organised movements such as *Lekhotla la Bafo*, which became the convenient platform to voice grievances against the monarchy. For those few who served in the BNC, it became a springboard to vent their frustrations and to speak out on behalf of majority outside.

The emergence of modern political parties and role of Chief Leabua Jonathan in the post-independence era was another serious blow to monarchical powers. The final straw for the powers of the monarchy was the adoption of the Westminster-style constitution in 1966, which created a parliamentary system within a constitutional monarchy.

Lesotho's elites were mostly commoners, and they viewed the British and European governments as models. The history of the French revolution taught in Western Europe showed that the aristocrats were the key enemies of democracy. The aristocracy in Europe was overthrown or neutralised because it had subjugated and exploited the population. Arguably, this historical understanding widened divisions between the commoners and the royalist as the two protagonists viewed each other with suspicion and hatred. The monarchy found political sympathy only in the MFP. The party's stance was that an executive monarchy would serve as 'an insurance policy' against the potential abuse of power by politicians and ensure that democracy became entrenched in the country.

Basotho have traditionally developed a great respect towards the monarchy. They regard the institution as a symbol of self-respect and often look "with pity and contempt on a man without a chief" (Maqutu, 1990:20). For it was the monarchy which mobilised people against the complete subjugation of the Kingdom by the white settlers known as the Boers. Under the same institution, Lesotho sought protection from the British to avoid complete incorporation into South Africa (Maqutu, 1990: 24; Weisfelder, 1971).

Given such heroic battles that the monarchy fought against and with the political legacy for executive powers; it was unlikely that the monarchy would surrender its status of constitutional monarchy without a fight. King Moshoeshoe II, who was inaugurated in 1960, as mentioned before, had consistently resisted being relegated to being a passive Head of State. He argued against what he termed “foreign political institutions” (Weisfelder, 1971:24).

Instead he advocated the “synthesis of parliamentary democracy with the Basotho political tradition in order to preserve executive functions for the King as the ultimate protector” (Weisfelder, 1971:24). While the monarchy declined following the colonial interaction with the British, it still remained a key but a declining actor in the political landscape. Machobane (2001:9) notes that “the King [Moshoeshoe II] was still hoping to obtain increased powers within the constitution”.

Dahl (2005:195) notes that free, fair and frequent elections are essential in a democracy. Here, however, the Kings party, the MFP, always lost heavily in such elections. It lost to both traditionalists (the BNP) and the modernists (the BCP) in the 1960 district council elections and 1965 pre-independence elections. However, the results of the elections are contrary to Maqutu’s (1990) and Weisfelder’s (1971) observations that most people still regarded the monarchy as a symbol of unity. In fact, the election outcome gives an impression that the public trust in the monarchy had eroded significantly. If the monarchy was still a powerful factor, how do they account for the poor performance of the royalist-backed political party (the MFP)? I am of the opinion that many people had lost faith and trust in the monarchy as an effective political and administrative machine for governance.

The key question is: what was wrong with the 1966 constitution? A significant issue was that all the key political parties approved the constitution prior to the 1965 elections. I concur with Maqutu (1990:12) that it was not seen as a perfect document, but “all parties found it [a] reasonable and workable *ground norm* which could be improved”. However, the losing parties assailed the constitution, as will be shown later.

In 1990 the political activism led to King Moshoeshoe II again being exiled by the military to England and deposed in favour of his son, who became King Letsie III. Even in 1994 King Letsie III cooperated with the military to seize power in the *coup*. Similarly, in the 1998 post-election crisis, there were strong accusations by the victorious LCD that the monarchy had a secret agenda to topple it from power and that it had cooperated with the military and the opposition parties (the BCP, the BNP and the MFP) to destabilise it. The salient question is: why has the monarchy regularly intervened in Lesotho's political landscape?

3.6 Implications for democratic consolidation

Amongst the conditions that Leftwich (2000) proposed for democratic consolidation, the following are relevant to assess the possible implications that the monarchy might have had towards democratic consolidation in Lesotho. These include legitimacy, adherence to the constitutional rules of the game and policy restraint. However, though the monarchy was often seen as an appropriate institution to provide for legitimacy, after both the 1960 district council elections, the monarchy did not recognise the legitimacy of the democratically elected structures.

In fact, the institution became embroiled in the political battles with the political elites in contesting for political power. Similarly, following the victory of the BNP in the 1965 elections King Moshoeshoe II refused to recognise the legitimacy of the BNP government, as will be explained later. Nevertheless, the salient question is: why did the King refuse to recognise the legitimacy of the democratically elected BNP government?

Machobane (2001:16) noted that the BNP government after the 1965 elections regarded Principal Chief Mathealira Seeiso and the King's eldest sister Princess Mampoi Makhaola as "*baferekanyi ba baholo* – great destroyers in the country". Seemingly, the BNP government did not enjoy geographical legitimacy, as some Principal Chiefs executed their policies, which were different from those of the BNP government.

They acted against BNP developmental projects such as dam and road construction, and did what they said was important in their ward areas. The question is: what

implications did this have for democratic consolidation? The pro-monarchical MFP monarchy also refused to recognise the legitimacy of the BNP as “procedurally entitled to be there”, as Leftwich (2000:138) noted in a different context.

Regarding adherence of the constitutional rules of the game, this was not done by the monarchy. Though, the monarchy as an institution did not directly contest the elections, its backing of the MFP failed to abide by the rules of the game. Its defeat was a blow for monarchical aspirations. Instead of accepting the defeat, MFP joined King Moshoeshoe II in denouncing the victorious BNP government and resorted to acts of destabilising it. The MFP even made a public affirmation in 27 December 1966 to the effect that

we pledge ourselves to continue our constitutional fight until the powers of the intervention which we feel the King should have as a safeguard against power hungry politicians [have been granted] (*Mohlabani*, Vol. 12. February 1967).

I agree with Machobane’s (2001:17) point that, according to the MFP, “a constitutional battle on behalf of the King had not been abandoned’. Following its defeat in the 1965 elections, the MFP even assailed the constitution on the grounds that it did not give the king sufficient powers to act properly. This would have gone way beyond the constitution at that time.

Devenish (1998:3) argues that constitutionalism includes the “use of values or norms in the political practice and discourse ... when political leaders and others respect the basic laws as a framework that cannot be ignored”. Hyden and Venter (2001:3) state that “constitutions function only when everyone accepts that they represent a self-binding moral commitment to a set of rules that can only be sacrificed in very exceptional circumstances”. The MFP did not adhere to the constitutional rules of the game.

In 1970, when Prime Minister Chief Leabua Jonathan suspended the constitution after his party lost to the opposition, he did not adhere to the constitution either. This did not augur well for the future of democracy in Lesotho.

CHAPTER 4: CONFLICTUAL ELECTIONS AND THE MILITARY

4.1 Introduction

Lesotho's monarchy did not thrive under British colonial rule. The British colonial administrators viewed it as a rival form of government. Policies were conspicuously designed to undermine its powers and streamline it in the way the British desired. Various legislative instruments such as Proclamation 2B of 1884, Proclamation No. 61 and No. 62 of 1938 were of utmost importance in curbing monarchical powers.

Added to the monarchy's loss of powers and political isolation, internal disputes between the "Sons of Moshoeshoe" over supremacy degraded its capability to function as an effective administrative organ. Factionalism became rife between the senior and junior chiefs and this undermined the prospects of reaching consensus on major issues. Junior chiefs took advantage of internal powers struggles amongst the "Sons of Moshoeshoe" and undermined their authority. The monarchy found itself not only fighting a subtle political battle, but also having to adapt to the changing economic environment as people no longer depended on it for survival.

Added to these fault lines within the traditional authority were the divisions in society brought about by various Christian denominations. Political parties had also aligned themselves along these societal divisions. The BCP became anti-chiefs, anti-RCC and anti-monarchy. The BNP became traditionalist, pro-RCC but never supported the monarchy. They did support one of the lineages, however, viz. the Molapo house of its leader, Chief Leabua Jonathan, which was from outside the Matsieng or royal branch.

The MFP remained mainly royalist and was sympathetic to the Matsieng house. These various forces (monarchy and divisions in the society along Christian denominations) had created a volatile political situation in the country. Although Lesotho had no ethnic divisions as in most of the rest of Africa, these other divisions were as destabilising as in

heterogeneous states. This was evident, given that each of the forces would perhaps try to re-assert its dominance over the other.

The catalyst for these struggles for dominance became the political elections necessitated by parliamentary democracy since 1965. Most of the elections after that were marred by serious conflict and this gave the military a pretext to intervene.

This chapter focuses on the following set of elections: the 1965, the 1970, the 1985 “mock elections” (Mahao, 1997) and the very violent 1998 elections. Attention is paid to the military interventions of 1986 and 1991, and the palace *coup* in 1994. The purpose of the chapter is to investigate the role played by the military and the monarchy in the country’s democratic breakdowns and to assess implications of this for democratic consolidation. The salient question is: in what way did the military affect the breakdown of democracy in 1970 and 1998 after it had intervened during the three cases mentioned above? After independence the military entered the public domain. Was it now a force for upholding the constitution or not?

4.2 The 1965 and 1970 elections and their aftermath

4.2.1 The 1965 elections

The pre-independence elections were held in 1965. The main contestants for state power as in the previous 1960 district council elections were the BCP, BNP and the MFP (Makoa, 1997). Strom (1978:58) argues that the BNP received significant financial support for the electoral contest from South Africa and the West German Adenauer Stiftung.

Leeman (1985:124) argues that the BNP’s campaigns were well publicised by the Roman Catholic missionaries. Leeman (1985:125) also notes that voters “were taught that voting for the BNP was a declaration of support for the Pope, while in some cases, the message was “Cow-God, Knobkerrie-Satan” (which were the symbols of the BNP and BCP respectively). Catholic women were encouraged to bring back to the priests

their unused BCP voting discs to ensure that they had voted correctly (*Voix du Basutoland*, 1964). The RCC provided unreserved support for the BNP. The military was not in existence yet.

Weisfelder (1969:11) indicates that out of 60 BNP candidates, 56 were Catholics and four were Protestants, but as junior chiefs, they were closely connected with the BNP support base. The BCP was labelled as anti-Christian and communist by the Catholic priests (Mphanya, 2004:12). Importantly, the royalists who were close to the monarchy gained only 16, 5% of the vote, which translated into four seats as illustrated in **Table 1** below.

Table 1: 1965 General Election for the National Assembly

Contestants	No. of votes	% of votes	No. of seats	% of seats
BNP	108, 162	41,6	31	51,66
BCP	103, 050	39,7	25	41,6
MFP	428, 37	16,5	4	6,67
MTP	5697	2,2	0	0
Indepts	79	0,03	0	0
Total	259,825	100	60	100

Source: Van Wyk, 1967

Appendix One shows the geographical support of the constituencies that were won by the BCP, BNP and MFP. The BNP won most seats in the mountainous constituencies; these were the areas with strong RCC influence. The BCP won most of its seats in the lowlands constituencies, including the small urban areas and Maseru. This was a result of its strong urban, progressive and modern policies. The MFP seats were scattered between Maletsunyane, Tsoaing and Matela. These were the areas where monarchical influence was strong (MacCartney, 1973).

Makoa (1997:141) argues that the BCP did not expect to lose the election, considering its previous victory in the 1960 District Council elections. Even Weisfelder (1979:25) did not anticipate that

Chief Jonathan's (BNP leader) poorly organised conservative amalgam of the rural peasants, junior chiefs and Roman Catholics could prevail against the militant, Pan-Africanist thrust of Ntsu Mokhehle's Congress Party (BCP).

Although the BNP had a majority of seats in the national assembly (31 of 60), it had only 41,6% of the popular vote. This distribution is entirely feasible in a constituency-based system, which might seem unfair to the opposition parties. The BCP and MFP had a combined 56,2 % (39, 7% plus 16, 5%) of votes but only 29 seats (Khaketla, 1971:12).

Significantly, Chief Leabua Jonathan was defeated by his rival Gauda Khasu of the BCP in the Manka constituency. But he later contested the by-elections in the Mpharane constituency. However, prior to the by-elections the South African government gave Chief Leabua Jonathan a personal gift of 100,000 bags of maize (Machobane, 2001).

Khaketla (1971:32) denounced the gift as a "cheap political trick that was intended to buy support for Chief Leabua Jonathan and his [Basotho] National Party". A large portion of the maize was distributed in the Mpharane constituency with the message "Leabua [Jonathan] is feeding the people" (Khaketla, 1971:12, Stevens, 1967:90).

In response to his critics on the personal gift from South Africa, Chief Leabua Jonathan stated that "I acted in the same way as some scholarships and funds were obtained from China. The BCP were given East European and Chinese scholarships before and after independence. They were not distributed by [an] aircraft, nor were there 100,000 of them". Ultimately, Chief Leabua Jonathan emerged victorious in the by-election.

Peter Sanders (1965:72), who was the Chief Electoral Officer in Lesotho, claimed that this result was a “fair reflection of the views of the Basotho people”. Weisfelder (1999:52) argues that Sanders’s perception becomes “questionable when we leave the raw data and examine the composition of the national assembly, the lower house of Parliament, where the popular mandate was skewed by the distribution of the vote among the sixty single-member constituencies”. Weisfelder (1999:53) further argues that if “PR was used, a process of coalition building would have become necessary, because the BNP would have held only 25 seats versus 24 for the BCP, 10 for the MFP”. This issue will be discussed in Chapter Five. In any democracy this kind of distribution of power is a serious indictment of the fairness of the electoral system.

The BCP refused to accept the election outcome and instituted legal proceedings against the BNP government, alleging that the election was not free and fair. It challenged the electoral outcome in four constituencies (Mphanya, 2004:57). Its electoral challenge was successful in two constituencies. After this, the BNP government retained 29 seats in the national assembly, while the combined opposition also had 29 seats (Khaketla, 1971:13; Machobane, 2001:11). Prime Minister Chief Leabua Jonathan, fearing that the constitutional challenge would force his party out of power, forced the national assembly sittings to adjourn *sine die* (Khaketla, 1971:12; Gill, 1993).

In 1968 three vacancies occurred in the national assembly after the deaths of the BCP MP for Qeme, the MFP MP for Maletsunyane and the BNP MP for Kolobere. The opposition parties (BCP and MFP) clamoured for by-elections to fill these vacancies. However, these vacancies were not filled until the 1970 general election (Khaketla, 1971:17).

After its defeat in the 1965 elections, the BCP refused to recognise the legitimacy of the victorious BNP. It resorted to mobilising anti-government sentiments across the country. The royalist MFP also refused to recognise the legitimacy of the BNP because of the lack of any specific recognition of the monarchy. Later the BCP, King Moshoeshoe II

and some Principal Chiefs formed an alliance based on their hostility towards the BNP government.

Machobane (2001:12) argues that “they believed that they could achieve their objective by overpowering it [the BNP government] with popular antipathy”. The BCP issued a warning reminding the BNP government that the “nation belong[ed] to the King not to Chief Leabua Jonathan” (*Makatolle*, Vol. 3, No. 7. January 1969).

As one of the key organs of the state, the monarchy together with opposition parties refused to adhere to the constitutional rules of the game, including addressing the problems with the electoral system. The monarchy did not see the BNP government as procedurally entitled to rule. In his defiance against the BNP government, King Moshoeshoe II “inspired and backed by the BCP and the MFP, scheduled a prayer session at Thaba-Bosiu – Lesotho’s nineteenth-century fortress” to further denounce and undermine the BNP (Machobane, 2001:12).

Sixeshe (1984:47) argues that the prayer meeting was organised to topple the BNP from state power. Sixeshe further suggests that Prime Minister Chief Leabua Jonathan had earlier warned the King not to proceed with the prayer meeting. Machobane (2001:14) argues that Principal Chiefs “were written letters explicitly forbidding their attendance at Thaba-Bosiu [by the BNP government]”. But King Moshoeshoe II used his “moral authority over the Principal Chiefs to attend the prayer meeting” (Masupha Mamathe, 31 May 1989). Ultimately, the prayer meeting went ahead, but was suppressed by the BNP government.

The official government statement later announced that the King, the BCP and the MFP had secretly planned to stage a *coup*, as their supporters were “heavily armed” (Machobane, 2001:13). It remains a moot point whether the military were involved. The government further stated that “from Thaba-Bosiu the mob was to march to Maseru [the capital] and seize power from the [BNP] government” (*Nketu oa Mara*, Vol. 3. January 1967).

This lack of legitimacy of the BNP government impacted negatively on its ability to deliver services. But Makoa (1997:143) argues that performance legitimacy of the BNP was also hindered by “its willingness to consolidate its hegemony against the opposition”.

Consequently, it focused on consolidating its influence in the areas that were seen as pro-government (that is, among Catholics, junior chiefs and supporters in the mountainous areas). Constituencies won by the opposition parties became victims of these uneven developmental projects. Hlasane Nkao (2005) argues that “agricultural schemes, water schemes and roads were done in the areas that were regarded as the stronghold of the ruling party”. Ngqaleni (1991) argues that the Thaba-Phatsoa and Khomokhoana agricultural projects were used by the BNP to build its constituency support rather than for genuine development. As a result, those suspected of being opposition supporters were marginalised developmentally.

This widened the sense of social exclusion and feelings of marginalisation across the population as political loyalty to the ruling party remained crucial for service delivery. In expressing his gratification at the economic policies pursued by Chief Leabua Jonathan at a political rally, Principal Chief of Roma, “Tiger” Maama, who enjoyed strong political favour, stated that “you have been given by God. Your acts of [economic] developments ... speak for themselves” (Basotho National Party (BNP) Rally, Roma, 23 February 1965).

The monarchy’s close association with the MFP also had far-reaching effects and eroded its image of being non-partisan. The King later dismissed the senators he had appointed on the advice of Prime Minister Chief Leabua Jonathan. He argued that the dismissed senators (C.D. Molapo and others) did not support him. But the High Court ruled against the King and stated that he did not have the power to dismiss the senators.

The King was a constitutional monarch who had to operate within the rule of law. I agree with Maqutu (1990:35) that after the “dismissal of the senators was declared as unlawful by the Courts of Law, this exposed the King’s political partisanship without vindicating his action as an action that could be seen as undertaken in the interests of the people”.

Heywood (2002:342) explains that in most cases of this nature the King as the “non-partisan” head of state “acts as an embodiment of traditional authority”. But this was not case with the Lesotho monarchy. After the 1965 elections the monarch did not abide by the constitutional provisions, thus violating one of Leftwich’s conditions for consolidation. The King denounced the government and portrayed the monarchy as better equipped to rule than the democratically elected BNP government. Lesotho’s monarchy thus contributed to the violation of democratic principles.

Lesotho’s constitution provides for mandatory national elections every five years (The Constitution of Lesotho, 1993:57). But Weisfelder (1974:8) notes that Lesotho’s constitutions have often been at the “centre of political haggling”. The adopted constitution remained at the centre of political disputes. The rules of the game as prescribed in the constitution were not only unacceptable to the monarchy, but even the BCP did not like Section 77 of constitution, which stated that

The King shall have the right to be consulted by the Prime Minister and other Ministers on all matters relating to the government of Lesotho and the Prime Minister shall keep him fully informed concerning the general conduct of the government of Lesotho and shall furnish him with such information as he may request in respect of any particular matter relating to the government of Lesotho (The Constitution of Lesotho 1993: 34).

The BCP was uneasy with the right of the monarchy to be informed on matters affecting the administration of Lesotho. Mphanya (2004) argues that it was like having a Prime

Minister who is accountable to the hereditary and non-democratic institution (the monarchy) which they did not fully support.

According to Leftwich (2000), policy restraint is another condition for democratic consolidation. But upon the assumption of governmental power, the BNP government was confronted with the strong and established monarchical interests. These monarchical interests led to open confrontation with the BNP government. The BNP also went overboard with the selective application of development policies.

Most of the agricultural projects and construction of roads were undertaken in Kolonyama (home of Chief Leabua Jonathan), Manka and Maputsoe. This led to a violation of policy restraint as the BNP implemented controversial policies. Mokhotlong and Matsieng, which were seen by Prime Minister Chief Leabua Jonathan as the strongholds of the opposition parties (BCP and MFP) were neglected.

Most areas such as Koeneng and Fobane were marginalised as far as the provision of clean water was concerned and no major developmental projects were carried out in these areas despite the public outcry over the lack of clean water and the poor roads (Hlasane Nkao, 2005). The Prime Minister also seldom consulted the King as required in the constitution in his appointment of senior civil servants. In 1967 the Prime Minister even tried to exile the King, but this move was strongly opposed by the Principal Chiefs.

Lesotho was a culturally homogenous society, but this homogeneity was changed by the introduction of different Christian denominations and the status differentials between the chiefs and commoners. The BNP came to power in an environment marked by religious hostilities between the Catholics in the BNP and the Protestants in the BCP.

Most importantly, the RCC had actively campaigned for the BNP in the 1965 elections. The Prime Minister kept blaming the spread of communist ideologies on the Protestants and the BCP. In rebuking the Protestants in the BCP, Prime Minister Chief Leabua Jonathan often argued that

Basotho are fundamentally a Christian nation and to expose them to the ideologies that by their foreign nature are a threat to their beliefs would be a failure on my part ... There are no two ways about these things... I reject communism and all it represents (Leistner 1983:209).

Then came the elections of 1970.

4.2.2 The 1970 elections

In the 1970 election the BNP was expecting to win with a landslide majority (Mphanya, 2004:65, Khaketla, 1971). The BNP hoped that the construction of new tarred road and agricultural projects would help it to secure victory. Candidates for the 1970 election were given strictly seven days to get nomination papers, learn how they should be filled in and submit them to the nomination courts by the Electoral Commission.

Khaketla (1971:203) noted that

this period of seven days was too short ... according to the provisions of the Electoral Act ... nomination papers, in order to be valid for official party candidates, had to be signed by the Secretary-General and the Chairman of the party ... Unless they were so signed, the candidates could not be accepted as official candidates representing their respective parties.

Given the country's difficult terrain and poor communication networks, opposition candidates were confronted with the impossible task of having to travel long distances to the nomination courts. The Communist Party of Lesotho (CPL) managed to field only one candidate, whilst the United Democratic Party (UDP) fielded three candidates. But the BNP, with the monopoly over state resources, did not have problems in reaching its candidates across the country. The BNP was so confident that one executive member was quoted in Khaketla (1971:206) as saying,

How can we lose the match? The ball is ours, the jerseys are ours, the field is ours, the linesmen are ours, and more important, the referee too is ours.

The RCC still campaigned strongly for the BNP. The BCP allegedly accused the RCC of assisting the BNP to illegally secure arms and stockpile them in the RCC missions (*Makatolle*, Vol. 8, No.51. December 1969).The significance of the BCP’s charge against the BNP and the RCC was its projection of imminent violent elections. But the BCP had undoubtedly prepared itself for the 1970 election contest.

Matlosa (1999:172) argues it “was aiming to upset its arch-rival BNP and reverse the 1965 political outcome”. Leeman (1985) argues that it took advantage of the major policy blunders of the BNP government. Matlosa and Pule (2001:43) contend that “the outcome of this election did not determine Lesotho’s political destiny as the ruling party interrupted the whole process mid-stream upon realising an impending defeat and declared the election null and void”. The results of the elections (that were annulled) are indicated in **Table 2** below.

Table 2: 1970 General election for the National Assembly

Contestants	No. of Voters	% of Votes	No. of seats	% of seats
BCP	152 907	49,8	36	60,0
BNP	108 162	42,2	23	38,3
MFP	22 279	7,3	1	1,7
Other	1909	0,7	0	0,0
Total	285 257	100	60	100

Source: Lodge, T, Kadima, D and Pottie, D 2002:47

Appendix Two shows the regional support in terms of the constituencies won by the BCP, BNP and the MFP. The BCP returned the western lowlands but made a strong showing in the mountainous areas that were traditionally regarded as the BNP strongholds. The BNP, however, still maintained a good performance in the

mountainous areas. The MFP support base was still confined to areas with strong monarchical influence (Fox, 1995). But the result was ominous. MFP popular support dropped from 16,5% to 7,3% and from four seats to only one. This must have threatened the King.

After some results had been made known, it became clear that the BNP had lost to the BCP. Its leadership decided to seize power. The elections were invalidated, a state of emergency was declared, the 1966 constitution was suspended and parliament was dissolved. The government did this without the support of the military. It was the state of emergency regulations that kept the BNP in power, with opposition politics curtailed and the King exiled to the Netherlands (Makoa, 1997).

The reason for exiling the King to the Netherlands was that it “would give the government a breathing space within which it will be able to restore calm and stability in the country” (Machobane, 2001:29-30). This decision was strange given the loss of support for the MFP.

The BNP argued that it was remaining in power to save the country from the onslaught of communism that was propagated by the BCP. It accused the BCP of winning through intimidation and manipulation of the election result (Report of the Commission of Inquiry into the Events Leading to the Political Disturbances which occurred in Lesotho during the period between 1st July to 30 November 1998, 2001:11).

Sixeshe (1984:12) argues that Prime Minister Chief Leabua Jonathan was not aware that

thousands of his party supporters in the rural areas had not gone to the polls, due to the violence that they were threatened with if they voted ... [and] in Quthing [district] election officials had been kidnapped by some BCP supporters and all the election material seized.

Sixeshe (1984) further alleges that in some areas the ballot boxes were grabbed from the polling officers by the BCP supporters. Why the police had not intervened strongly remains a mystery. According to Sixeshe, Prime Minister Chief Leabua Jonathan could not have handed over power under such circumstances. Matlosa (2000) argues that there was not sufficient evidence to support Sixeshe's allegations that the BCP used violence and intimidation in the election.

Machobane (2001) argues that Sixeshe failed to provide credible sources of information to substantiate his allegations. I concur with Matlosa (2000) and Machobane (2001), because there was nothing credible that Sixeshe provided as evidence to substantiate his allegations. Khaketla (1971:206) notes that the judiciary was deliberately suppressed by the government to undermine the possibilities of any possible legal challenges.

Prime Minister Chief Leabua Jonathan, in trying to regulate relations between the institutions of the state, on 10 February issued the Lesotho Order No. 1 of 1970 (Mphanya, 2004:71). The intentions of the Order were to provide for peace, order and good governance. This Order served as a "new constitution" until a better constitution, suited to the needs of the Basotho nation, was drafted (Mphanya, 2004).

Upon his return after eight months in exile, the King was under oath that, as Machobane (2001:30) succinctly puts it, "in the presence of the omnipotent God, he would cooperate in accordance with the policies of ... the existing BNP government".

Machobane (2001:30) further states that

he agreed, in keeping with the oath that he would never again allow the Office of the King, "*bo lubakangoe le lipolotiki*" ... to wallow in politics or allow any political party to use him.

Matlosa (1997:144) states that the BNP justified its actions on the basis of anti-communist beliefs and got support from the RCC. However, Machobane (2001:28) argues that the RCC was “surprised and disconcerted by the announcement of the (civilian) *coup d’etat*”. The church did not see a military hand in the events. Hence, it appealed to the BNP government authorities to protect and promote peace and stability. It further appealed to the government to “align themselves with the law of God, who binds all men in peace and reconciliation” (*Nketu oa Mara*, Vol. 6. February 1970).

In an effort to provide legitimacy and to calm the political tempers, Prime Minister Chief Leabua Jonathan proposed the formation of an Interim National Government in 1973. As the BNP government was to exercise total control over the Interim National Government (Machobane, 2001:34), it was a gross violation of the democratic rules of the game.

The BCP leader, Ntsu Mokhehle, opposed the participation of the BCP in this interim rule. However, his Deputy Leader in the BCP, G.P Ramoreboli, and 22 members of the BCP agreed to join the assembly against the wishes of their leader (Machobane, 2001). This marked the formal beginning of a split in the BCP as Ramoreboli was temporarily expelled from the party.

During this period the BNP government exercised strict control over the institutions of the state and particularly the recruitment into the armed forces. Southall and Petlane (1995:146) argue that the BNP consolidated its power by using the “*Sephephechana* system, which required the recruits [to the army] to be card-holding members of the party”. Was it the beginning of the politicisation of the military? It was certainly not a case of policy restraint by the so-called winners. Southall and Petlane (1995:154) argued that “[the BNP] managed to convert the armed forces into its own political constituency”.

This consolidation of power was not only directed against external threats but most critically against the internal opposition (Mphanya, 2004:71). In fact, Mothibe (1999:47)

argues that “the action set in motion an authoritarian agenda characterised by brute force, naked oppression and *de facto* one-party rule”. But it was civilian.

Mothibe (1999) argues that the military became highly politicised and acted as supporters of Chief Leabua Jonathan’s dictatorship once in power. The BNP further continued to politicise other organs of the state. It was through the military’s assistance that the opposition parties were suppressed and a reign of terror imposed by Chief Leabua Jonathan.

According to Khaketla (1971:227), there were a series of bloody military operations as a witch-hunt against those who were opposed Chief Leabua Jonathan’s state of emergency. Khaketla further argues that the military went from village to village provoking trouble, arguing that they were looking for BCP members who had rigged the 1970 election.

Added to these military operations, members of the BNP Youth League also went on the rampage beating and torturing people who were suspected of being BCP supporters. Khaketla (1971) mentions an incident where members of the BNP Youth League provoked a public meeting in Mathebe. They brandished guns, fired shots and promised to shoot people for no apparent reason. In retaliation to such threats, the locals retaliated and stoned six of them to death. In response, the military, as Khaketla (1971:278) aptly puts it,

within a short time... entered the village and began attacking everybody they saw - men, women and children. Bursts of gunfire were echoed by the surrounding hills. Flames shot up as houses were set alight, burning people, furniture, clothes ... All the people, young and old, took to the mountain, [those found in the houses] were attacked with axes and bayonets and then set... [alight].

During this operation over 100 houses were burnt down and 14 people were killed, while scores were injured. A similar operation was carried out in Quthing district; the military burned houses, killed the owners' animals and hunted people down. Those who were caught were subjected to brutal beatings. The military further continued with the opposition crack down and many people, according to Khaketla, were allegedly killed.

All political activities were banned, though parties were allowed, but they were demobilised. Prime Minister Chief Leabua Jonathan made public declarations that the country had suspended multiparty democracy (Gill, 1993:237).

The Prime Minister argued that the BNP government had avoided "a bloody revolution [that] would have plunged the people of this country into a state of misery and tragedy" (Prime Minister's Statement on the Banning of the Communist Literature from Lesotho, 6 February 1970). Matlosa (1999:43) indicates that over time conflicts erupted between the executive organ of the government and the military over the issues of internal law and order. However, the BCP members were continually harassed by the BNP Youth League, which accused them of conspiracy to topple the government (Gill, 1993:230).

In response the BCP launched uprisings against the government. In January 1974 an attempt was made to take over Mapoteng, Peka, Monotsa and Kolonyama police armouries. Gumbi (1995:4) argues that what started as political resistance developed into a violent struggle following the departure of the BCP leader, Ntsu Mokhehle, from Lesotho in 1974 to exile in Zambia. Ntsu Mokhehle's departure saw the establishment of the Lesotho Liberation Army (LLA), an armed wing of the BCP. The democratic rules of the game were eroding rapidly on all sides. It was only a matter of time before the military intervened, ostensibly to protect social order.

It was throughout the 1970s and 1980s that the LLA regularly tried to topple the BNP government. But, because of the BNP's monopoly over the politicised organs of the state, the LLA attacks were easily crushed by the military, which gave unreserved support to the BNP despite its unconstitutional assumption of power.

Machobane (2001:45) raises an important issue that there often comes a time when a ruler is referred to as an “old man”. This label of “old man” is often characterised by the following complications. His cabinet, senior advisers and some parliamentarians in pursuance of their objectives slowly manipulate his exhausted mind in order to achieve their desired ends by “gaining his trust in preparation to succeeding or deposing him”.

By the 1980s Prime Minister Chief Leabua Jonathan, born in 1914, was seemingly exhausted. The more active, younger politicians in the BNP like Desmond Sixeshe, Vincent Makhele, Evaristus Sekhonyana, the BNP Youth League and some senior military officers had established a protective ring around him with the group pursuing its own objectives (Gumbi, 1995; Machobane, 2001).

Machobane (2001:136) argues that since the declaration of the state of emergency in 1970, Chief Leabua Jonathan had succeeded in centralising power in himself and his close confidants. Leeman (1985:43) also argued that

Leabua was accused of moving towards the establishment of a one-party state with a constitution similar to that of Kenya, Malawi or Taiwan. It was more accurate to say he wished to create a no-party state, in which nominated members would fill the government and local administration, all of whom would owe their appointment to him. In particular he wished to use the chiefs, partly through his own adulation of that institution, partly because he had the power to nominate, regulate and expel them, but also because by using chiefs he could justify his methods by recourse to spurious shallow ideology claimed to be in keeping with national Basotho tradition....

As a result of internal and external pressure to return the country to democracy, the BNP government made token moves to settle the legitimacy crisis that dogged it. It called for general elections in 1985, but opposition to civilian authoritarian rule was so

strong that the opposition boycotted the elections. Through all this, the King remained silent. But would the military respond?

4.3 The 1985 general elections

In the 1985 elections “gerrymandering of the electoral constituencies” became a critical instrument used to disadvantage other opposition parties in the electoral race (Mahao, 1997:4). Moreover, opposition parties boycotted the election as a result of two provisions within the electoral law. These were that each candidate had to pay a deposit of M1000,00 for his candidature and should mobilise at least 500 signatures of supporters endorsing his candidature (Mahao, 1997; Matlosa, 1997:96). With the help of the party which was in power, only the BNP candidates were able to contest the election. They all returned to the national assembly unopposed. Ajulu (1995:11) notes that over this period prior to the 1985 elections, the BNP’s existence at the apex of state power had

transformed its social composition and the class base of its leadership. Its monopoly over state power had enabled it to make the transition to a bureaucratic bourgeoisie. Its control over educational resources had enabled it to train and acquire a bureaucratic and intellectual class of its own.

Consequently, the election result exacerbated growing tensions among the different factions in the BNP that culminated in disagreements and leadership squabbles (Mahao, 1997). This saw the emergence of two competing intolerant factions, with each pursuing its own agenda. This could either have created the conditions for a mutually hurting state - make those hasted reforms, or it could have inspired the military to intervene. The BNP victory in this unopposed election predictably did not create the legitimacy that it yearned for, or result in a democratic breakthrough. Within one year the military deposed it from power in 1986, ushering the first breakdown by the military of civilian rule anywhere in Southern Africa.

4.4 The military interventions of 1986 and 1991

Machobane (2001:70) argues that South Africa created a platform conducive to the military *coup*. In 1982 the South African Defence Force (SADF) struck at Maseru, the capital of Lesotho, and killed African National Congress (ANC) liberation fighters. South Africa further imposed an economic blockade on Lesotho to pressurise it to expel ANC liberation fighters. This led to serious economic hardships, as the country was without the basic necessities (*The Christian Science Monitor*, 31 January 1986).

At the height of this economic melt-down, the general masses bitterly complained about the effects of commodity deprivation and blamed Prime Minister Chief Leabua Jonathan (Gill, 1993; Mothibe 1998; Machobane, 2001). Added to this economic crisis, the small clique that seized control over the BNP Youth League leadership demanded a new party leadership. Maqutu (1990) states that the electoral laws in the BNP had been amended in such a way in 1985 that anybody who rebelled against the party would lose his seat.

Since the 1970 declaration of the state of emergency and the suspension of the constitution, the BNP never had an elected leadership. Maqutu (1990:46) indicates that “an attempt to elect the Basotho National Party leadership was quashed by Prime Minister Leabua Jonathan and [those who attempted] to elect party officials were put under house arrest in 1971”. I concur with Maqutu that it is justifiable to conclude that Prime Minister Chief Leabua Jonathan had over the years succeeded in oppressing the BNP just as he denied the people their democratic right to elect the government of their choice. The Prime Minister was then a civilian autocrat, while the BNP Youth League became his storm-troopers.

The leadership of the BNP Youth League started to threaten the military and this gave the military the impression that the League was an alternative army (Maqutu, 1990). Gill (1993:56) argues that unconfirmed rumours started circulating that the BNP Youth League was to seize power and displace the Royal Lesotho Defence Force (RLDF, now

the Lesotho Defence Force (LDF)) as a national army. Coupled with these uncertainties plus economic hardships as a result of the South African economic blockade, the (real) military staged a *coup* on 20 January 1986.

The *coup* dislodged the BNP from power after 16 years of oppression, mismanagement of the national resources and unaccountable rule (Mahao, 1997:2; Gill, 1993:243). The military argued to have launched a *coup* in order to return the country to democratic rule through a process of national reconciliation (Gill, 1993:289). Segments of the BNP, as well as the supporters of the King, were apparently behind this *coup*. Did oppression and hardship serve to bring the monarchy and the military together?

According to Matlosa and Pule (2001:45), the monarchy was at the helm of the military administration. Afterwards the Lesotho Order No. 2 of 1986 was introduced. It vested the executive and legislative powers in the monarchy. The Lesotho Order No. 2 of 1986 also paved the way for the establishment of a military council comprising of six military personnel. There was also a “co-opted array of civilian ministers from the educated elite who were loyal to the monarchy”, who formed a council of ministers (Machobane, 2001: xi).

Major General Metsing Lekhanya became the chairman of the two councils. Gill (1993) and Machobane (2001) point out that the monarchy was to exercise legislative and executive power on the advice of the military council. However, the high political profile of the King in the decision-making process together with the politically motivated interpretation of this coalition arrangement resulted in an ambiguity as to whether the real power rested with the King or the Military Council (Gumbi, 1995:2). Was it a case of the King using the military or the military using the King?

The military administration was often hostile to any form of popular criticism and protests. It often labelled such incidences as “civil unrest and the refusal to be governed” (Machobane, 2001:85). Pressure mounted on the military administration. This

heightened tensions and the differences between the junior officers and senior officers in the army came to the fore.

The King continued to criticise the military government regarding corruption, violation of human rights and undemocratic practices. This led to a confrontation between the King and the chairman of the military council and council of ministers, Major General Metsing Lekhanya (Gumbi, 1995). This in turn led to factions forming within the military (Machobane, 2001:57), leaving the monarchy as a weakened, but stand-alone institution in the state.

The monarchy and military alliance soon collapsed after the fatal shooting of a male student at the Lesotho Agricultural College (LAC) by Major General Metsing Lekhanya. Numerous attempts to force him to resign were fruitless (King Moshoeshoe II Letter to the Chairman of the Military Council and the Council of Ministers, 22 February 1990). But Major General Lekhanya was later cleared of any wrongdoing by the Judicial Inquest that ruled that the murder was “justifiable homicide” (Matlosa and Pule, 2001:46; Machobane, 2001). These events did not make any possible contribution for democratic rule, except that they probably weakened both the monarchy and the military.

Meanwhile, Ntsu Mokhehle finally returned from exile in 1989 and an internal *coup* took place in February 1990. Three members of the military council and one member of the council of ministers were sacked. All those sacked were known to be supporters of the monarchy. King Moshoeshoe II was stripped of executive and legislative powers, deposed and forced into exile in Britain (Mahao, 1997; Machobane, 2001).

The military administration replaced him with his son, Prince Mohato Bereng Seeiso, who became King Letsie III in November 1990. Major General Metsing Lekhanya stated that the dismissed ministers and the deposed King were delaying the process of re-democratisation (Press Statement by His Excellency the Chairman of the Military

Council and the Council of Ministers, 30 April 1990). Matlosa and Pule (2001:47) state that

this was vociferously denied by the [deposed] King [Moshoeshe II] who made a counter-claim that [Major General Metsing] Lekhanya and his allies were solely responsible for the delay in restoring constitutional rule since every time the matter was discussed ... he insisted that such issues first had to be discussed by the armed forces.

In an effort to appease the potential opposition in the country, the military administration established a constituent assembly in 1990. The assembly was given the responsibility of drafting a new constitution that would be considered by the military council (Gumbi, 1995).

According to Section 9 (4) of the Government Gazette Extraordinary “executive authority in Lesotho [was] vested in the military” (cited in Gumbi, 1995:34). The assembly was to use the 1966 constitution as a working document. It was composed of the council nominees by the military government, the senior chiefs, soldiers, policemen and leaders of the banned political parties.

The leaders of the main political parties, the BNP, BCP, UDP and the CPL, were reluctant to join the constituent assembly because it was merely an advisory body. They believed that the presence of military and police personnel in the assembly would deny them freedom of expression. They were also unwilling to serve as appointees and not as elected members in the assembly (Joint statement by leaders of Political Parties, 30 May 1990).

Mahao (1997) argues that Major General Metsing Lekhanya frustrated and delayed the process of handing over power to the civilian administration. Gumbi (1995:3) also argues that the military violated the rule of law, abused basic human rights and retarded the process of democratisation. Moreover, corruption also became rampant (*Mirror*, 27 May 1991). The BCP, MFP, UDP, NIP parties issued a statement indicating that

persistent refusal by the military council to form an all-party government of national reconciliation has undermined the only justification for the military *coup* of 1986. And the continued suppression of democracy under the draconian Order No. 4 which suspended politics has imposed a national moral slavery that equates the Basotho with the sub-human beings and dumb animals. Another refusal to hold a plebiscite on the political future of this country will seal off that fate... The branding of the “Big Five” [BCP, MFP, UDP, NIP] as “traitors and the Judas Iscariots” by the military council is a smokescreen designed to cover their gross incompetence to resolve differences on national issues by negotiations... The Big Five have lived with intimidations, threats and abuses (*Mirror*, 27 May 1991).

As a result of the discontents within the military administration and pressure to return the country to democratic rule, the junior officers staged another internal *coup* that dislodged Major General Metsing Lekhanya from power on 30 April 1991. The chairmanship of both councils was taken over by Colonel Phisoana Ramaema (later promoted to the rank of Major General). Major General Ramaema’s assumption of power saw the lifting of the controversial Suspension of Political Activities Order No. 4 of 1986. The specific clause in the proposed constitution that entrenched military personnel in a democratically elected government was also dropped (*Mirror*, 27 May 1991). Had the military now become reluctant reformers?

Upon his assumption of power in 1991 Major General Phisoana Ramaema was clear on one thing: he had to drive forward the government objective of transferring power to the civilian administration. He publicly expressed a popular slogan that “I am a driver of a lorry [of government] without a reverse gear. It will only shift forward” (*Moeletsí oa Basotho*, 22 September 1991).

Major General Phisoana Ramaema's administration was confronted with the mammoth task of deciding what to do with deposed King Moshoeshoe II. According to Machobane (2001:126), there was increasing pressure from the Commonwealth Secretariat, royalist supporters and 19 of the 22 Principal Chiefs that the King Moshoeshoe II should be reinstated to the throne. This pressure on the military administration was further exerted by his son Prince Mohato Seeiso who, as mentioned before was placed in his father's position as King Letsie III on 12 November 1990 (Southall, 1995).

On 28 December 1992 King Letsie III wrote a letter to the heads of churches in Lesotho and accused the military administration of persecuting his father King Moshoeshoe II. He accused the military administration of unfairly sending to him into exile and deposing him. He claimed that he was improperly installed by the military administration.

King Letsie III also argued that 'placing' him on the throne while his father was still alive was an unusual step in Basotho tradition. He defended his father against what he described as the "baseless" accusations made against him by the military government. He further appealed to the nation under the leadership of various Christian denominations to push for the re-installation of his father to the throne (*Lengolo la Rabasotho King Letsie III - Ho Lihlooho tsa Likereke*, December 1992).

Southall (1995:30) argues that the removal of King Moshoeshoe II as well as the installation of his son King Letsie III was intended to neutralise the monarchy and left the country with the "inevitable consequence of One Country, Two Kings". But the military administration ignored the calls for the restoration of King Moshoeshoe II until the March 27 elections in 1993. King Moshoeshoe II claimed that he was deposed and sent into exile only because he demanded the establishment of a Commission of Inquiry into the allegations of corruption in the public service (*Mirror*, 6.3.92).

Commenting on the reluctance in the military to hand over power to civilian administration, *The Star* (6 May 1988) stated that

more than two years after they seized power in Lesotho, the military shows no signs of keeping their promise to hand it back to the civilians. Some Basotho think the soldiers have acquired such a liking of power that they are reluctant to give it up. The military leaders insist, however, that they still intend to return power to the civilians. But they cannot do so, they say, until the civilians are ready to receive it, until a suitable political structure is in place to exercise the power. By this they appear to mean that there should be a new constitution and reasonable certainty that there will not be an immediate resumption of the party political feuding that plagued the country until the military overthrow of Prime Minister Leabua Jonathan's government in January 1986.

I concur with Matlosa (1995:120) that even after the transition process and the 1993 elections, the military was still reluctant to effectively hand over power to the democratically elected civilian government, even after the BCP captured 74,7% of the vote in the 1993 election (see the next chapter on the re-democratisation elections of 1993).

People were denied the freedom to exercise their democratic right for eight years under military dictatorship. In the early phases the monarchy was co-opted to legitimise the military's assumption of state power. The military abused the monarchy and even tried to eliminate political opposition to form a no-party state. But the act of balancing military and monarchical interests became problematic.

Machobane (2001:134) states that "the soldiers incarcerated or flushed each other out of the political court." However, because of the internal struggles and corruption within its ranks, it became hostile to the citizens. It relied on the use of force to silence opposition. This was contrary to its earlier promises of intervening in politics to promote economic development, peace and stability, and to facilitate the speedy return to democratic rule.

4.5 The role of the monarchy in the military *coups*: in 1986 and after the election of 1993.

We have seen that the military thought it might use the monarchy for its own purposes. However, according to Machobane (2001:65), from its inception the 1986 *coup* was identified with the Matsieng royal ambitions. It provided King Moshoeshoe II with an opportunity to pursue his desire for executive powers. The founder of the Basotho nation, Moshoeshoe I, had four sons; Letsie I was the oldest and the first in the royal lineage. Letsie I was the great-grandfather of King Moshoeshoe II and an elder brother of Molapo, the second son.

Chief Leabua Jonathan was a descendant of Molapo. There was contestation for political power and authority between these two senior sons of Moshoeshoe I in the colonial period. These divisions within the traditional authority for political supremacy had placed the country in a precarious situation. But the military *coup* marked the ascendancy of the Matsieng royal house (associated with the MFP), which over the years had felt that it was being suppressed by Chief Leabua Jonathan from the Molapo house (associated with the BNP). It was the military that removed Chief Leabua Jonathan from politics in 1986.

Machobane (2001:66) further notes that “the King gave the military government the highest praise of anybody and any group of people in the country since the founding of the nation”. His passionate speech is worth noting as he indicated that

a second miracle happened on the 20th January this year [1986]. This nation was redeemed the second time and given a new lease of life. The armed forces ushered a new era into Lesotho in an extraordinary fashion, one so different from what usually happens in similar circumstances, that many people are asking themselves whether the change is real and lasting (King Moshoeshoe II Address, 12 March 1986).

In the military administration the King advocated what he termed 'participatory democracy'. This would witness the re-introduction of the Matsieng house at the apex of Lesotho politics, something that the ballot box had failed to do. According to him, all sectors of the society, farmers associations, chiefs, chambers of commerce and the others could directly participate in the political process through their representatives and not through political parties. He argued that their interests would be clearly addressed through an advisory national council. Importantly, a national council should be dominated by senior chiefs with him at the top. He argued that this was normal in a parliamentary system.

Machobane (2001:91) argues that King felt that "in a parliamentary system, a commoner-dominated legislature rules the land. In the [proposed] Lesotho national council, authority ... [will be] in the hands of chiefs". Overall, the King wanted a system of governance in which the monarchy will be at the apex of administration. The monarchy wanted Lesotho to be a no-party state (almost as in former King Sobhuza's Swaziland).

Following the BCP's landslide victory in the 1993 election, the BNP refused to accept the election outcome (this will be discussed in Chapter Five), while King Letsie III continued to demand the immediate restoration of his father to the throne. I concur with Matlosa (1995:130) that the BCP government was unable to effectively assert its control over the military. Amid the uncertainties about what the military might do and pressure from King Moshoeshe II to be reinstated, the leader of the victorious BCP in the 1993 election, Prime Minister Ntsu Mokhehle, established the commission of inquiry into the events relating to the military.

The terms of reference of the commission of inquiry into the LDF were to inquire into

- (a) the events that took place during the period between November 1993 and April 1994;
- (b) the role of the LDF in those events;

(c) what future actions can be taken to prevent a repetition of these events.

The commission was further to investigate and identify the people whose activities contributed to those events, the history of the military since its inception, the possible redeployment of those members of the military who may be “found to be in excess of requirements and the incorporation of the Lesotho Liberation Army (LLA) into the army” (Legal Notice No. 61 of 1994, Commission of Inquiry into Lesotho Defence Force, 27 December).

But the LDF believed that the government had a secret agenda to dismantle it and replace it with its former armed wing, the LLA. This perception was intensified by the fact that in its 1993 election manifesto the BCP had promised the following:

- (a) Efficient and disciplined security forces to maintain law and order and to protect lives and property;
- (b) Professional and non-partisan security forces under the command of the Head of State and the Defence Commission;
- (c) A defence force based on quality, not quantity, in order to promote efficiency in the maintenance of law and order as well as the defence of territorial integrity and sovereignty of the country (Basutoland Congress Party (BCP) Election Manifesto, 1993:3).

Matlosa and Pule (2001) argue that it remained unclear as to how exactly the BCP government was going to implement these policies. But with the continuing anti-army statements from its supporters, this further deepened the hostility between the government and the military. Makoa (1997:21) states that there were also “inflammatory remarks from the BCP cabinet ministers and parliamentarians”. This included public statements by Prime Minister Ntsu Mokhehle denouncing the LDF as the BNP’s murderous youth league that should be disbanded.

In response to such accusations, on April 14 1994 the military assassinated the Deputy Prime Minister and Minister of Finance, Selometsi Baholo. Four cabinet ministers (Monyane Moleleki – Minister of Natural Resources; Kelebone Maope – Minister of Justice; Pakalitha Mosisili – Minister of Education; and Shakhane Mokhehle – Minister of Trade) were briefly abducted and later released by the soldiers. The BNP leader, Retselisitsoe Sekhonyana, managed to take advantage of the established military interests by “exhorting the army to do something about the rumours that government wanted to disband and replace the military with the LLA, its former armed wing” (Matlosa and Pule, 2001).

Makoa (1997:22) aptly captures the BCP’s government attitude after the 1993 elections by stating that

not only did the regime exclude its opponents from the administrative and governmental processes, but it also appeared determined to stoke political instability and violence. Examples of this double-pronged policy are the purging of the civil service and the security forces, secret importation and stockpiling of weapons of war, and the training of BCP members in their use so that they could challenge the army and eradicate the opposition.

At the centre of these increasing hostilities between the government and the military was the monarchy. King Moshoeshoe II appealed by writing a letter to Prime Minister Ntsu Mokhehle demanding his reinstatement to the throne and outlining how unfairly he was treated by the military administration (Matlosa, 1995:131). In his response Prime Minister Ntsu Mokhehle stated that the best way for the King to seek redress about what he claims to have been abuse of his human rights by the former military government would be to take recourse to the courts of law.

Matlosa (1995:131) notes that Prime Minister Ntsu Mokhehle in the National Assembly on 28 March 1994 further outlined the following options as the possible solutions for the problems confronting the monarchy:

... the first option is that of a referendum, which should be a short and simple question that the people will not have difficulty in understanding ... the second option will be to institute a commission of inquiry to look into the circumstances that led to the dethronement of King Moshoeshoe II and recommend, if necessary, measures that could be taken towards his reinstatement. The third option is the changing of the constitution, which will also need a question to be thrown to the masses for approval (*Mopheme*, 8.3.94).

The government adopted the second option in an effort to avoid a direct confrontation with the monarchy and its supporters. The royalists and the BNP further embarked on the joint demonstration on 15 August 1994. They demanded the immediate reinstatement of King Moshoeshoe II, the dissolution of the BCP government, called for the establishment of an interim government of national unity and preparations for fresh elections under proportional representation (Sejanamane, 1996; Matlosa, 1999; Matlosa and Pule, 2001). The old bone of contention, the electoral system, was now ripe for resolution.

King Letsie III further denounced the BCP government and called for the restoration of his father King Moshoeshoe II to the throne. The government established a Commission of Inquiry into the monarchy and the role of King Moshoeshoe II during the BNP's government. This commission was bitterly resented by the King and his supporters (Sejanamane, 1996:38).

Sejanamane (1996:38) argues that "the terms of reference of the commission were clearly biased against Moshoeshoe II ... the membership of the commission was not helpful, in that some members were known to hold very strong views on the issue being

investigated”. Unhappy about the commissions terms of reference and its membership, King Letsie III wrote a letter to the Prime Minister and pointed out that,

by its composition, the commission can hardly be taken and accepted as neutral, impartial and without ... prejudice, especially when some members of the commission are self-professed anti-monarchists who on many occasions made public utterances which directly attack and besmirch both the person of His Majesty and the institution of the monarchy ... (His Majesty King Letsie III letter to the Right the Hon. Prime Minister, Ntsu Mokhehle, 4 August 1994).

King Letsie III, under acute political pressure from the royal family, the Principal Chiefs of Matsieng and Mokhotlong, Chief Masupha and Mathealira, wrote a letter to the Prime Minister, arguing that the consequence of the commission would be mounting tensions rather than national reconciliation (Sejanamane, 1996). He pointed out that

... I can only conclude by expressing my concern and fears to the effect that this commission, as it presently stands, is not intended to establish the truth and justice to the wronged. On the contrary, it has been created to provide an arena for conducting a political vendetta against His Majesty King Moshoeshoe II. A commission of this nature will not be seen as having the required and necessary integrity and legitimacy of the public.. it will be virtually impossible for me to accept the results of its work and its findings as being objective, fair, impartial and just (His Majesty King Letsie III letter to the Right the Hon. Prime Minister, Ntsu Mokhehle, 4 August 1994).

It was against this background that King Letsie III stormed into Radio Lesotho and announced that the BCP government had been dissolved and the constitution suspended again (Sejanamane, 1996:39; Southall and Petlane, 1995:133). He afterwards appointed an interim administration.

Matlosa (1995:133) argues that the interim administration was designed to encompass all the “major shades of political opinion”. It was chaired by Hae Phoofolo (a human

rights lawyer and a former Deputy Governor of the Central Bank of Lesotho), Retselisitsoe Sekhonyana (leader of the BNP), was responsible for Foreign Affairs, Mamello Morrisson (the former editor of royalist paper, *Mohlabani*), was responsible for Information, Khauta Khasu (formerly of the BCP, who had contested the 1993 election under the banner of Hareeng Basotho Party (HBP) in Peka), was responsible for Agriculture, Mathabiso Mosala (the former President of the Lesotho National Council of Women), was responsible for Labour and Moletsane Monyake (the former managing director of the Lesotho National Development Corporation), was responsible for Finance (Matlosa, 1995:133).

Matlosa (1995:133) argues that in denouncing the deposed BCP government, the Chairman of the Interim Provisional government, Hae Phoofolo “criticised [Ntsu Mokhehle] for mishandling ... the issue of the monarchy and the military disturbances of 1994”. Mamello Morrisson, who was responsible for Information, argued that the King intervened as a result of the deteriorating political and security situation in the country since the 1993 election and that the King acted to prevent an “outright military *coup*”.

She also insisted on the urgent need to “purify the civil service and reconstruct the armed forces to avoid their manipulation by the politicians (*Mopheme*, 26.8.94). Despite these efforts to justify the King’s declaration of the palace *coup*, this was met with stiff opposition both internally and externally.

External pressure from the Southern African Development Community (SADC) member states resulted in the restoration of the BCP government to power and a Memorandum of Understanding was signed on 14 September 1994 (Matlosa and Pule, 2001:55). The Memorandum provided for

the restoration of the duly elected government of Lesotho, cancellation of the Commission of Inquiry into the position of the monarchy, reinstatement of King Moshoeshoe II [and] indemnity for King Letsie III [as well as], members of the Provisional Council of State, advisers, public servants and security personnel from legal proceedings for actions against taken in the period August 17 to

September 1994, [lastly], Botswana, South Africa and Zimbabwe [will] ... henceforth maintain an ongoing interest in Lesotho's politics and ... they shall be the guarantors of Lesotho's democratic dispensation (Understanding of Measures and Procedures Relating to the Restoration of Constitutional Order in Lesotho, 14 September 1994:1).

King Moshoeshoe II died in 1996 in a car accident two years after his reinstatement to the throne and was succeeded by King Letsie III.

Importantly, the military supported the palace *coup*. This was proved by its brutal suppression of the pro-democratic forces. Five BCP supporters were shot dead in the vicinity of the Royal Palace and 16 injured by the military during the mass protest against the displacement of the BCP from power (Matlosa and Pule, 2001:54). Matlosa (1995:134) argues that "the security forces remained firm; implementing a curfew ... zealously guarding [places] such as Radio Lesotho and government buildings deemed to be of strategic importance".

The palace *coup* marked a clash of interests between the commoners and the royalists. Leftwich (2000) mentions policy restraint by the winners against the established interests as being crucial to democratic consolidation. But the BCP government pursued policies which threatened the military (fears of being disbanded and replaced by its former armed wing, the LLA). Ultimately, the military joined hands with the monarchy driven by their vested interests and grievances against the BCP government. The democratically elected government now had former allies as new enemies.

In assessing why the military fully backed the palace *coup*, it should be noted that since the attainment of independence, the military had always been used as a partisan and politicised tool. Between 1970 and 1986 the BNP government had exercised "stringent control over the armed forces and shaped the military to serve its own political ends" (Mothibe, 1998:14; Matlosa and Pule, 2001).

It was through this trend that the military was transformed into a political actor. Its political activism was further demonstrated by its interference in the toppling of the BNP government in 1986, in defiance of the constitutional rules of the game, and its refusal to recognise the legitimacy of the BCP after the 1993 redemocratisation elections. For a homogenous country such as Lesotho, this indicated remarkably divisive elements. But they were not cast in stone, as shifts occurred all the time.

4.6 The 1998 Elections: the worst violence

The military was now seemingly out of the way and so was the monarchy. The BCP's political woes continued, which affected its day-to-day administration in government. The BCP was embroiled in the power struggles over the party leadership. The BCP's 1995 annual conference failed to produce a National Executive Committee (NEC). This resulted in the protracted legal battles over the control of party.

The BCP crises were worsened by the deteriorating health of Ntsu Mokhehle, the Prime Minister and the leader of the BCP, which made him unable to control the power struggles and temper the political aspirations of its executive members who were eager to succeed him. Fearing the possibility of being officially ousted from the leadership of the party, Ntsu Mokhehle announced on 9 June 1997 that he had formed a new political party called the LCD (Sekatle, 1997:68; Pule, 1999:23).

The formation of the LCD was the result of a resolution of Ntsu Mokhehle's followers, who met on 7 June 1997. This was in response to his call for such a gathering to find a solution to the problems in the BCP. The BCP lost the support of the majority of MPs, who crossed the floor and joined the LCD (Sekatle, 1997:69; Pule, 1999:25). The LCD's assumption of power saw the relegation of the BCP (winner of 1993 election) to ranks of the opposition. Ntsu Mokhehle's departure from the BCP and his takeover of the country's administration under the LCD was condemned by the opposition parties.

The BCP led a series of protests to the Royal Palace to demand the restoration of the government. The BCP appealed to SADC. These appeals were directed to South Africa, Botswana and Zimbabwe (which had intervened in 1994 in the restoration of the BCP,

following King Letsie III's palace *coup*). The BCP, BNP, MFP, UDP, HBP, Labour Party (LP) and Lesotho Education Party (LEP) formed a coalition intended to force Prime Minister Ntsu Mokhehle to resign (Makoa, 1997:15).

The memorandum was sent to King Letsie III, pleading with the King to dismiss the Prime Minister, dissolve parliament and to organise new elections. The memorandum, signed by the Secretary General of the BCP, G.M Kolisang indicated that

the formation of the Lesotho Congress for Democracy [LCD] as a political party in parliament is not only a manipulation of the democratic process, a travesty of justice but ... a betrayal of the trust that has been reposed upon him as the leader of the Basutoland Congress Party [BCP] and warrants the applicability of the convention that Dr. Ntsu Mokhehle resign as Prime Minister (sic). We request the King to see to it that democratic rule is restored otherwise the people will have no option other than to return their rule by use of all peaceful endeavours (sic) (*Mohlanka*, 23 August 1997).

The Upper House (Senate) denounced the LCD government as unconstitutional and declared that the Senators would boycott all parliamentary bills passed for scrutiny by the LCD dominated House of Representatives (Makoa, 1997:18). Newspapers opposed to Ntsu Mokhehle believed that a second intervention by Botswana, South Africa and Zimbabwe was on the cards. The pro-BCP newspaper, *MoAfrika* had the photos of Presidents Mandela and Mugabe on its front page, along with the article indicating that

... sources close to the government of Lesotho confirm that Messrs Robert Mugabe, Nelson Mandela and Ketumile Masire are planning to visit Lesotho to warn Ntsu Mokhehle that his action is unacceptable (18 July 1997).

But the LCD remained in power until the 1998 election. For the 1998 election, the main contestation for state power was between the LCD, BCP and the BNP. There were high expectations that the newly formed LCD would be defeated (Kadima, 1999:77). It was a

newcomer contesting against well-established parties such as the BCP and BNP. But the elections were won overwhelmingly by the LCD (see the results in Chapter Five).

The LCD won 78 out of 80 constituencies with 60,7% of the total votes on election day. It later won one constituency in the delayed election which increased its number of seats to 79. The royalist backed MFP fared badly in the elections and got 1,3% of the votes and failed to win a seat. The BCP, BNP, the MFP and other smaller parties with a total of 40% of the vote (but with only seat), refused to accept the election outcome because of allegations of ballot rigging (Makoa, 1999:83, *The Star*, 4 September 1998).

The electoral system of FPTP served as the catalyst in these problems; opposition parties felt excluded from participation in the democratic process (refer to the next chapter). These parties (BCP, BNP and MFP) formed an official coalition called the *Setlamo Democratic Alliance (SDA)*. The SDA filed urgent applications in the Lesotho High Court against the election outcome. But these cases were all unsuccessful (Kadima, 1999:78).

In response to the unsuccessful legal challenges, opposition parties tightened their grip and appealed to King Letsie III to dissolve the LCD government. They also demanded the formation of a government of national unity and new elections based on PR (Mothibe, 1999; Kadima, 1999).

Opposition parties later mounted protests against the LCD government, which almost paralysed the LCD government. The opposition supporters went on the rampage, mounting illegal road blockades, terrorising street vendors, burning tyres, and looting and burning shops. The capital, Maseru, became largely inaccessible. During these mounting tensions, the security establishment failed to bring the situation under control. Members of the LDF remained unconcerned about acts of violence as they gradually gravitated towards civil war (Report of the Commission of Inquiry into the Events Leading to the Political Disturbances which occurred in Lesotho during the period between 1st July to 30 November 1998, 2001:34).

On 4 August 1998 opposition parties marched to the royal palace in protest against what they described as the rigged elections. They stayed around the palace gates

waiting for the King Letsie III to respond to their demands. The victorious LCD government condemned this act, but the opposition resisted without any noticeable willingness to compromise (Matlosa, 1999:180).

External mediation efforts led by South Africa under the auspices of SADC led to the establishment of the Langa Commission of inquiry. The opposition parties established their own commission of inquiry into the conduct of the 1998 elections chaired by Moletsane Monyake of the MFP. Monyake's commission concluded that the elections were rigged even before the Langa Commission could officially start with its proceedings.

The Langa Commission of Inquiry was vested with the powers to investigate the conduct of the 1998 elections in the light of the opposition's grave allegations that the elections were rigged. It was chaired by the Justice Pius Langa from the Constitutional Court of South Africa. But the proceedings of the commission went at a slow pace and political tempers continued to rise. There were also some delays in the publication of the report from the commission and this created an impression in opposition ranks that the LCD had rigged the 1998 election.

Political tempers kept rising and this resulted in violent clashes between the opposition and the LCD supporters (Matlosa, 1999). The contents of the report were at last made public after long delays on 17 September 1998. But Matlosa (1999:183) argues that instead of offering a solution to the volatile situation, the Langa report was full of unclear and inconclusive statements.

Gay (1998:3) argues that "the report was a disappointment, as it seemed ... [that] it was giving both warring factions something to cheer about and also blaming the Independent Electoral Commission for the mess in the elections". An example drawn from the report stated that,

we are unable to state that the validity of the elections has been conclusively established. We point out, however, that some of the apparent irregularities and discrepancies are sufficiently serious concerns. We cannot, however, postulate that the result does not

reflect the will of the Lesotho electorate. We merely point out that the means for checking this has been compromised and created much room for doubt (Langa Commission of Inquiry into the 1998 Elections in Lesotho, 1998:28).

Consequently, opposition parties tightened their grip and continued demanding the dissolution of the LCD government. The LDF members remained indifferent to acts of violence, looting and burning in the capital city of Maseru. They watched helplessly as the police battled with the opposition protesters. This was despite their visibility around the city, heavily armed supposedly with the intention to maintain law and order.

Opposition supporters took advantage of the reluctance of the military to quell the protests. They confiscated government vehicles, closed government offices and captured the state-run radio station (Radio Lesotho). This was followed by the forcible closure of the National Assembly (*Independent Mail*, 03/09/1998; Mothibe, 1999:57). Tensions flared between the military and the police as they exchanged fire around the palace gates. Junior officers of the army staged a mutiny and forced the commander of the army to resign. This was followed by the arrest and detention of 28 senior officers (Radio Lesotho Broadcast, 11 September 1998). Upon their release, they all fled to South Africa.

Prime Minister Pakalitha Mosisili, under acute pressure and unable to restrain the wrath of the opposition, wrote to the President of South Africa who was the Chairman of SADC, appealing for military intervention. The contents of the letter are worth highlighting because they signalled that there was a *coup*. This was in spite of the repeated denials from the opposition parties that there was a *coup*.

Prime Minister Pakalitha Mosisili stated that 'the junior army officers have staged a mutiny ... its members have become spectators to the acts of intimidation, violence and arson committed in their presence, cabinet ministers have been attacked and their vehicles taken and impounded on palace grounds, the parliament has been forcibly closed ...we have a *coup* in our hands' (*MoAfrika*, 20/09/1998).

Matlosa (1999:183) argues that these developments suggested that there was a plot to topple the government, but he adds that

they did not in their own way amount to *coup* as yet. A *coup d'état* is a situation whereby a *de jure* government has been effectively displaced by unlawful means by a person or group of persons who in turn impose a *de facto* authority.

I concur with Matlosa's observation, but the opposition parties had completely knocked the government out of power. It lacked the coercive capacity to maintain law and order. There was a power vacuum as the executive organ went into hiding, the national assembly was non-functional and civil servants stayed away from work for their safety. Similarly, Mothibe (1999:57) argues that "the country was effectively without government, as the country's political and military leadership appeared totally helpless".

Consequently, South Africa responded by sending its forces to Lesotho. This military intervention led by South Africa and later joined by Botswana forces took place under the auspices of SADC. The intervention neutralised the military involvement in the political crises and, importantly, it dispersed the opposition coalition that had camped outside the palace and laid siege to the LCD government (Makoa, 1999:81; Molomo, 1999:133).

The intervention resulted in the establishment of a new political institution, the Interim Political Authority (IPA), which was mandated to prepare for the next elections. The IPA was to have 24 members, with two from the each party that participated in the May 1998 election (Elkit, 2002:2).

During the 1998 election crisis the military was divided into two different factions. The first faction consisted of the senior military officials, who were mostly professional soldiers and who believed that their duty was to support the government of the day, irrespective of which party was in power. In 1998 the party that was in power was the LCD. The second faction consisted of the lower ranks that were still operating in terms of the legacy of the BNP affiliation and were anti-LCD.

The second faction which was greater in numbers and shared the same sentiments with the opposition parties that the LCD had rigged the election. It also accused the commander of the army, Lieutenant General Mosakeng, of assisting the LCD to rig the election. There were also accusations and unconfirmed allegations that Lieutenant General Mosakeng had bought himself a farm in South Africa with the military money (Report of the Commission of Inquiry into the Events Leading to the Political Disturbances which occurred in Lesotho during the period between 1st July to 30 November 1998, 2001: 20).

Opposition grievances found a fertile ground in the military. The entrenched military interests around the domains of state power saw them intervening in politics to back up the opposition claims against the LCD government. The military joined in the political crusade against the LCD government; it obstructed the police from dispersing the protesters at the palace gates and assisted them as they committed crimes around the major urban centres (Maseru, Mafeteng, Berea and Mohale's Hoek) (Matlosa, 1999; Mothibe, 1999).

After the South African-led military intervention, opposition supporters went on the rampage. They torched the homes of the cabinet ministers, MPs and assisted the opposition parties' members in burning and looting in Maseru and other urban centres (Report of the Commission of Inquiry into the Events Leading to the Political Disturbances which occurred in Lesotho during the period between 1st July to 30 November 1998, 2001:25).

4.7 Assessment

Schedler (1998) argues that democratic breakdowns are often influenced by feelings of economic and social inequalities. Huntington (1998) argues that in societies where political participation is high, yet the process of political institutionalisation is low and weak, there is likely to be political instability. He (1998:4) points out that in most developing societies political instability is "in large part the product of rapid social

change and rapid mobilisation of new groups into politics coupled with the slow development of political institutions”.

I am of the view that Lesotho’s political system was fragmented by the monarchy and the military; hence “the political institutions have little power, less majesty and no resiliency ... [and] governments simply do not govern” (Huntington, 1998:2). According to Schedler (2001), a “core symptom of failed institutionalization” is violence. The monarchy and the military (as key organs of the state) were highly politicised and they later had a violent confrontation with the democratic structures in the post-democratic order in 1993. They used force to “violate the fundamental norms of democratic theory and practise” (Schedler, 2001).

The breakdown of law and discipline in the Lesotho military became widespread. Hutchful (1998:41) argues that such breakdowns are common to all military governments throughout the African continent. This is because the military assumes all the executive and administrative powers and corruption becomes rife. Thus, instilling order and control becomes almost impossible. Secondly, the interests of the military in active politics and state power are further entrenched.

According to Matlosa and Pule (2001:40), the “military ushered in a new era in the country’s political development, an era of military authoritarianism [after it seized power in 1986]”. They noted that there “were often regular revolts by the junior officers in the army which changed not only the leadership but gave rise to the succession of military administrations”. Appointments to senior positions in the civil service were made on the basis of loyalty to the military rather than efficiency.

Southall (1995:27) argues that the soldiers’ grievances in revolting against Major General Metsing Lekhanya in the first phase of the military governance was caused by their dissatisfaction with a 22% pay rise that they were offered in the budget, “which contrasted adversely with the supposedly fabulous financial gains being ... [enjoyed] by those at the centre of power”. This endorses Gill’ (1993) and Liebenow’ (1986)

arguments that economic desires often serve as the catalysts for the military intervention in politics.

Southall (1995:28) further notes that “the deep involvement of Lekhanya in corruption meant that he had led those who, in order to prevent retrospective prosecution or recovery of their illicit gains, had argued for constitutional entrenchment of a military presence within any civilian government”. On the other hand, Ramaema felt that the army’s interests would be “better served ... [by] an acceptance of civilian government authority”. I concur with Southall (1995) that the displacement of Major General Metsing Lekhanya led to the emergence of two military factions which continued to exist even after the 1993 elections.

Huntington (1998) and Finer (1975) argue that *coups* occur in states suffering economic hardships. In the 1980s Prime Minister Chief Leabua Jonathan made major policy shifts and joined the international community in denouncing apartheid South Africa. South Africa later imposed a total economic blockade on its borders with Lesotho. During this economic meltdown, the military intervened in politics and staged a *coup*. The economic hardships brought about by the closure of the border with South Africa brought Lesotho to the brink of collapse with no basic necessities and this precipitated the military intervention in politics.

Lesotho’s military after its assumption of power in 1986, was convinced that the country needed a new constitution relevant to modern political developments of the 20th century. But this was not the case, as no proper constitutional framework was designed. Very little was done to promote the principles of democracy; the citizens did not have the freedom of express their views. There were no alternative sources of information as the military became hostile to criticism. The military was unable to serve the interests of the people as attention was directed at safeguarding its own interests at the expense of the population.

The military administration also failed to bring stability as promised. Some members of the military went to the extent of broadcasting to the nation over national radio that they toppled Chief Leabua Jonathan from government for themselves. Maqutu (1990:74) states that “the toppling of a government was presented as do it yourself, (*hoa itihelloa*), which meant everyone who topples a government does it for himself”.

Arguably, the problem of the Lesotho military can be best explained through an emphasis on its historical background. According to Matlosa and Pule (2001:40), from its inception in 1963 (when the army was founded), the military was plagued by conflicting perceptions about the exact role it was expected to play. “None among the political elite was under any illusion that, once founded, the military could defend the country’s borders to any significant degree – given Lesotho’s precarious position as a tiny country, totally surrounded by ... South Africa”.

Maqutu (1990) notes that Aristotle allegedly never liked professional soldiers. According to him, professional soldiers only served their master, if there is no determined enemy to face. The Lesotho military was a professional institution that only served its master (Chief Leabua Jonathan) for there was no potential enemy to confront. Maqutu (1990:115) further warns that

in imperial Rome it [the military] became a serious problem to emperors. It sometimes oppressed the people against the wishes of the emperors. It often toppled emperors who tried to improve the [livelihoods] of the people ... When enemies have been vanquished, it starts being involved in the country’s politics. In France, Napoleon, a French general, ended up seizing power.

While it is indisputable that recruitment to the military helped to solve the chronic unemployment problem, the military itself does not have a proper or clearly focused job. Lesotho is completely surrounded by South Africa, with minimal hostile threats. Ultimately, the military intervened in politics and turned into an army against its own

people. Interestingly there was no suspicion that South Africa was behind these later *coups* in 1986 and 1991 only perhaps when Chief Leabua Jonathan took over in 1970. A perception had developed within military ranks that they have power to make and unmake governments. An interesting point is that even the military administration feared its own army during its period of governance.

Most problems associated with the transitions to democracy from military rule are that, once the military have tasted the benefits of state power, the military tends to become addicted to it. Matlosa (1995:14) argues that “this inevitably has a bearing upon the degree to which a new civilian government can have effective control and authority over its armed forces”.

Matlosa (1995:118) and Decalo (1992:25) state that “military rulers have to date fared poorly in the democratisation sweepstakes and are likely to continue doing so in the future”. Decalo (1992:157) points out that the military knows fully “that to liberalise is to dig their own graves”. The Lesotho military did not therefore serve as custodians and guarantors of democratic rule, but became active political actors competing for state power.

The military’s interest in politics after its withdrawal from state power in 1993 still remained strong. It was previously used as a tool to support the unconstitutional seizure of power by Chief Leabua Jonathan in 1970 after his defeat in the elections. In 1986 it directly assumed political power and instituted its own military authoritarianism. It oppressed the citizens and violated democratic principles. But Major General Phisoana Ramaema did not reverse his predecessor’s decision concerning the reinstatement of the dethroned King Moshoeshoe II (Gill, 1993; Machobane, 2001). Although the military takeovers of 1986 and 1991 had some support from the monarchy, the King could not rely on the military to restore his power.

Matlosa (1995:119) argues if the civilian administration in the new democratic dispensation denied them the material and other privileges they previously had under

their administration, “the military is unlikely to grant its unreserved commitment to a newly democratic order”. Its monopoly on the use of arms is often a threat to the democratic order. Similarly, Stepan (1988) notes that given the dominance of the military over the physical power of the state, it is often difficult for incoming civilian governments to effectively exercise their command and control over the military immediately after the return to civilian rule.

Matlosa (1995:118) also argues that in transitions managed by the military, the general expectations are that the military should be subjected to the civilian administration. But in most cases the rules and regulations of the transition are set down by the military. It often creates a protected political space for its survival in the post-transition political dispensation (Hutchful, 1989).

In Lesotho the transition to democratic rule in the 1990s was managed by the military, but it was also reluctant to hand power over to the civilian administration. Hence Matlosa (1995:119) noted that “it seem[ed] as if their withdrawal from the political office (not from politics) was rather a face-saving strategy against internal and external pressures than commitment to democracy”. Lesotho’s military did therefore not willingly embrace the democratisation process.

But Machobane (2001:133) argues that the military was still ensnared in the political culture and legacy developed by the BNP. The military had developed a feeling that they were custodians of democracy. Owing to its experience of control over the financial coffers of the state, a perception had developed within its ranks that the assumption of state power is the most reliable way of fulfilling its own interests.

I concur with Matlosa (1997:95) that the 1970 state of emergency laid a firm ground for future democratic breakdowns. He eloquently captures this situation by stating that

as the political elite began to view politics in zero-sum terms, and not as a positive-sum game, contestation for state power became

tantamount to some form of warfare whereby only the fittest would survive. State managers would invest more energy and resources on annihilating the opposition than on ensuring social stability and economic development. Some of the outcomes of the twin strategy of repression and accommodation were increased defence spending and misuse/abuse of public resources by the ruling elite for self-serving political ends.

The military regularly intervened in politics. For instance, it besieged the BCP government eight months after it was voted into power in the 1993 elections. A culture seemed to have developed and become entrenched in the military ranks that they have the powers to make and unmake governments as they wish. The 1994 palace *coup* thus offered the military an opportunity to protect their interests against what they viewed as the hostile BCP government (which had historical ties with the ANC that came to power in South Africa during that same year).

Politicians in Lesotho have always succeeded in influencing the military against their rivals and the democratically elected structures and this contributed to the violation of democratic principles. Thus, the military played a decisive role in the country's democratic breakdowns, at that stage probably against the wishes of a powerful neighbour.

The military, in the early stages after its assumption of political power, argued that it had opened an arena for democracy, but it was still not fully committed to the restoration of democratic rule. Even after the return to democratisation, military interests around the domains of state power remained strong. This was proved by the military's actions after the 1998 elections, as will later be discussed. It has to be pointed out, however, that the military played almost no visible role in the violence that erupted during the elections of 1998.

I now shift attention to the way that the monarchy contributed to the democratic breakdowns in Lesotho. The monarchy, as mentioned before, exercised executive powers in the early phases of military governance. This enabled King Moshoeshe II to

attain what he had long cherished since independence. After the 1960 district council and 1965 pre-independence elections, King Moshoeshoe II refused to recognise the legitimacy of the democratically elected structures and disapproved of their existence, because he demanded more executive powers. In 1970, as the result of his political activism, he was exiled by Chief Leabua Jonathan after the declaration of a state of emergency and the suspension of the constitution.

The arrangement over the executive powers in the military administration did not last long because of clashes over who was directly in control of the administration of Lesotho. These differences led to the dethronement of King Moshoeshoe II by the military administration in 1990. In commenting on the dethronement of King Moshoeshoe II, Machobane (2001:122) states that

... the military council had seriously tinkered with the Basotho *grundnorm*: Moshoeshoe II's own faults put aside, no Mosotho monarch before him had ever been dethroned. Letsie I, who ruled from 1891 to 1903, had made a feeble bluff in protest to Governor's Agent Captain Blyth that he might resign if things did not work out his way. But when the latter called the bluff, he recanted. Letsie II, who ruled from 1905 to 1913, was probably the weakest monarch Basotho ever had. He was also an embarrassing alcoholic. The colonial administration sometimes refrained from meeting him because he was too drunk to stand up. But his removal from office was never contemplated. Given such facts, the military council may itself have felt that it had unwillingly taken a responsibility on its shoulders that it had never imagined. A responsibility that was too awesome for any government to undertake.

I concur with Machobane's argument, but given the fact that "military governments are ...by their nature authoritarian" (Matlosa, 1997: ii). This gives an adequate explanation as to why the military administration felt brave enough to dethrone the King. Chief

Leabua Jonathan exiled the King following his unconstitutional assumption of power in 1970, but he never dethroned him.

Matlosa (1997) points out correctly that military rule is founded “principally on the bullet”. I am of the opinion that there was a strong possibility that the military would abolish the monarchy. Similarly, Machobane (2001:122) states that the 22 Principal Chiefs feared that the military administration “might ... give them a King of its own choice ... or even abolish monarchy altogether”.

The monarchy was eager for executive powers and this often led to clashes with the democratically elected structures after the 1993 elections. The BCP government’s reluctance to reinstate King Moshoeshoe II and its intolerable behaviour reached a climax with the palace *coup*. The military also pursued its agenda for political power and sympathised with the monarchy against the BCP.

Interestingly, these two institutions (monarchy and military) had often over the years (1986-93) clashed, yet they were able to form a formidable opposition against the BCP. Both institutions as key organs of the state contributed towards Lesotho’s numerous democratic breakdowns. Nevertheless, these entrenched interests in the monarchy and the military continued to exist, as will be showed later by the attitude of both institutions (military and monarchy) after the 1998 and 2007 elections.

4.8 Implications for democratic consolidation

Amongst the conditions that Leftwich (2000) proposes for democratic consolidation, the following institutional factors are relevant to assess the possible implications for democratic consolidation. These are legitimacy, adherence to the constitutional rules of the game and policy restraint. After the 1965 elections the monarch refused to adhere to the constitutional rules of the game. King Moshoeshoe II refused to recognise the legitimacy of the victorious BNP. He felt that the BNP government was not procedurally entitled to rule. The monarchy has over the years consistently refused to adhere to the formal structure of rules within which political power is contested. Functional interests

were so entrenched. At the core of this refusal to adhere to the rules of the game was the constitution, which the monarchy disapproved of.

The military's backing of the 1970 democratic breakdown led to an establishment of the civilian dictatorship that lasted for 16 years. The military later intervened in politics and instituted its own period of military authoritarianism that lasted for eight years. Over its period in governance, the military regularly frustrated efforts to re-democratise. This opened a way for the entrenchment of military interests around the domains of state power.

Under such circumstances it was almost certain that the adherence to the rules of the game was going to be problematic in the post-military civilian administration. In the post-transition period in 1993 the military, despite its constitutional obligation to uphold the rule of law, failed to recognise the legitimacy of the BCP government. The BCP government was not viewed as procedurally entitled to be there. The violent military confrontations of January 1994 was a notable indication of its refusal to recognise the legitimacy of the BCP government and to adhere to the rules of game.

Leftwich (2000:138) eloquently argued that "for democracies to survive there needs to be agreement or acquiescence about the rules of the political game and the loyalty to those rulers, that is to the democratic process itself". But this was contrary to what the Lesotho military did. Authoritarianism was deeply entrenched within its ranks and it did not pledge loyalty to the democratic structures.

Lesotho's institutional organs (the military and monarchy) were thus highly politicised, with each pursuing its own agenda. Both institutions failed to uphold the rules of the game. In the early stages of the military governance after 1986 King Moshoeshoe II had tried to impose his own model of democracy. This almost developed into monarchical authoritarianism, without the basic conditions for democracy. This also saw the monarchical battle for political supremacy with the military. This problem is traceable to the political legacy of the monarchy under Moshoeshoe I. I am of the view that the

monarchy was likely to commit more political blunders owing to its entrenched interests in executive powers. Politicians have always used the monarchy to resolve their own grievances, which once they have attained their goals, the monarchy is criticised by the very same politicians.

The advent of the military administration did not bring any better prospects for democratic stability as expected. There were no socio-economic improvements during this period. The public announcement made by the military that they have toppled the government for themselves held some serious implications for future democratic dispensations. This meant that the government was there for the taking by anybody who could mobilise sufficient military force. This was not a healthy constitutional situation. Surely a country cannot have a military as the legitimate source of all authority in government. The military had learned from its master Chief Leabua Jonathan how to suppress the citizens and the monarchy. Maqutu (1990:79) argues that

[the] ... military had learned how effective power can be kept while legal forms were exploited to conceal what was going on. The Chairman of the military council blamed failure to return the democratic rule immediately after the 19 February 1990 on the King. However, no sooner had the King been... [exiled] to Britain for refusing to associate himself with the reshuffle of the military councillors without prior consultation.

I am of the opinion that Chief Leabua Jonathan should not be held solely responsible for the 1970 democratic breakdown. The political environment prior to 1970 was highly charged. He knew he had South Africa on his side. Churches had divided people, the monarchy was eager for executive powers and fierce competition for political power within parties was tense.

The military also backed the *coup*, while the monarchy pursued its agenda for executive powers. This deepened the crisis. In the past the Verwoed government donated grain. The BNP had concentrated its efforts towards 1970 elections by further deepening the

societal divisions, as it composed songs such as “*Leabua ke ‘muso ngoanaka*” translated as “Leabua is the government, my child, whether you like it or not, my child”. Such public utterances paved the way for Chief Leabua Jonathan to break the rules of the game. He was not prepared to “have to compete again and put their record to the test in the next election” (Leftwich, 2000:139). Hence, in 1970 after his defeat, he refused to adhere to the rules of the game. Pretoria must have been happy. The BNP government later marginalised other sectors of the society in implementing its developmental projects in order to consolidate its grip on power.

After 1993 the BCP government pursued highly contentious policies which threatened the established monarchical and military interests. Leftwich (2000) argues that policies introduced by the newly established governments should not threaten the established interests. But the BCP leadership mounted an onslaught on the military, labelling it as the murderous BNP Youth League that needed to be disbanded (Makoa, 1997).

Prime Minister Ntsu Mokhehle even went as far as making public declarations that the key enemies of democracy in Lesotho were the military and the monarchy. Such public pronouncements heightened fears within the military and the monarchy, and strained the relations between the key organs of the state with no policy restraint to guard against the established interests. In retaliation, the monarchy staged a palace *coup* in August 1994, which was supported by another threatened institution (the military). But politics in South Africa had also changed.

CHAPTER 5: ELECTIONS AND RE-DEMOCRATISATION

5.1 Introduction

The military has throughout been an active actor in Lesotho politics. In 1970 it backed the unconstitutional assumption of power by Chief Leabua Jonathan, who suspended the constitution, aborted the elections and instituted a period of civilian dictatorship. In 1986 the military deposed Chief Leabua Jonathan from state power after 16 years. But civilian authoritarianism was replaced by military rule. The monarchy, which was sidelined by the independence constitution and the BNP government of Chief Leabua Jonathan, was drawn into politics to provide legitimacy for the military administration after its seizure of state power.

It soon became unclear whether real power was vested with the King or the military and this became problematic. The King did not like restrictions imposed on him by the military. The military responded by removing him from the throne and sending him into exile in 1990. In 1991 the military staged an internal *coup* that deposed Major General Metsing Lekhanya from power and replaced him with Major General Phisoana Ramaema. During this period of governance, military interests in the domains of state power increased considerably.

The military came under pressure to institute the transition to multiparty democracy in 1993 and reluctantly handed over power to the civilian administration. Given the military's entrenched interests in the domains of state power, the post-1993 democratic dispensation was vulnerable to further intervention. Hence this post-1993 democratic dispensation was characterised by a number of ugly political episodes. Violent confrontations occurred between rival military factions. This was dealt with in Chapter Four.

The Deputy Prime Minister was assassinated and the military gave tacit support to the palace *coup* that displaced the BCP from power in August 1994. Hence Weisfelder (1997:35) argues that the country emerged from the 1993 elections "as a case study of

murderous anarchy, requiring external intervention and mediation on several occasions". The military was the key agent of this anarchy as it regularly refused to adhere to the rules of the game. But this was followed by a process of re-democratisation and with that process, peaceful elections as well.

This chapter focuses on the re-democratisation process prior to the 1993 elections, with a special reference to the constitutional changes. It covers the following elections: 1993, 1998, 2002 and 2007. Violence broke out after the 1998 election, which precipitated the electoral reforms of 2002. Attention is also paid to the depoliticisation of the military and the monarchy in the post-1998 political crisis and the 2002 elections, which were run under the Mixed Member Proportional (MMP).

The salient questions are: how did the old electoral system (FPTP) contribute to the democratic breakdowns in the post-1993 dispensation (especially in 1998)? Has the new MMP, instituted in 2002, had a different impact on the elections of 2002 and 2007? Electoral reforms were undertaken with the intentions to curb the recurrent and perennial political conflicts and to make parliament more inclusive.

5. 2 The constitutional changes

After the assumption of state power in 1986, the military administration protected the monarchy's authority and supremacy in its early phases of governance. But its administration was comprised of commoners and those who closely related to King Moshoeshoe II. They had differences regarding the monarchy and it was obvious that another struggle for power was imminent.

The military administration was composed of the commoners and the royalists – through their party, the MFP, which included the descendants of Moshoeshoe I through his sons, Letsie, Lerotholi, Bereng and Theko (*Moeletsi oa Basotho*, 22 September 1991). The commoner officers often saw themselves as resisting potential domination by the royalist forces that enjoyed support of King Moshoeshoe II.

Added to this was a group of civilian ministers in the Council of Ministers who were appointed by the monarchy. Most of King Moshoeshoe II's wishes were carried out as

he proposed. Machobane (2001:80) argues that the monarchy assumed its historic role of unprecedented exercise of political power with tenacity and a sense of mission. He further notes that

... from being a rubber stamp to a soldier's administration, he and the ruling military council were as two visible horns on a bull's head. They carried equal authority and responsibility over the successes and failures of governance. The King bemoaned time lost while he was in bondage as a constitutional monarchy.

The military also battled with the supporters of the previous BNP administration to establish effective governance and political legitimacy. It blamed Chief Leabua Jonathan's government for violation of human rights during its period in government. Interestingly, most of the large-scale atrocities that occurred during Chief Leabua Jonathan's reign were carried out by the same military on his behalf.

The military later issued a strong warning against the deposed former members of the Chief Leabua Jonathan government. The BNP's resistance to the military administration came notably from Chief Leabua Jonathan and Chief Peete Peete, a die-hard ex-minister and veteran in the BNP. These two political figures were strongly advised to stop denouncing the military government. The *Citizen* (6 March 1986) reported that the military administration issued a warning stating that

it had come to the notice of the Military Council that these Chiefs, Leabua Jonathan and Peete Peete, had been holding meetings at which they influenced people not to recognise the new government and to disregard its statements.

It was evident that if any BNP protestations continued, there would be reprisals (Machobane, 2001). The military administration further started negotiating with the BCP leadership in exile with the intention of achieving more stability and order (Daniel 1995; Machobane; 2001, Mothibe, 1999). The central question is whether the monarchy or the military became stronger. Did they strengthen or did they weaken one another? A major breakthrough occurred after 20 May 1988, when the BCP leader, Ntsu Mokhehle,

agreed to return home and labelled this as a “programme for peace, reconciliation and the return to democracy” (*Moeletsi oa Basotho*, 30 October 1988). What he did not know was that the worst violence ever in Lesotho was to occur during ten years in the aftermath of the 1998 elections.

Machobane (2001:96) argues that the return of Ntsu Mokhehle was largely seen as a return of the Messiah. His return stimulated the desire for the speedy return of multiparty democracy. The dethronement of King Moshoeshoe II by the military administration in 1990 was a critical event that paved the way for the return to democratic rule as the monarchy was stripped of legislative and executive powers.

Makoa (1996:15) argues that “this created a legitimacy crisis for the ... [military administration] for which the solution lay in making a major concession to the nation”. Consequently, the military administration announced a return to democracy in 1990. This might have been a reluctant beginning of re-democratisation.

King Moshoeshoe II was accused of resisting efforts to return to democratic rule. Makoa (1996:15) argues that after the monarchy was stripped of executive and legislative powers, the military government announced its intentions to “steer the nation to democracy by 1992”. That marked an official split between the military administration and the monarchy. The critical question is: were the military and the monarchy prepared to recognise the rules of the game?

Civil society organisations and the heads of churches kept up the momentum for the return to democratic rule. In October 1992 the heads of churches in Lesotho organised workshops across the country. Their intentions were to educate the electorate on responsible voting and to ensure that the elections were held (*Work for Justice*, No. 35. 1992).

Before that, riots erupted in May 1991. These riots, which were directed against Asian traders, erupted across the major urban centres. Thirty-four people were killed, 66 injured and 425 arrested within a week. These violent protests were aggravated by the increasing incidence of poverty, unemployment and perceived corruption within the echelons of the state. Neocosmos (2002:42) argued that the “riots were the only

possible response, given the absence of avenues for the expression of popular anger, grievances and frustration”.

Arguably, the most positive step towards re-democratisation in 1993 was the establishment of the National Constituent Assembly (NCA) (mentioned in Chapter Four) in May 1990, which was vested with the powers of devising the new constitution and paving the way for the return to democratic rule. The NCA was made up of 17 members of the military government, 22 Principal Chiefs, 20 District Development Councillors, 20 representatives of various political parties; 10 representatives of the public were appointed by the military government, eight from the military and 10 from the urban councils (Machobane, 2001).

Major General Metsing Lekhanya, who was the head of government in the first phase of the military administration, argued that the 1966 Westminster constitution had failed to protect democracy. He argued that it should be amended to provide for a “custodian that will protect it against the executive and advocated for the establishment of an independent body that would supervise the elections” (Southall, 1995:25). Southall (1995:25) noted that “he also insisted that members of an outgoing administration should be guaranteed against retrospective prosecution to facilitate a free transfer of power”.

The old 1966 constitution was endorsed as the working document. But the military insisted on the dubious clause, as mentioned before, that the commander of the military should be “an *ex officio* member” of the incoming civilian cabinet. But Major General Metsing Lekhanya was ousted from power in April 1991 in an internal *coup* as result of contestation for power within the military ranks. His removal was another positive step towards re-democratisation, as his successor, Major General Phisoana Ramaema, appeared more committed to ensure a speedy return to democratic rule.

There was no constitutional change regarding the position of the monarchy. The 1966 constitution, therefore, remained largely unchanged. Southall (1995:26) argues that the restoration of the Senate (basically a “House of Chiefs”) was also unchanged and it remained primarily representative of chieftaincy, with its roots in the BNP and MFP.

The military administration was criticised and accused of manipulating the proceedings of the NCA. In response the military administration appointed a Constitutional Commission in an effort to ascertain popular opinion on the recommendations of the NCA.

The Constitutional Commission was made up mostly of the members of the NCA with the representatives of the seven political parties. The Commission began its work in October 1991 and concluded its nationwide campaigns on the popular opinion in March 1992. The military government also introduced parallel campaigns over the radio and organised public meetings to explain the NCA's proposed changes to the 1966 constitution (Southall, 1995; Machobane, 2001).

There was increasing dissatisfaction with the official consultative process undertaken by the Constitutional Commission and by the military government. In response, the main churches – the RCC, the Lesotho Evangelical Church (LEC) and the Lesotho Anglican Church (LAC) – organised their National Conference in October 1992.

The intentions of this conference were to promote popular discussion about the elections. Amongst those who had attended the conference were the various parties, the trade unions as well as non-governmental organisations. But the main political parties, the BCP and BNP, did not participate in the conference. The participants of the conference voiced their concerns over what they viewed as the military's delaying tactics in returning the country to democratic rule (Southall, 1995).

The constitutional changes made were more favourable to the military. Firstly, the Lesotho Defence Force Order (17) of 1993 was passed. Although this order effectively removed military matters from the control of the civilian administration, it paved the way for the establishment of the Defence Commission – a body which did not have any civilian participation. This body was vested with the powers of appointing staff and handling disciplinary matters regarding members of the military, and it also had the right to remove members of the defence force from duty (Matlosa and Pule, 2001:50; Machobane, 2001:132).

Secondly, there was to be the State Council. The State Council was the highest body that had the power to deal with political crises. It was to be chaired by the Prime Minister. It was also to be made up of the Commander of the Military, Commissioner of Police, Director of Security Forces (Machobane, 2001:132). Machobane (2001) argues that this was intended to curb the Prime Minister's sole responsibility in declaring a state of emergency, as had occurred under Chief Leabua Jonathan in 1970. The Prime Minister would first have to secure the assent of the Council of State – with securocrats on board – before the declaration of a state of emergency.

Southall (1995:32) argues that in an effort to harmonise the relations with the pro-democratic forces, a clause which granted the Defence Commission the right "to impose duties on any public officer or on any authority of the Government of Lesotho" was dropped (Lesotho Government Extraordinary 1993a, Section 145).

Makoa (1996:15) argues that in 1990 reconciliatory gestures by the military to speed up the process of constitutional changes saw the appointment of BCP members into ministerial positions and senior governmental positions. Hence one of the BCP stalwarts, Kelebone Maope, served as the Attorney General and the Minister of Justice during military rule. There were no reported cases of harassment and intimidation against the BCP and its supporters. There was not even an attempt to disarm the BCP former armed wing, the LLA.

The other significant initiative in the constitutional changes was the assistance from the United Nations (UN), the Commonwealth and various human rights groups (Daniel, 1995). Through their monitoring exercises, they provided both financial and technical assistance to ensure the smooth running of the constitutional changes. The most notable assistance was given in 1992 when the Noel Lee, the Director of Elections in Jamaica, was appointed as the Chief Electoral Officer. But the postponement of the election from 28 November 1992 to 27 March 1993 resulted in the return of Noel Lee to Jamaica to supervise elections there. He was replaced by Jocelyn Lucas, the Chief Election Officer of Trinidad and Tobago (Southall, 1995; Matlosa, 1997).

Southall (1995:33) argued that “the retention of the first past the post (FPTP) electoral system required a fresh delimitation of boundaries (last conducted in 1985), which subsequently provided for the addition of five extra constituencies to the sixty seats competed for in previous elections”. Southall (1995) argues FPTP was retained with strong opposition to the adoption of the PR.

Southall (1995:26) also argued that the rejection of PR was “in large measure, apparently, because of the almost total lack of technical understanding as to how such a system would work”. However, the registration process began in December 1991. It was often faced with challenges as some parties voiced their grievances about the registration procedures. Southall (1995:33) argued that these grievances came mostly from those parties “which most feared defeat at the polls”.

In response to such grievances, an Electoral Advisory Committee was established in order to make the registration process more transparent. This advisory committee was comprised of the representatives of the registered political parties and it published two provisional lists of voters for public scrutiny prior to the elections and so that any corrections could be brought to the attention of registration officers. Wide-ranging voter education programmes were undertaken through radio programmes, press releases and public meetings (Southall, 1995; Daniel, 1995).

Southall (1995:33) argued that

...although both the BNP and MFP in particular were highly vocal in their complaints [on some logistical registration processes]... [the] supervision by the Commonwealth-provided Chief Electoral Officer meant that the administration of the electoral process could be less effectively contested than in 1970, when it had been conducted under the auspices of the BNP government with South African assistance.

The monitoring of the elections by the UN and Commonwealth was intended to ensure that the elections are conducted in a transparent way. Daniel (1995:97) argued that the

country was managerially incompetent and had to submit to the international community in the management of the elections.

Following constitutional developments, the military emerged more powerful. The military officers had established themselves as the watchdogs of good governance. The monarchy was weaker following its failure to be restored with executive powers. The institutional requirement of democracy in the form of elections was about to be attained. Was the military or the monarchy likely to support the democratic process?

5.3 The 1993 elections

5.3.1 The losers and the lessons

Lesotho's long-awaited democratic election took place on 27 March 1993 after the country had spent a lengthy period in "constitutional limbo". The BCP and the BNP were able to field candidates across all the 65 constituencies, whilst the MFP fielded only 51 candidates (Mahao, 1997:1). Matlosa (1997:146) argues that the BCP and the BNP were able to field candidates across all the constituencies because of the following factors:

- (a) The BCP and BNP ... traditionally dominated Lesotho's political landscape and thus have a firmer rooting in the country's polity;
- (b) These parties have well-organised and deep-rooted structures throughout the country and as such have a considerable political appeal among the Basotho people;
- (c) Unlike the other contestants, they have substantial resources to mount nation-wide election campaigns.

The MFP fielded a considerable number of constituency candidates, but its participation was overshadowed by the stiff contest between the BCP and BNP (Mahao, 1997). I am of the view that their dominance in the political landscape was a result of the constituency-based electoral system (FPTP). Heywood (2000) argued that often FPTP leads to the emergence of two dominant political parties. After the 1965 elections only two parties emerged as the real contestants for state power, namely the BCP and the

BNP. The situation in 1993 was no different, but this time the BCP won by a large margin.

Matlosa (1997:146) argued that the BNP contested the 1993 election tainted by its ugly reputation. In 1970 it had annulled the election results, declared the state of emergency and suspended the constitution. Matlosa further noted that

it had institutionalised praetorian rule anchored on outright repression of some members of its youth league to intimidate members of the opposition and flagrantly violated their basic rights, its development policies, projects and programmes also had the least impact on the standard of living of ordinary people.

Similarly, Gill (1993:247) argues that the BNP did not “mobilise significant support at its public rallies – the party appeared “demoralised and on the defensive”. Its unconstitutional assumption of state power in 1970 became a vital campaigning tool for the BCP. The BCP accused the BNP of denying its legitimate access to state power in 1970. I concur with Ajulu (1995), Matlosa (1997) and Southall and Petlane (1995) that the 1993 election was about correcting the historical and unconstitutional wrongdoing of the BNP in 1970, and perhaps also the military takeover in the 1980s.

Southall (1995:32) argues that the BNP was fighting against history as it went to the 1993 elections “as the bad loser of 1970”. Added to its political woes was its leadership’s close association with the previous military administration. But the RCC still provided support for the BNP, as was the case in the 1965 and 1970 elections. Some Catholic Bishops openly campaigned for the BNP in their missions (*Moeletsisi oa Basotho*, 22 September 1992). The MFP was also hoping that its continuing calling for the reinstatement of the deposed King Moshoeshoe II would garner sufficient support. But the election was won overwhelmingly by the BCP, as illustrated in **Table 3** below.

Table 3: 1993 General Election for the National Assembly

Contestants	No. of Votes	% of Votes	No. seats	% of seats
BCP	398 355	74.7	65	100
BNP	120 686	22.6	0	0
MFP	7650	1.4	0	0
Other	6287	1.2	0	0
Total	532 978	100	65	100

Source: Southall and Petlane, 1995:42

The BCP won all 65 constituencies with an overall 74,7% of the vote (Matlosa, 1999:97; Mahao, 1997:9). The BNP got 22,7% of votes. Another big loser was the MFP, with only 1,4% of support. Opposition parties won more than 25% of the votes without a single seat. Once again an election was the recipe for conflict. But the biggest lesson was the outcome of the electoral system. This portrayed the distortion that the FPTP system could produce, as it created a one-party parliament without representation of the losing parties.

Appendix Three shows the regional performance of the BCP across the whole country. It had substantial support across all the constituencies. But the BNP made a significant showing in Malibamatso, Tsikoane and Peka in the northern rural regions, whilst in the southern regions it also performed well in Mpharane, Moyeni and Thaba-Chitja. These were areas under the control of minor chiefs.

The BNP was the second party with the largest support base, but “the effect of the first-past-the-post ... obliterate[d] it completely as a parliamentary party” (Mahao, 1997:8). Owing to its lack of participation in the democratic process, feelings of marginalisation developed within its ranks. It refused to accept the election outcome on the basis of allegations of ballot rigging. In its press conference on 29 March 1993, its leadership dismissed the electoral outcome based on the following issues:

- (a) There had been gross irregularities at the polls. A consignment of ballot boxes from Denmark had been tampered with, ballot papers had gone missing in various constituencies, and there had been other instances of “foul play”;

(b) Logistical shortcomings in the conduct of the elections, such as flaws in the distribution of ballot papers and extensions of the voting period to the night of the 27th and the whole of the 28th, without due guarantee that all voters had been alerted to this fact, constituted a basis of legitimate concern (Sekatle, 1995:109).

Sekatle (1995:105) argues that its allegations of ballot rigging were “founded much more upon a pervasive lack of trust which exists between the politicians in Lesotho than upon any firmly grounded evidence”. Consequently, the BNP focused its efforts on a series of court cases in an attempt to unseat the BCP from state power. Upon its failure to succeed in the court cases, the BNP embarked on mobilising the military to rise against the BCP government (Likoti, 2005; Southall and Petlane, 1995).

I am of the view that the lack of participation and feelings of exclusion from the political process were most influential in the BNP’s decision not to recognise the BCP as the legitimate government. It accused the BCP of ballot rigging. The FPTP system had exaggerated the BCP’s overwhelming victory. If PR had been used, **Table 4** represents what could have been the composition of the national assembly in terms of representation. The evidence in this table is the real lesson of the election outcome.

Table 4: Hypothetical Composition of the National Assembly after 1993 elections under PR

Party	No. of seats in the National Assembly
BCP	48
BNP	15
MFP	1
Others	1
Total	65

Source: Mahao, 1997:6

FPTP system had clearly disadvantaged the losing parties with scattered support. But another significant factor worth mentioning was the performance of the royalist-backed MFP. Despite its close association with the monarchy, it fared poorly in the elections.

This carried an ominous lesson for the King. Evidently, the people's trust and faith in the monarchy as a viable instrument of administration had eroded significantly. This was in contrast to the royalists views that the monarchy has a fundamental role to play in the democratic dispensation. The second lesson of **Table 4** is that the monarchy was a spent force.

Despite its overwhelming victory in getting 74,7% of the vote, the BCP government was unable to effectively establish its control over the security establishment of the state (Makoa, 1997). The situation was worsened by the BNP's continuing influence over the military. By now the flirtation between the military and the monarchy was over. The BNP leadership was able to create an atmosphere of uncertainty within military ranks. The BNP utterances deepened the tensions between the military and the BCP government. The BNP declared that

because of the political crisis in Lesotho, peace has been threatened particularly by government failure to bring the LLA under control. The LLA are allegedly being armed with AK-47 automatic machine guns ... It is surprising that the Prime Minister Ntsu Mokhehle earlier announced publicly that the LLA has been disbanded, yet the same LLA is very much alive, and it constitutes a serious threat to peace ... It is a basic right of every person to defend himself and his/her family. When LLA is busy arming itself to [the] teeth, government just watches with folded arms. If the RLDF [LDF] is afraid of LLA we, the BNP members, will fight LLA until we are all killed if need be ... (*Moeletsi oa Basotho*, 14 November 1993).

The BCP government strongly condemned such inflammatory remarks from the BNP and issued a statement indicating that:

Government would like to strongly advise political parties which are bent on sowing seeds of confusion which threaten peace and stability to refrain from such. The aim of these people ... [was] to instil fear on Basotho in order to disrupt peace ... Government

patience is unfortunately sometimes interpreted as weakness. These people, we know, were bitter with the BCP landslide victory during the elections and were defeated in court while contesting the election outcome. Government, therefore, appeals to Basotho people to stay calm and dissociate themselves from instigation by opportunists (*Lentsoe La Basotho*, 27 November 1993).

But the BNP influence found fertile ground in the highly politicised military (it should be noted that most members of the military were pro-BNP, this is because of its politicisation policies during its tenure). Hostilities and tensions between the military and the government continued to deepen. The military from the Makoanyane base in Lesotho wrote a letter demanding a 100% pay increase from the government. The military's letter as cited in *Lesotho Today* (13 January 1994) stated that

we are making this request in order to meet our daily needs in view of the high cost of living. We had stated in our request that we would like the salary increase to take effect from January 1st 1994. We, therefore, request a clear response to our request before January 24 1994. We wish to assure you, sir, that we as members of the Armed Forces of Lesotho remain committed to the maintenance of peace and stability at all times.

The military refused to recognise the legitimacy of the BCP government and to adhere to the rules of the game. Makoia (1996:15) argued that the BCP-led government inherited a system that was characterised by the political polarisation and the high levels of uncertainty that were engendered by Chief Leabua Jonathan's 15 years of unconstitutional rule and seven years of military dictatorship.

Consequently, violent confrontations erupted in the military over disagreements about who should take over the administration once it institutes a military *coup*. But the direct military confrontation with the government saw the assassination of the Deputy Prime Minister and Minister of Finance, Selometsi Baholo, in April 1994 by the military and its

support of the palace *coup* in August 1994 as indicated in Chapter Four (see also Southall and Petlane, 1995).

Yet another factor that aggravated the hostile relations between the BCP government, the military and the main opposition party (the BNP) was the radical shift within the civil service. Makoa (1996) argued that soon after attaining state power, the BCP government replaced Principal Secretaries and board members of public corporations with its supporters. Hence, the country's High Commissioners and Ambassadors were also replaced with BCP members in an effort to consolidate its grip to power.

I concur with Makoa (1996) that this did not augur well for national reconciliation. It deepened political bitterness across the public service and among the political actors, particularly the BNP, which did not have any meaningful participation in the democratic process. The expulsion of the BNP-inclined civil servants also hardened this perception that the BCP government was pursuing a witch-hunt against its opponents.

5.3.2 The King's *coup* in context and turbulence in the ruling party

In 1994, the recent moves towards re-democratisation suffered a major set back. The military backed attempts to impose monarchical control by King Letsie III. This was short-lived as it had to do more with the King's ambitions than with a royal revival. In fact, King Moshoeshe II was reinstated to the throne (as explained in Chapter Four), but with restricted powers.

His reinstatement to power was challenged by Maseru lawyer, Thabang Khauoe. He petitioned the High Court to declare his enthronement unconstitutional (*Moeletsi oa Basotho*, 19 April 1995). Though he lost in his case, this did again not augur well for political stability in the country, given the enormous pressure that the monarchy and the royalists had put on the government to fully restore King Moshoeshe II to the throne after Letsie's failed attempt.

Despite its overwhelming victory in the 1993 elections, a sense of crisis escalated within the BCP as it was crippled by power struggles. This impacted negatively on its ability to fulfil its electoral promises. The striking feature of these struggles was not who would

succeed the aging Ntsu Mokhehle as party leader, but who would be the next Prime Minister. Consequently, two contesting factions known as the *majelathoko* (“those who eat alone”) and the “pressure group” emerged. The *majelathoko* faction comprised the party’s older members, and its survival and influence depended on the party leader Ntsu Mokhehle.

The “pressure group” was comprised of the younger members who considered themselves the think tank of the party. It argued that its mission was to ensure that the BCP and its government were united, democratic and strong. But they were labelled by the rival faction, *majelathoko*, as power-hungry and untrustworthy opportunists (Pule, 1999:6-10).

The other bone of contention in the BCP was the future of its former armed wing, the LLA. The LLA members had exerted more pressure on the government to speed up the process of integration into the military (Mothibe, 1999:50; *MoAfrika*, 8 March 1996; *Mopheme*, 23-30 April 1996). But the Prime Minister, Ntsu Mokhehle, argued that the LLA had been disbanded. The “pressure group”, however, insisted on the speedy integration of the LLA into the military (Pule, 1999:11).

These rival factions battled for control of the National Executive Committee (NEC) of the party. This is because it has “constitutional powers to determine the final list of candidates who stand for elections” (Basutoland Congress Party (BCP) Constitution, 1993:21). Certainly, each faction was aiming to drive out their rivals in the nomination of candidates for the forthcoming 1998 elections.

In the March 1996 conference the entire “pressure group” was voted out of the party executive committee by the *majelathoko* faction. The “pressure group” refused to accept the outcome of the conference. It challenged the election of the new executive in the High Court of Lesotho, asking for the proceedings of the conference and the election of the NEC to be declared null and void. They argued that the Free State and Transvaal

provinces,⁶ the Women's League and Youth League were over-represented at the conference (Sekatle, 1997:82-3).

In the meantime, prior to the judgment, Prime Minister Ntsu Mokhehle responded on 2 May 1996 by reshuffling the cabinet. Amongst those kicked out of his cabinet were prominent members of the "pressure group". These were the deputy president, national chairman, treasurer general and deputy secretary general in the party. Prime Minister Ntsu Mokhehle publicly denounced them and the nation was advised to ostracise them – *phurallano* (*Public Eye*, 01 October 2004).

As a result of their dominance over the National Executive, the "pressure group" marginalised the *majelathoko* faction in the affairs of the party. The High Court of Lesotho after lengthy deliberations declared the proceedings of the March 1996 conference and the election of the NEC null and void in November 1996.

Prime Minister Ntsu Mokhehle was later voted out of the leadership on 17 February 1997. But he was reinstated by the High Court of Lesotho, which declared his removal and the proceedings of the conference null and void. Fearing the potential loss of leadership, Prime Minister Ntsu Mokhehle broke away from the BCP and formed a new political party called the LCD on 9 June 1997 (Sekatle, 1997; Pule, 1999). This led to turbulence in the ruling party.

Prime Minister Ntsu Mokhehle was joined by 40 MPs, whilst the BCP retained only 25 (Sekatle, 1997:68). Consequently, the BCP was relegated to the status of official opposition in parliament. I concur with Sekatle (1997:68) that this "heralded an abrupt and radical change to the leadership of a party formed in 1952 and led by Ntsu Mokhehle since its inception".

The BCP, however, refused to accept its new status and joined ranks with the BNP, MFP, UDP, Hareeng Basotho (HP), Labour Party (LP), Lesotho Education Party (LEP) and the Sefate Democratic Union (SDU) in denouncing Prime Minister Ntsu Mokhehle. These opposition parties called on Ntsu Mokhehle to resign as Prime Minister and

⁶ The BCP has structures in South Africa because of the large numbers of Basotho miners working in South Africa.

reinstate the BCP to power. They also called for a joint national stay-away. But the stay-away was unsuccessful as people went about their business as usual.

On 2 July 1997 the BNP marched to the royal palace joined by the Lesotho Council of Non-Governmental Organisations. This anti-Ntsu Mokhehle crusade submitted a memorandum requesting the King to dissolve the LCD government and to form an interim government to oversee new elections under PR (Matlosa, 1999; Sekatle, 1997:70).

The inheritance of state power by the LCD almost paralysed the effective proceedings in the national assembly. Both the MPs from the LCD and the BCP exchanged a litany of abusive language. The speaker of the national assembly at one stage had to call the police to restrain the warring groups. The Senate also joined in this anti-Mokhehle coalition and called for the restoration of the BCP to power (Matlosa, 1999).

Once more the formation of the LCD inflamed political tempers against the key political actors. Opposition parties, long sidelined and denied participation in the democratic process as the result of the electoral system (FPTP), formed a coalition and resorted to provocative ways to undermine the LCD. They refused to recognise the LCD as the legitimate government and labelled Ntsu Mokhehle's action as a violation of democratic practices.

Interestingly, as the opposition parties continued to forcibly destabilise the LCD and to strive for more meaningful participation in the democratic process, the monarchy took advantage of this and criticised the constitution and appealed for more powers. Hence King Letsie III argued that "*o fetotsoe sethotsela ke molao oa motheo, o mo timang matla*" ("he has been turned into a ghost by the constitution which grants him limited powers") (Address by His Majesty, King Letsie III on the occasion of his coronation, 31 October 1997). The King indirectly appealed for executive powers, as he had in 1994. It seems that whenever there was a democratic breakdown, the monarchy took advantage to appeal for more constitutional powers. This suggests that the monarchy may have deliberately adopted such a strategy.

Sekatle (1997:71) argues that though the opposition claimed that the assumption of state power by the LCD was illegitimate, this was not the case. She based her arguments on two theories of representation: the delegate and trustee theories. Hague, Harrop and Berlin (1992:292) argue that

the delegate is closely bound to reflect the wishes of those who elected him or her. Delegates are typically 'mandated', that is, given instructions to carry out. The trustee, by contrast, uses independent judgement on behalf of the voters. The trustee is free to ignore the voter's views, but does so at his or her peril.

The delegate theory postulates that a delegate does not have an independent function. A delegate has to seek a mandate from his/her constituency. On the other hand, trustees have a right to exercise their independent function, if they wish so. Hague *et al.* (1992) argue that the priority of national issues is essential and this may sometimes lead to the trustees making decisions against the wishes of their constituencies.

Sekatle (1997) argues that floor crossing often occurs in parliamentary democracies under FPTP systems. The reason is that by crossing the floor, it is assumed that the trustees are acting in the best interests of their constituencies. Representatives may cross the floor or "make decisions that are not necessarily mandated by their constituents because they are elected for a fixed period of time without conditions". Often, crossing the floor may sometimes result in the failure of the representative to be re-elected, which "means that a representative must ensure that his/her action[s] to cross the floor ... [are] supported by the majority of people he/she represents" (Sekatle, 1997:73).

This shows that when representatives cross the floor and join other parties, they are 'choosing their own leaders and determining their own political stand' (Sekatle, 1997). Representatives who crossed the floor with Ntsu Mokhehle exercised their independent right and freedom to 'make and unmake' Prime Ministers and to change allegiances. This episode did not constitute a violation of democratic principles. But it heightened the already volatile political situation, which was characterised by the feelings of

marginalisation and exclusion from the democratic process as the result of the FPTP system.

King Letsie III, still yearning for executive powers, sought legal opinion regarding the assumption of state power by the LCD from the South African constitutional expert, W.H Oliver SC, who advised the King that

- (a) By forming a new political party, Ntsu Mokhehle did not vacate the office of Prime Minister;
- (b) Mokhehle's forming of a new party as such does not entitle His majesty to remove him from the office of Prime Minister;
- (c) Mokhehle's forming of a new party does not entitle His Majesty to dissolve parliament;
- (d) Mokhehle is in fact the leader of a political party that commands the support of a majority of the members of the National Assembly. There is no reason to assume that he should not be regarded as a properly appointed Prime Minister (Urgent Legal Opinion, 12 June 1997).

Finally, the King did not dissolve the LCD government and Prime Minister Ntsu Mokhehle remained in power. But this democratic breakdown led to the emergence of the 'official union' between the former rivals, the BCP and BNP (Mothibe, 1999). This marriage of convenience was likely to create more future problems, especially in the light of the upcoming 1998 elections. Another democratic breakdown was looming. Matlosa (1999:16) hence, argues that

as the [1998] election drew closer, the political bitterness among the contestants became more and more pronounced. The animosity and rivalry were real as the opposition parties aimed to either dislodge or destabilize the LCD government through both parliamentary and extra-parliamentary means...

5.3.3 The military reform programme, 1994-1998

Another significant development that had occurred within state parameters was the restructuring of the military. In the 1970s, the BNP politicised the military by recruiting its card carrying members. Evidently, reforms were necessary. Lesotho military force is almost 2000. Mothibe (1999:52) argues that military reforms were done to instil in the military personnel respect for democratic values, human rights and the primacy of civilian rule. Edmonds (1990:110-112) argues that education and training for the military enabled the foundation on which the “normative aspects of the professionalism are built”.

Edmonds (1990) further argues that education for the military must focus on the relationship between the armed forces and society in order to discourage the illegitimate forms of military involvement in public affairs. I concur with these arguments for they were essential as the result of the BNP administration of the politicisation of the military and the entrenched military interests in politics.

In August 1994 the Ministry of Defence was formed in order to bring the military and the National Security Service (NSS) under one structure. This Ministry was under the authority of the civilian Minister and it became the administrative headquarters of the LDF and the NSS (Mothibe, 1999:52).

Matlosa and Pule (2001:55) state that its mandate was to execute defence policy on behalf of the government, provide central control and coordination on defence matters and to “ensure propriety in the management of the defence budget”. The establishment of the Ministry of Defence was one of the recommendations from the Presidential Report of Presidents Robert Mugabe (Zimbabwe) and Ketumile Masire (Botswana) on 11-12 February 1994. The report also noted that there was lack of effective command and control over the military matters.

The formation of the Ministry of Defence was assisted by the British government, which had seconded Phil Jones to assist the government and senior military staff in the organisation and management of defence. In an effort to speed up the transformation in the military, a steering committee was established. Its membership comprised the

Principal Secretary for Defence as Chairman, the Commander of the LDF, the Commissioner of Police, the Attorney General, the Prime Minister's political advisor and one representative from South Africa, Zimbabwe and Botswana (Mothibe, 1999).

The steering committee was to focus on re-training of the military, career development, promotion criteria, financial management, logistics and administration. It was also supposed to identify those areas that needed outside expertise and the nature of that expertise (Matlosa and Pule, 2001).

The Lesotho Defence Force Act. No. 4 was drafted and replaced the Lesotho Defence Order No. 17 of 1993. This act focuses on the structural, administrative and operational aspects of the LDF (Mothibe, 1999). It also stipulated that the LDF shall be deployed in

- (a) The defence of Lesotho;
- (b) The prevention or suppression of terrorism and internal disorder;
- (c) The maintenance of essential services including the maintenance of law and order and prevention of crime (Lesotho Defence Force Act No. 4. 1996).

In order to introduce a balance in civil-military relations, the Act called for the establishment of the Defence Council which replaced the Defence Commission. The Defence Council membership was comprised of the Minister of Defence, who was the chairman, the Principal Secretary for Defence, who was to chair meetings in the absence of the Minister of Defence, the Commander of the LDF, a secretary appointed by the minister and two members appointed by the Prime Minister (Matlosa and Pule, 2001:56).

The functions of the Defence Council were to

- Make recommendations to the cabinet on the formulation and implementation of defence policy;
- To make recommendations to the cabinet on the terms and conditions of service of members of the defence force;

- To inquire into and deal with complains relating to, and grievances of, any member of the defence force (Mothibe, 1999:13).

Matlosa and Pule (2001) argue that the formation of the Defence Council was a positive step for ensuring stable civil-military relations. As a result of the efforts from the Defence Council, the Ministry of Defence formulated policies that were aimed at transforming the LDF into an apolitical, accountable and affordable defence force. Matlosa and Pule (2001:56) argue that

besides the legal framework, key institutions that play a part in regulating and controlling the army in Lesotho include the monarchy as the pinnacle of the state, the Prime Minister as the Minister of Defence, the Defence Council, the MOD [Ministry of Defence]. With the advice of the Prime Minister, the King appoints the commander of the armed forces and orders the deployment of the forces in part or whole outside the borders of Lesotho. The Prime Minister as both the head of government and minister plays a central role in civil-military relations. He is the chairperson of the Defence Council and he liaises with the commander on a regular basis on defence and security issues.

The country received technical assistance from Botswana, South Africa, Zimbabwe, Britain, United States of America (USA) and the United Nations Development Programme (UNDP). Seminars and workshops were organised for members of the military that focused on the role of the military in a democratic state. Members of the military were also encouraged to further their academic studies at national and foreign tertiary institutions (Matlosa and Pule, 2001; Mothibe, 1999).

Senior military officers and officials also undertook various study tours and fact-finding missions, where they familiarised themselves with the organisation of defence institutions. In an effort to familiarise the general public with defence matters, the office of the public relations was established in the military (Matlosa and Pule, 2001).

There were some positive aspects of the military reform programme both among the civilians and the senior military officers. Even the cabinet ministers and MPs stopped their anti-army statements. Hence the visits of the Prime Minister (also Minister of Defence) to the military barracks were reported to be well received.

Prime Minister Ntsu Mokhehle was quoted as saying in *Defence News* (1996:1) "I and my Government are encouraged by these positive developments (the climate of change in the defence and security forces) and the direction you have achieved in so far in moving so far towards greater professionalism and discipline".

Government commitment to the military was shown by an enormous financial injection (Mothibe, 1999:53). The national budget showed a steady and large increase from the 1995/96 financial year. The budget allocation to defence was M102.63 million, a huge increase of M39.42 million from that of 1994/95. In 1996/97 it increased to M123.8 million (this was 9.1 percent of the total national budget and the third highest allocation received by any ministry) (Lesotho Budget Speech, 1996/97). In the 1997/98 financial year it was M147.1 million and was second to that allocated to the Ministry of Education. It increased further to M165.5 million in the financial year of 1998/9 (Lesotho Budget Speech, 1998/99).

This reflected the increasing importance of defence in the national priorities of the country irrespective of its limited functions, as mentioned before. Mothibe (1999) argues that this showed the willingness of the government to provide enough funds in order to enable the military to perform their tasks effectively. In his presentation of the 1997/98 Budget Speech, the Minister of Finance as cited in Mothibe (1999:54) noted that "the government recognizes the need to maintain a numerically small defence [force] ... which should be well trained, professional, accountable, highly motivated and well equipped". After the military's ill-advised support for the King's palace *coup* in 1994, it matured quite quickly by 1997.

The military did not join in the political anti-Mokhehle crusade in 1997 that called for his expulsion from power. It gave tacit support to the constitution and the LCD remained in

power. This created a positive impression and reassured the LCD government that the military were sticking to the rules of the constitution.

5.4 The 1998 elections

5.4.1 The failure of FPTP system

The BCP split and the inheritance of state power by the LCD facilitated the establishment of an independent electoral body to oversee the conduct of the elections. The BCP had always opposed the idea of having an independent body to supervise the elections. This was a positive move that could quell suspicions of electoral fraud. Since the 1965 election there were consistent allegations of ballot rigging. In 1965 the BCP challenged the outcome of the election in the courts of law on allegations of ballot rigging. In 1970 Chief Leabua Jonathan cancelled the election result on the allegations of ballot rigging. In 1993 the BNP refused to accept the outcome on the allegations of ballot rigging (Sekatle, 1997).

There was an increase in the number of constituencies from 60 to 80, but still within the old FPTP system. There were unconfirmed allegations that the RCC senior leadership provided financial support for the BNP electoral campaigns (*MoAfrika*, 18 July 1997). The 1998 elections were won overwhelmingly by the LCD. The outcome is outlined in **Table 5** below.

Table 5: 1998 General election for the National Assembly

Contestants	No. of Votes	% of Votes	No. of Seats	% of Seats
LCD	355,049	60,7	78	98,73
BNP	143,073	24,5	1	1,27
BCP	61,793	10,5	0	0,00
MFP	7,460	1,3	0	0,00
Others	17,365	3,0	0	0,00
Total	584,740	100	79	100

Source: Lodge, Kadima and Pottie, 2002:100

Appendix Four shows the regional support of the parties, which varied significantly across the country. The LCD received overwhelming support across the country, except in one constituency in the mountainous areas where it was defeated by the BNP. Once more, the BNP made a significant showing in Tsikoane and Peka in the north, whilst in the southern region it made a good showing in Moyeni and Mount-Moorosi. The BNP's support in the 1993 and 1998 elections was almost in the same rural areas, where the minor chiefs were in charge. Chief Leabua Jonathan originates from those northern constituencies, whilst the southern region was the home of Chief Sekhonyana Maseribane, his former Deputy Prime Minister. These areas were traditional BNP strongholds.

The LCD won 78 out of 80 constituencies with 60,7% of the total votes on the election day, but gained 98,7% of the seats in parliament. It later won one constituency in the delayed election, which increased its number of seats to 79. Opposition parties had a combined tally of almost 40% of the votes (Kadima, 1999). But despite this tally, they only had one constituency seat won by the BNP as their representation in parliament. This was potentially destabilising.

Once more again the weakness of the electoral system was visible. FPTP disadvantaged those smaller parties with widespread but unconcentrated support in given constituencies. FPTP weakness was evident through its skewed parliamentary representation that it led to in the 1965 and 1993 elections. This lack of representation in the national assembly by the losing parties added fuel to the hostilities that had preceded the 1998 elections, when the LCD assumed power in 1997. I concur with Matlosa (2003) that this exaggerated the dominance of the LCD and resulted in a one-party parliament. In frustration, opposition parties without any meaningful role in the country's political process diverted their efforts to destabilising the LCD government. This shows how important the choice of an appropriate electoral system is in many democracies.

I concur with Rule's (2000:280) argument that

had PR been used as an electoral system for the country ... with a cut-off point of 1 per cent of votes cast, ... a parliament of 80 seats would have comprised 50 LCD members, 20 BNP members, 9 BCP members and one MFP member. This would clearly have constituted a more representative body than the current parliament and resulted in greater satisfaction among the electorate.

The violence that occurred after the 1998 elections and the role of the military were comprehensively documented in the previous chapter and will not be repeated here. However, the role of the monarchy in the 1998 electoral crisis will be examined.

Under direct instructions from the Prime Minister Pakalitha Mosisili of the victorious LCD at the height of the 1998 political crisis, King Letsie III was given a prepared speech by the government to address the protestors and to call them to disperse from the palace grounds. But the King read the speech and left out the part where he was supposed to call on the protestors to disperse from the palace grounds. He later argued that he forgot to read this part (*Mololi*, 14 September 2000).

This was a direct violation of the provisions of the constitution. The King further argued that customarily the monarchy had a right to intervene and resolve political matters affecting the welfare of the nation. He appealed to the nation to “show the way forward by indicating the exact role which the Basotho monarchy, in the interests of all Basotho, should play” (Anonymous, 1998:2).

During the political crisis in 1998 the King appeared to be sympathetic to opposition grievances against the LCD government. Hence the South African Communist Party (SACP) Secretariat (1998:7) noted that the monarchy believed that “the general lawlessness would melt down the multi-party electoral system and in the process the monarchy would assert its authority”.

In his assessment on the behaviour of the monarchy in the 1998 electoral crisis, Prime Minister Pakalitha Mosisili argued that

I saw the source of the problems I was trying to solve as emanating from the palace. It had become the centre from which these people [opposition protesters] operated... (*Mololi*, 14 September 2000).

The monarchy also became an active actor in the 1998 political crisis. There were unconfirmed reports that the opposition protesters camped in the palace grounds were supported with foodstuff by his office (Anonymous, 1998:13). The monarchy cooperated with the opposition parties. King Letsie III sought to take advantage of the political crisis to propose the abolition of the Westminster constitution.

His father, King Moshoeshoe II, had assailed the constitution in the 1960s, arguing that it granted him limited powers. His father even tried to introduce his model of democracy during the military administration. King Letsie III suspended the old constitution in 1994 and tried to impose total monarchical control. In 1997, after the inheritance of state power by the LCD, he appealed for more constitutional powers. In 1998 his official residence once more became a centre of operation for opposition protesters as they besieged the LCD government.

Again his actions were well calculated. He appealed for more constitutional powers at the height of the democratic crisis. This regular trend of such utterances shows that the monarchy did not support the current constitution. In 1998 the monarchy also refused to recognise the legitimacy of the LCD government and to adhere to the rules of the game as he refused to act on its instructions. The military and the monarchy created an environment conducive for the opposition parties to destabilise the government.

5.4.2 Electoral reforms after 1998

After the re-democratisation in 1993 the elections were free but very violent in 1998 as the result of the FPTP system. Arguably, it was certain that electoral reforms would have to be undertaken to create a more inclusive electoral system. In its report after the 1998 election, the IEC noted that

it appears that the plurality system works best when it is able to produce a reasonably effective parliamentary opposition. It is a

matter of record that the last two general elections in Lesotho (1993 and 1998) have produced little or no parliamentary opposition. This appears to suggest that the time is now ripe for a serious debate on the electoral system of Lesotho (Independent Electoral Commission (IEC), 1998:46).

I concur with Southall (2003) and Mothibe (1999) that the South African-led military intervention was an effective conflict-management strategy. It was not siding with any of the contestants. Despite the lives lost as the result of the intervention and costs incurred, it enabled the belligerent parties to come to the negotiation table to map the way forward.

Opposition parties wanted the LCD government to be dissolved. The external mediation efforts led by South Africa resulted in the establishment of the Langa Commission. The commission was chaired by the Justice Pius Langa from the Constitutional Court of South Africa and had three representatives from Botswana, four from South Africa and three from Zimbabwe. Its objective was to investigate the conduct of the 1998 elections and assess whether the elections were rigged. But the Langa Report did not (as mentioned before) clearly spell out what problems were encountered in the 1998 elections and did not clearly state whether the 1998 election were rigged or not (Matlosa, 2003; Mothibe, 1999).

The Langa Commission Report called “for the LCD to stand down in favour of a government of national unity” (Southall, 2003:274). South Africa continued to play a significant mediation role, which was led by South Africa’s then Deputy President Thabo Mbeki and former Minister of Safety and Security, Sydney Mufamadi. This culminated in the establishment of the new political institution, the Interim Political Authority (IPA).

The IPA was established as the compromise between the LCD government and the opposition parties (Elkit, 2002:2). The IPA membership comprised the two members from each of the 12 political parties that contested the 1998 elections and it was to review the electoral system in order to make it more representative and inclusive. But the proceedings of the IPA were regularly halted by the poor relations with the LCD

government and the IEC. Civil society organisations and ordinary citizens were denied a chance to express their views and to participate in the proceedings of the IPA concerning the reforms in the electoral system. The objectives of the IPA were:

- To prepare, in liaison with the legislation and executive organs of the state, for a fresh election ... [and] to level the playing field for all parties and candidates to participate meaningfully in the election in an environment that promotes and protects human rights and to eliminate any impediments to legitimate political activity, including undue victimisation or intimidation;

- To ensure equal treatment of all political parties and candidates by all governmental instructions and in particular by all government-owned media, prior to and during the election (Government of Lesotho, Interim Political Act, 1998).

The IPA took a unanimous decision on 25 August 1999 in favour of the adoption of an MMP system for the next parliamentary elections. According to Matlosa (2003), this system uses the PR mechanism as the basis for the overall allocation of seats, though parties are allowed to retain the constituencies they won. This system combines the advantages of both FPTP and the PR systems. Mixed systems are used in countries like Germany, New Zealand and Italy (Shugart and Wattenberg, 2001).

Mixed systems can either be *compensatory* or *parallel*. In a *compensatory* system, the two components are linked in “that the list seats are used to create overall proportionality between a party’s list votes and its total number of seats” (Gallagher and Mitchell, 2005:592). As a result, the number of list seats parties get depends not only on their overall vote, but also on the number of single-member constituency seats won (Blais, 1999:342). Gallagher and Mitchell (2005:592) state that

a party that won few constituency seats in relation to its votes is likely to receive a relatively high number of list seats in order to bring its overall number of seats close to its ‘fair’ share – for this reason, list seats are sometimes termed ‘correction’ or ‘top-up’ seats in compensatory variants. Conversely, a party that did well at

constituency level may receive few seats if it is already close to its fair share on the basis of constituency victories alone.

The MMP system also retains the proportionality benefits of PR seats and ensures that the voters have geographical representation. They are able to exercise two votes: one for the party and one for their local MPs. But the critical issue which is often misunderstood by the voters is that the vote for the local MP is less important than the party vote in determining the allocation of parliamentary seats (Horowitz, 1991; Sundberg, 1997:74). The MMP system also creates two classes of MPs, unlike the *parallel* system. There are those who are directly elected under FPTP and the PR list (Likoti, 2007; Matlosa, 2003; Southall, 2003).

In a *parallel* system the two methods of seat allocation operate independently from each other. The number of list seats that a party receives depends completely on the share of the list votes it wins; this is regardless of how many constituency seats it has won. Some electoral systems are somewhere in between (partly compensatory) (Blais, 1999:350; Gallagher and Mitchell, 2005:592).

Elklit (1997: 53) argues that “*parallel* systems ... use both PR lists and the winner-take-all districts but unlike the MMP system, the PR lists do not compensate for any disproportionality within the majoritarian districts”. They partially combine the benefits of the PR and FPTP systems. *Parallel* systems give results that fall between “straight plurality-majority and PR systems”.

The IPA battled with numerous problems after it adopted the MMP system.

1. The number of parliamentary seats for the next national assembly. Some parties advocated the 65/65 split, whilst other wanted 80 FPTP seats and 50 PR seats for the National Assembly (Matlosa, 2003).
2. The LCD government favoured the *parallel* system. It also raised its concerns over the number of parliamentary seats, which it argued should be lower than the 130 seats as was proposed by the IPA. But after lengthy consultations a deadlock was reached and it was agreed that the MMP system would comprise of 80 FPTP seats

and 40 PR seats. Afterwards the IPA drafted bills that were passed by parliament in 2001 and 2002. Consequently, the constitution was amended (Fourth Amendment to the Constitution Act 2001) to cater for the MMP system with a ratio of 80 FPTP and 40 PR seats (Likoti, 2007; Matlosa, 2003).

Southall (2003:276) argues that most politicians in the IPA were eager for more PR seats in order to maximise their chances of making it to the National Assembly. After the disagreements between the opposition parties and the LCD government over the number of seats, this matter was referred to the Arbitration Tribunal, which was chaired by Judge Julian Browde of the Lesotho Appeal Court. On 15 October 1999 the Arbitration Tribunal ruled for the ratio of constituency seats and proportional seats to be 80/50.

Lesotho's MMP system gives a voter two votes, a constituency vote and a party vote. Comparatively, the German system also has two ballots like the Lesotho system. Mahler (1995:248) notes that "citizens can vote directly for a candidate who has been nominated by a local political party organisation ... in the 'second vote', the political party is voted [for] not a candidate".

Importantly, Mahler further argues that "the second ballot [PR] is in many ways more important than the first direct ballot [FPTP], because it is the second ballot that determines the final proportion of parliamentary seats that each party will receive". More votes count, thus voters can express their true preferences.

In the German system the constituency vote determines who will represent the constituency in parliament, whilst the party vote is used to elect candidates from the party lists and to compensate parties that have fewer constituency seats than they would be entitled to under pure proportional representation (Mahler, 1995). I concur with Likoti (2007:2) that

the rationale for this model is to produce proportionality in parliament. A mixed member proportional system offers regional representation and stable, effective government – and it offers better legislative balance, better representation of parties, better

demographic representation, more diversity of ideas, more effective opposition, more value for votes and more inclusive decisions.

The allocation of seats is based on the proportion of the popular vote that parties receive on the second ballot. Thus, PR seats are awarded to compensate for any disproportionality produced by the constituency seats results. This means that, if one party wins 10 per cent of seats in the votes nationally with no constituency won, it will be awarded sufficient PR seats from the PR lists to bring its representation up to 10 per cent of the seats in the national assembly.

Lesotho uses a *compensatory* system. But the big difference between Lesotho's MMP system and the German system is the overall number of seats. In Lesotho's MMP system, the number of parliamentary seats is fixed at 120 (80 FPTP + 40 PR). This fixed number of seats is likely to undermine the *compensatory* aspect of the MMP system. Parties cannot be adequately compensated in proportion to their relative performance in the polls because of the inflexibility of the national assembly. Thus, the MMP system is a limited compensatory system.

The biggest problem of the Lesotho MMP system is the lack of understanding on how it works among the electorate and politicians. The Lesotho MMP system is also difficult to operationalise. Lesotho's situation is worsened by the absence of clear guidelines on how the translation of votes into seats, especially for candidates under PR, has to be undertaken, whilst the translation of votes under FPTP did not create any problems.

The lack of detailed explanation or legal explanations of how Lesotho's MMP system works has resulted in different interpretations on how it is supposed to be operationalised. But the Lesotho MMP system was adopted against the background of violent political tensions in 1998. It came as an electoral compromise from diverse political parties and the LCD government. Despite the electoral reforms, it was clear that these unsettled issues around the operationalisation of the MMP system were likely to create more problems.

But a serious limitation was the failure of the IPA to consult civil society organisations and the electorate in the reformation process. The whole process of the electoral reforms was done by the political elites without enough citizens' participation.

5.4.3 Restructuring of the military in the post-1998 electoral crisis

The crisis of 1998 did not only lead to electoral reforms, but also to the final restructuring of the military. The LCD government took advantage of the presence of the South African and Botswana military forces, as Southall (2003:278) states, "as a historic opportunity to rectify the imbalances of power which had previously undermined the post-1993 government's authority".

The LCD government believed that it won the 1998 elections fairly, just like the landslide victory of the BCP in the 1993 elections (Thebe Motebang MP, Lesotho Congress for Democracy (LCD) General Conference, 23 January 2000). Southall (2003:278) argues that it

viewed the challenge of the opposition alliance to its popular legitimacy as emanating from undemocratic elements, covertly backed by the King ... It also argued that its right and capacity to rule had been effectively negated by the disloyalty of elements of the LDF.

Despite a series of retraining and transformation efforts and increased military expenditure with the intention of creating a professional apolitical military in 1994, the government introduced more reforms in the military.

Forty members of the military who were involved in the 1998 mutiny were arrested and amongst them were those who had allegedly assassinated the Deputy Prime Minister Selometsi Baholo in 1994. After appearing before the court martial, most of them were convicted and got stiff sentences, whilst some were expelled from the military (Ambrose, 2000; Southall, 2003). Those charged with the assassination of the Deputy Prime Minister Selometsi Baholo in 1994 received lengthy sentences in the series of

court cases, which dragged for the next three years after the 1998 electoral crisis (*MoAfrika*, 14 July 2005).

The government also terminated the services of some senior military officers who were suspected of spearheading the mutiny in 1998. This was followed by a series of seminars and workshops for the military and organs of civil society designed to promote civil-military relations. The LDF recruitment was revised in an effort to avoid political bias. Southall (2003:280) states that

plans to demobilise some 500 soldiers, or about a quarter of the LDF, were announced in 2001, this programme [was] assisted by advisors from the UNDP who had experience of restructuring or dissolving armies and backed by assurances that full gratuities would be paid to reduce the chances of retirees seeking to take illegal retaliatory action. Those retired were replaced in 2002, the new intake featuring graduate recruitment to the officer corps, a career option made more attractive by a new emphasis upon despatching trainers on specialist courses in countries such as Britain, China and Germany.

The LDF also became regionally orientated. There were regular exchanges of its members to SADC military academy in Zimbabwe. An additional advantage saw the arrival of the Indian Army staff officers, who were to assist the LDF with specialist training in spheres such as intelligence, law and logistics. Indian Army staff officers also assisted in the creation of three 30-man Special Forces, whose purpose would be to deal with disorder and terrorism (Southall, 2003:280).

But the BNP, not surprisingly, strongly criticised these transformative and retraining exercises within the military. It accused the LCD government of politicising the military. Southall (2003:281) argues that

despite the various trials and retrenchments, the main body of the security forces (notably at lower levels) remained those who had been recruited by the BNP or during the military rule. However,

whereas their political loyalties and antipathies may explain the various disturbances which rocked the governments after 1993, the SADC intervention had clearly eroded their autonomy.

I concur with Southall's (2003) argument, but in my view the restructuring process was largely successful; it was able to diffuse the political inclinations that were largely visible at the height of the 1998 electoral crisis. I further concur with Southall (2003:281) that the external intervention made the military aware that intervention in politics "could carry severe costs".

5.4.4 The depoliticisation of the monarchy in the post-1998 electoral crisis

The monarchy did not escape the consequences of the crisis of 1998. The restoration of King Moshoeshoe II in 1994 did not succeed in depoliticising the monarchy. Makoa (1996:16) correctly asserted that since independence the monarchy has always been at the heart of the country's political problems. The monarchy has regularly intervened in politics and refused to accept the king's constitutional status. Significantly, there were no constitutional changes regarding the position of the monarchy after the 1998 electoral crisis. However, the external intervention had been an eye-opener for the monarchy about the negative consequences of rising against the democratically elected structures.

Yet in another significant political development, which depoliticised the monarchy, the Principal Chief of Matsieng (where the royal seat of power is located), younger brother to King Letsie III, Chief Seeiso Mohato, was appointed by the LCD government as Lesotho's High Commissioner to Britain in September 2005. The royalists labelled this as "politicization of the monarchy, to pursue [the LCD] political agenda" (Khoabane Theko, Principal Chief of Thaba-Bosiu, Senate Chambers, 12 December 2007).

Despite these criticisms from the royalists and some opposition parties (MFP and the BNP) who believed that the LCD government was streamlining the powers of the monarchy, this gesture seems to have smoothed the relations between the monarchy and the government. The appointment of the King's brother led to little monarchical interference in politics. This seems to have been a well calculated effort to neutralise

monarchical interference in politics. On the other hand, the MFP has over the years failed to attract significant support within its ranks in order to push for more constitutional changes.

Significantly, infighting amongst the Principal Chiefs has further eroded the strength of the monarchy as a vital actor in the political scene. Some Principal Chiefs in the Senate were allegedly accused by their counterparts of voting in approval of the government bills from the national assembly even when the bills were not in the interests of the monarchy. For instance, the Principal Chiefs were divided as they appealed for more powers to debate bills and make laws like the democratically elected national assembly.

Rivalries and contestation for power has been rife over the years between the Principal Chiefs of Matelile, Tajane and Ha Ramoroetsana. This has gradually seen the strength of the monarchy in the Senate gradually eroding away. There were some allegations that the Principal Chief of Thaba-Bosiu, Khoabane Theko, was sponsoring the ABC/LWP political campaigns prior to the February 2007 elections.

After the death of Principal Chief of Peka, Tsikoane le Kolobere-Lechesa Mathealira from the Molapo house (Chief Leabua Jonathan was a member of this blood line) in 2002, his junior sons and the widow of his deceased first son were involved in the bitter struggle over who should succeed him.

This succession impasse was solved by intervention from the Matsieng house (the royal line). It stated that that, according to Lesotho traditions and customary laws, the first son has to succeed and in the event of his death, his wife has to take over until such a time as her first son is ready to assume duties as the Principal Chief (*Melao ea Lerotholi* - Laws of Lerotholi, 1904:12).

The Matsieng house intervention seems to have harmonised the traditional contestation between the Matsieng and the Molapo houses (originally between King Moshoeshoe II and Chief Leabua Jonathan). Also, there is a new generation of Principal Chiefs amongst the Matsieng and Molapo houses, which has seen the traditional contestation between the two houses gradually eroding.

Both the military and monarchy became weaker after the 1998 crisis. They were unlikely to intervene in politics. Was it because they were locked in a mutually hurting stalemate, or because democracy had ripened to the point of maturity? What other lessons were learned?

5.5 The 2002 elections: new rules of the game

Despite the logistics in finding the appropriate electoral system, the re-run for the 1998 elections were held in 2002. Prior to the 2002 elections, significant developments occurred within the ruling LCD. The party was struck by internal power struggles over the leadership of the party, which occurred in almost similar fashion to those in the BCP after the 1993 elections.

Two factions had developed within the LCD known as the *lesiba* (feather), led by the Deputy Prime Minister Kelebone Maope and Shakhane Mokhehle, and *sehlopha* (group), which had the support of Prime Minister Pakalitha Mosisili. The *lesiba* faction made public pronouncements to the effect that the “train had derailed [meaning that Prime Minister Pakalitha Mosisili only works with his close cronies over the policy and direction of the party], and that it was their obligation to ensure that the train is back on track“ (*Nonyana*, 14 May 2001). They called their rival faction *sehlopha* and labelled the Prime Minister Pakalitha Mosisili as dictatorial and authoritarian (Likoti, 2005).

They claimed that Prime Minister Pakalitha Mosisili’s government had deliberately deviated from the electoral mandate and described the Prime Minister as an “inept, inefficient and undemocratic leader” (*Public Eye*, 01 October 2004). They allegedly accused the Prime Minister of fomenting divisions in the LCD by favouring those from the southern region. The Prime Minister and most cabinet ministers come from the southern region (*MoAfrika*, 18 March 2001).

The *lesiba* faction also accused the Prime Minister of favouritism. They claimed that development projects were mostly directed to the southern regions whilst the northern regions were marginalised. Prime Minister Pakalitha Mosisili was accused of not consulting with the ruling party National Executive Committee (NEC) regarding the appointment of senior civil servants, the country’s Ambassadors and High

Commissioners. They claimed that this led to internal instability amongst the party members, who felt that they were overlooked.

The Prime Minister was allegedly accused of not being sensitive to the problems affecting the welfare of the civil servants. This was because the government increased civil servants salaries by 2%, which they argued was worthless, not on a par with inflation and damaging to the party's electoral future support. It was against this background that on 14 September 2001, the *lesiba* faction broke way and formed the new party called the Lesotho People's Congress (LPC) (Likoti, 2001).

Southall (2003) noted that power struggle also crippled opposition parties. The BCP was once more engaged in the power struggles over the leadership of the party between Molapo Qhobela and his deputy Tseliso Makhakhe. This competition over the leadership took a dramatic turn after Molapo Qhobela lost his case over the leadership against Tseliso Makhakhe. Molapo Qhobela broke away in January 2002 and formed the BAC (Southall, 2003, *MoAfrika*, 14 August 2002).

Some senior RCC Bishops went to the extent of publicly campaigning for the BNP over the private radio stations and in some local newspapers.⁷ Southall (2003) argues that the proliferation of small parties saw an increase in the number of political parties from 12 parties in 1998 to 19 political parties in the 2002 election.

Southall (2003) thus argues that the LCD did not expect to win the election with a landslide majority across all the constituencies. It had anticipated tough competition from the newly formed LPC. However, it won 77 out of 80 constituency seats on election day. It later won one additional constituency in the delayed election. Its closest rival, the LPC, won only one constituency (Fox and Southall, 2003).

⁷ At the St. Rose Mission and St. Ann Mission (Catholic missions) polling stations in the Peka constituency, the BNP candidates got 263 and 185 votes respectively, whilst the LCD candidates got 47 and 34 votes in the 2002 election (Maseru Mpiti, Chief Returning Officer, Peka, 20 June 2002). But the LCD won an overwhelming majority the across the entire constituency's polling stations. This was not an isolated incident; in some constituencies (e.g. Likhetlane, Maputsoe and Tsikoane) the BNP won in all the Catholic missions' polling stations.

The formula of seat allocation (2002 election) was to be as follows:

If after counting the party results (FPTP + PR) are as follows:

Red Party 101,237

Blue Party 132,679

Pink Party 268,103

Total votes 502,019

502,019 will be divided by 120 (which is the number of seats in Lesotho parliament) to get the quota of votes

$$\frac{502,019}{120} = 4,183.491$$

120

-When 4,183.491 is rounded off to the next whole number it becomes 4,184 which will thus become the quota of votes. Based on the above calculations, the provisional allocation of seats is as follows:

Red Party 101,237 votes divided by 4,184 = 24.19622

Blue Party 132,679 votes divided by 4,184 = 31.71104

Pink Party 268,103 votes divided by 4184=64.07815

The seat allocation to each party without taking any decimal fraction into account will be as follows,

Red Party 24 seats

Blue Party 31 seats

Pink Party 64 seats

Total 119 seats

120 - 119 = 1 seat still to be allocated.

If there are fewer seats provisionally allocated than the total number of seats in the National Assembly, the first remaining seat will be allocated to the political party with the highest decimal fraction and so on.

- Taking the above example, Blue Party will be allocated an additional seat and it will have 32 seats.

Each party's provisional allocation of proportional representation seats will be calculated by deducting the number of seats won by party in the constituency elections.

In the constituency system, the seats are as follows:

Red Party 15 constituency seats

Blue Party 20 constituency seats

Pink Party 45 constituency seats

Therefore, the provisional allocation of compensatory seats is as follows:

Red Party 24, provisional seats minus 15 constituency seats won = 9 compensatory seats

Blue Party 32, provisional seats minus 20 constituency seats won = 12 compensatory seats

Pink Party 64, provisional seats minus 45 constituency seats won = 19 compensatory seats.

If this example is followed, the allocation of seats is easy and it does not have any complications. The final proportional seats will be $9+12+19=40$ seats. This shows that a party should participate both in the constituency and PR list in order to be compensated.

Source: Independent Electoral Commission, 2002:2

As result of the reformed electoral system, opposition parties were rewarded with PR seats based on their actual representivity. The LCD won 79 seats out of 80 FPTP seats. The BNP with 22,4% of votes got 21 PR seats, the LPC with 5,8% of the vote had six seats and the NIP also with 5,5% of the vote won five seats. The BAC with 2,9% and BCP with 2,7% of the vote got three seats each. The MFP with 1,2%, PFD with 1,1% and NPP with 0,7 % got one seat each. This was fair distribution.

Southall (2003) argues that because the LCD maintained a clean sweep over the constituency seats, it was not allocated PR seats. In the Lesotho MMP system, it had already exceeded its quota of seats by virtue of winning the majority of constituency seats. Consequently, opposition parties received all of the 40 PR seats. By only compensating some parties, this in effect made the mixed system of Lesotho less of a *compensatory* system and moved it closer to the characteristics of a typical *parallel*

system. The results of the 2002 election and the allocation of seats is indicated in **Table 6** below

Table 6: The 2002 election and the allocation of FPTP and PR seats

Contestants	No. of votes (FPTP +PR)	% of votes (FPTP + PR)	FPTP seats	PR seats	Total seats	% of seats
LCD	302,316	54,8	79	-	79	65,8
BNP	124,234	22,4	-	21	21	17,5
LPC	32,046	5,8	1	4	5	4,2
NIP	30,346	5,5	-	5	5	4,2
BAC	16,095	2,9	-	3	3	2,5
BCP	14,584	2,7	-	3	3	2,5
LWP	7,7788	1,4	-	1	1	0,8
MFP	6,890	1,2	-	1	1	0,8
PFD	6,330	1,1	-	1	1	0,8
NPP	3,985	0,7	-	1	1	0,8
Others	7,772	1,4	-	-	-	-
Total	554,386	100	80	40	120	100

Source: Independent Electoral Commission 2002:4

Therefore, parliament became more inclusive, proportional and representative. Ten political parties were represented in parliament. Consequently there was no election-related political violence. Likoti (2007:3) argues that “the adoption of the MMP was done with the clear understanding that the country was now entering an era of democratic inclusivity where even the less resourced parties would [have] representation [in parliament]”.

The BNP accepted its 21 PR seats in parliament, but refused to accept the election outcome. It accused the IEC of rigging the election in favour of the LCD. Southall (2003:290) indicates that even before the final count of the results

General Lekhanya [BNP leader] began repudiating the constituency results even before they had all been counted, making generalised complains about electoral malpractice and alleging curious statistical patterns in the votes.

In protesting against the election outcome a senior BNP member, Lekhooana Jonathan, argued that “how it is possible for them [the LCD] to maintain a clean sweep in the constituencies after the [LPC] breakaway? Something fishy was done by the IEC to ensure that LCD remained in power” (Basotho National Party (BNP) Constituency Rally, Kolonyama, 20 July 2002). The BNP MPs continued to denounce the IEC for rigging the elections. The BNP youth league leader, who became an MP via the PR ticket, Moeketsi Hanyane, was quoted as saying “we will mobilise our supporters against the rigged 2002 elections; we won’t surrender easily in our case” (Basotho National Party (BNP) Constituency Rally, Stadium Area, 20 August 2003).

Despite its participation in parliament and commanding the majority of PR seats, the BNP still refused to recognise the legitimacy of the LCD government and to adhere to the rules of the game. In defiance against the rules of the game, the BNP leader, Major General Metsing Lekhanya,⁸ wrote a “Memorandum of Settlement Agreement” to Prime Minister Pakalitha Mosisili on the party’s stance on the conduct of the 2002 elections. The contents of the memorandum worth mentioning are highlighted below:

“MEMORANDUM OF SETTLEMENT AGREEMENT”, 18 AUGUST 2003

BNP E TLA AMOHELA SEPHETHO SA LIKHETHO TSA MOTSEANONG 2002 TLASA LIPALLO TSE LATELLANG

-BNP ETLA HULA LINYEOE TSA EONA TSE KA KHOTLA HAEBA IEC ETLA ETSA TLATSETSO EA M550,000 HO BNP BAKENG SA LITSENYEHELO TSA NYEOE.

⁸ Formerly the chairman of the military government from 1986 to 1991. He was elected to the leadership position following the death of the BNP leader, Retselisitsoe Sekhonyana, in 1998.

-TONAKHOLO A ITLAME HORE O TLA ELETSA MOTLOTLEHI HO THONYA MATONA A MABELI LE MOTLATSI OA LETONA MOKHENG OA BNP HO BA LITHO TSA K'HABINETE , 'ME EBE MATONA A TOKA, LIHLOLILOENG, LE MOTLATSI OA LETONA LA LICHELETE

-HO HLOMATHISOE MOLAO OA MOTHEO E LE HORE LENANE LA LITHO TSE THONYETSOANG HO KENA KA PARAMENTENG KA SEMOTINYANE E BE 50, 'ME LE TSA MABATOOA E BE 50.

This memorandum is translated as:

“MEMORANDUM OF SETTLEMENT AGREEMENT”, 18 AUGUST 2003

The BNP will only accept the outcome of the May 2002 elections under the following conditions:

- the BNP would withdraw its legal challenges if the IEC agrees to compensate it with the sum of M550, 000 to cover its legal costs;
- the Prime Minister should confirm that he would consult with the King Letsie III to appoint three BNP members into his cabinet, who shall serve as the Minister of Justice, Minister of Natural Resources and the Deputy Minister of Finance;
- the constitution should be amended so that there should be uniformity in terms of representation on the parliamentary seats, parliament should be composed of 50 constituencies and 50 PR seats (my own translation from Sesotho).

Source: Office of Prime Minister Pakalitha Mosisili, 18 August 2003

In another protest against the 2002 election the BNP decided not to participate in any constituency by-elections. According to Major General Metsing Lekhanya, this was an appropriate action to voice their displeasure against what they viewed as the illegitimate

LCD government. The BNP further refused to participate in the (first-ever) 2005 local government elections. Its youth league leadership led protest marches against the 2002 elections (*Nonyana*, 14 March 2005; *MoAfrika*, 10 June 2005; *Moeletsi oa Basotho*, 13 June 2005).

Other opposition parties did not actively join the BNP in its protests; seemingly they were satisfied with their participation in the National Assembly. Hence Thoahlane argues (2006:2) that “this model ... [gave] the country some degree of relative stability”. But these protests were also not violent, as their organisers were now part of the democratic process because most of them were MPs.

Matlosa (2003:36) argues that the change in the electoral system was able to give work to the opposition leaders. Arguably, the electoral reforms benefited only the few who made it to parliament. This may suggest that while proper elections are necessary for democratic governance, more is required for consolidation. This raises the arguments about affluence, reduction of inequality, the middle classes and civil society.

Given the behaviour of the country’s political elites when the assumption of state power is seen as the most reliable means accessing economic power, it was unlikely to draw the conclusion that the reformed electoral system managed to contain election-related violence. Similarly, Southall (2003:293) argued that

its long-term prospects for resolving conflict in Lesotho are less certain, not at least because the country’s improved political prospects are located in a context of enduring economic decline. The election itself took place against a background of crop failures which raised the alarming spectre of famine, the effects of which could be devastating for an already extremely poor country. Migrant labour to South Africa, a staple of the economy, dropped precipitately from 126,700 in 1989 to about 76,000 in 2002, and the migrant remittances with it ... *if Lesotho’s politicians continue to view the country’s politics in zero-sum terms, then the struggle for scarce resources [would lead to more political instability].*

Prime Minister Pakalitha Mosisili commented that “*naheng e hlokanng mesebetsi joalo ka Lesotho, hoba setho sa paramente ha se feela bosebeletsi ba sechaba,... motho o fumana mesebetsi o motle lemo tse hlano*” [“in the country like Lesotho, where there are few employment opportunities, being an MP does not only mean being a representative of the people, but it is a viable source of employment for five years” (my own translation from Sesotho)] (Radio Lesotho Broadcast, 11 March 2003). Arguably, the reliance on parliamentary seats as form of employment was likely to intensify. Parliamentary representation becomes important for a non-political reason: money. It underlined the importance of socio-economic problems in Chapter Six.

5.6 The 2007 elections: institutional legitimacy restored?

Prior to the 2007 elections Thomas Thabane, the Minister of Communications, Science and Technology and a senior cabinet Minister, resigned from his post, broke away from the LCD and formed a political party called the ABC. He accused the LCD government of failing to implement development strategies to eradicate the escalating levels of poverty and unemployment. But the LCD newspaper *Mololi* (12 December 2006) stated that Thomas Thabane broke away from the LCD because he was not elected into the “LCD National Executive Committee (NEC)”. This was contrary to the statements from the ABC leadership; its deputy leader, Sello Machakela, blamed the amendments to the party’s constitution, which granted the LCD NEC the powers to accept or reject the party’s nominees for the 2007 elections as the major cause of the breakaway (*Public Eye*, 15 November 2006).

Prior to the breakaway, there had been unconfirmed allegations that Prime Minister Pakalitha Mosisili was retiring from politics and would not contest the 2007 elections. Consequently, some senior cabinet ministers had already started positioning themselves for the country’s most powerful political office. Prime Minister Pakalitha Mosisili even rebuked those who were fuelling divisions by making public pronouncements that he was retiring.

Amid tensions in the ruling party a senior cabinet minister, Monyane Moleleki, a key ally of Prime Minister Pakalitha Mosisili, survived an assassination attempt in January 2005

and accused his rivals in the party as responsible. The LCD youth league also clashed in their general conference over constitutional amendments made by the LCD NEC (*Mololi*, 12 December 2006).

There was a public outcry within the party ranks over the delivery of services. The LCD MPs also voiced their concerns over what they described as “preferential treatment given to the constituencies in the southern regions in the delivery of services” (Lesotho Congress for Democracy (LCD) Parliamentary Caucus, 10 March 2006).

This was not the first time that such accusations on favouritism were levelled against the LCD government. Before they broke away and formed the LPC in 2001, the then *lesiba* faction had voiced their frustrations over the same issue. Consequently, this led to the feelings of marginalisation amongst some of the ruling LCD MPs. Those from the northern regions argued that they did not have much influence over the development initiatives and policy direction both within the party structures and at the government level.

The ABC formation was greeted with massive support across the urban areas,⁹ mostly in the northern regions. These urban people often complained about their marginalisation regarding the delivery of services. Thomas Thabane was joined by 17 MPs from the ruling LCD in October 2006. They were also joined by an MP for Mokhotlong, Lehlohonolo Tsehlana who was expelled from the LCD.

Prior to his expulsion, Lehlohonolo Tsehlana had accused the LCD leadership of being authoritarian and deviating from its electoral promises. Among the grievances that Lehlohonolo Tsehlana raised was the unequal treatment of the LCD MPs by the party leadership, favouritism in appointments to cabinet and diplomatic positions, and lack of developmental projects in the northern regions.

Consequently, the LCD dominance was substantially reduced in parliament: it remained with 61 seats, whilst opposition parties had 58 seats, making for a competitive

⁹ It was estimated that over ten thousand people attended the launch of the ABC in Maseru and Teya-Teyaneng. Similar figures were estimated in Maputsoe, Hlotse and Butha-Buthe (Harvest FM, Radio Broadcast, 30 March 2007; *Public Eye*, 17 March 2007).

legislature. There were unconfirmed reports that the ABC was mobilising MPs from the ruling party to cross the floor and push for the vote of no confidence in the LCD government. The LCD MPs were also allegedly offered M12,000 to cross the floor (*Mololi*, 12 December 2006). Consequently, fearing further cracks within the LCD, Prime Minister Pakalitha Mosisili responded by calling for the closure of parliament and announced early elections (*Moeletsi oa Basotho*, 4 December 2006). **Table 7** below shows the representation in parliament after the floor crossing of the LCD MPs to the ABC.

Table 7: Party Representation in the National Assembly after Floor Crossings in 2006

Parties	No. of seats after 2002 elections	No. of seats after floor crossing (2006)	Gains/ Loss
LCD	79	61	-17
BNP	21	21	0
ABC	-	18	+18
BAC	3	3	0
BCP	3	3	0
LPC	5	5	0
NIP	5	5	0
LWP	1	1	0
MFP	1	1	0
PFD	1	1	0
NPP	1	1	0

Source: Matlosa and Shale, 2006:4

In response to escalating support for the ABC across the urban areas, the LCD formed a coalition with the NIP. The negotiations leading to the formal signing of this coalition were lead by the LCD deputy leader, Lesao Lehlohla, and the NIP deputy leader, Motseki Motikoe. The ABC also formed a coalition with the LWP.

But the legality of the LCD/NIP coalition was challenged by Anthony Manyeli (leader of the NIP) after he was left out of the party's PR list. This resulted in the emergence of

two factions in the NIP. One faction supported Anthony Manyeli, whilst the other faction was under Motseki Motikoe. The Motseki Motikoe faction argued that the decision to form a coalition with the LCD was a resolution of the NIP NEC.

Motseki Motikoe argued that Anthony Manyeli was left out of the PR lists on account of his old age, as he could not engage fully in parliamentary debates. Anthony Manyeli appealed to the High Court of Lesotho to nullify the LCD/NIP coalition. He further appealed to the High Court to “instruct the IEC to discard Motseki Motikoe’s list and consider his [list] as legitimate”. Anthony Manyeli got a successful interdict, which declared the LCD/NIP coalition null and void. But this was later overturned by the Court of Appeal (Anthony Manyeli, Press Conference, 10 February 2007).

Nine political parties contested the 2007 election as coalitions:

- All Basotho Convention / Lesotho Workers Party (ABC/LWP);
- Basotho National Party/ National Progressive Party (BNP/NNP);
- Alliance of Congress Parties (ACP), comprised of the Basutoland African Congress (BAC), Lesotho People’s Congress (LPC) and another faction of the Basutoland Congress Party (BCP) known as *Mahatamoho a Khotso le Poelano* (Congress of Reconciliation and Union);
- Lesotho Congress for Democracy/National Independent Party (LCD/NIP).

These coalitions were formed as a result of the political parties’ eagerness to maximise the allocation of PR seats. Under the Lesotho MMP system the more the party wins the constituency seats, the less it gets the *compensatory* seats. Hence, the LCD after winning 79 out of 80 constituency seats did not get PR seats in the 2002 election. Seemingly both the ABC and LCD were willing to capitalise on the smaller parties with less following to maximise their share in the allocation of PR seats. This was because the LWP and NIP did not have significant support across the population. These two small parties joined these coalitions prompted by their desire for more parliamentary seats. Even the other parties formed coalitions in an effort to increase their share of the allocation of PR seats.

It should be noted that though the LCD and NIP formed a coalition, both parties have different ideological positions. The NIP broke away from the BNP, a conservative party which did not support the monarchy. The LCD broke away from the BCP, which was anti-chieftainship and anti-monarchy. It will be interesting to see how long this marriage of convenience will last.

The ABC, on the other hand, broke way from the LCD and was able to unite different people with varying ideologies. The ABC is a populist party, which does not have strong roots across society and any clear ideological orientation. Its coalition partner, the LWP, is largely pro-working class dominated by factory workers. Similarly, it remains to be seen how long the coalition will be able to contain these divergent views within its ranks.

The Alliance of Congress Parties (ACP), comprised of the LPC, BAC and *Mahatomoho a Khotso le Poelano* (Congress of Reconciliation and Union), consists of those members who had served within various leadership structures of the BCP and LCD, but had who left after power struggles. Some examples are indicated below.

- Kelebone Maope, the LPC leader, was a former Deputy Leader and Deputy Prime Minister in the LCD. He had served as the Minister of Law and Constitutional Affairs and Minister of Finance in the LCD government. He was one of the key BCP members who were appointed into the military administration cabinet in the early 1990s, as a reconciliatory gesture in the transition period, but had left the BCP for the LCD in 1997. He later led a break-away from the LCD in 2002.

- Khauhelo Raditapole, a BAC leader who was a Minister of Health in the BCP government. She broke away from the BCP before the 2002 election with Molapo Qhobela to form the BAC. Molapo Qhobela later broke away from the BAC and formed the New Basutoland African Congress (NBAC) in 2006, which did not contest the 2007 election.

- Ntsukunyane Mphanya, a leader of *Mahatomoho a Khotso le Poelano*, was a Minister of Agriculture and Cooperatives in the BCP government. He was one of the key figures of the then “pressure group” in the BCP. He remained in the BCP after the LCD broke away from the BCP in 1997. He later broke away from the BCP in 2005 and led a

faction that contested the 2007 election under the banner of the ACP. The entire executive of the ACP consists of people who had been Ministers, Principal Secretaries and Ambassadors in the respective BCP and LCD governments.

It should be noted that most political parties in Lesotho are off-shoots of both the BCP and the BNP (Electoral Institute of South Africa (EISA), 2004:27). The formation of new parties and splits from the old parties are regular occurrences in Lesotho. For instance, the BCP split more than five times, the LCD is a splinter faction from the BCP and it also split further to form the LPC. The ABC is a splinter faction from the LCD.

Almost all the political parties have little variation in terms of ideology and policy positions, and they have similar policies for addressing socio-economic issues. Moreover, there are no ethnic differences. Most of these manifestos are inclined to either to the nationalists (conservatives) and the congress (much more progressive and anti-traditional structures). Hence the Transformation Resource Centre (TRC), (2003:13) noted that

parties only differ in names and colours ... party manifestos are the same ... the difference is only in language used in writing the manifesto and leadership ... parties have no activities between elections.

Importantly, the NIP and LWP did not contest the constituency elections, but contested only the PR ballot or party ballot. Similarly, their coalition partners, the LCD and the ABC, contested the constituency elections but did not run under the PR ballot. In return, LCD and ABC supporters were encouraged to vote for the NIP and LWP respectively under the PR ballot. There was to be “an exchange of votes by their respective supporters by these parties” (Horowitz, 1991:167).i.e. vote pooling.

Anthony Manyeli’s NIP faction contested the FPTP in nine constituencies. It used the same party symbol that was used by the other faction under Motseki Motikoe, which was in coalition with the LCD. The LCD which was in coalition with the NIP under Motseki Motikoe faction was not bothered by this, because Anthony Manyeli’s PR list

was rejected by the IEC following the Court of Appeal verdict. Hence its Secretary General, Mpho Malie, stated at an LCD rally on 27 January 2007 at Peka that

le khethe mokhethoa oa LCD lebatoeng le nt'o qetella ka ho khetha NIP khekhehaneng, le se ferekanyoe ke boteng ba NIP ea Ntate [Anthony] Manyeli mabatoeng a mang, lenane la hae la khekhehane le lahliloe, litho tsa LCD li teng lenaneng la khekhehane ea Ntate [Motseki] Motikoe le amohetsoeng ke IEC, joale khethang NIP khekhehaneng re tsebe ho fumana litulo tse ngata.

[Vote for the LCD candidate at the constituency level [under FPTP] and then vote for the NIP on the PR ballot. Do not be confused by the contestation of Mr [Anthony] Manyeli NIP in some constituencies; his PR list has been rejected by the IEC; there are LCD members on the NIP PR list who have been accepted by the IEC submitted by Mr [Motseki] Motikoe. Vote for the NIP at the PR ballot, so that we can get as many seats as possible under PR.] (my own translation from Sesotho)

This shows that the intentions of the LCD/NIP coalition was to maximise the share of the PR seats. Similarly, in other coalitions (ABC/LWP) and ACP, there was no real commitment from these parties to genuinely work together. These were coalitions of convenience that were hastily created without any prior consultation with their respective supporters.

In the LCD the decision to form a coalition with the NIP was unilaterally undertaken by the executive committee. Notably, some LCD and ABC members who contested the FPTP constituency were also on the PR lists of NIP and LWP respectively. The Ace project (www.aceproject.org/today/feature-articles/the-mmp-electoral-system, 08 June 2008) noted that

as a result, some people represented two parties in different aspects of the election. Nevertheless, the four parties used different symbols and registered separately for the elections. Clearly, the larger parties

aimed to earn compensatory seats through the “backdoor” provided by the smaller parties; the smaller parties were attempting to “piggyback” on the strength of the larger parties to gain access to the legislature for at least some of their candidates.

Similarly, Likoti (2007:7) argues that “in their attempt to defeat inclusivity, which the [Lesotho] MMP was originally meant for, the ABC-LWP ... specified that ABC should not submit its PR lists but leave that in favour of the main coalition partner LWP”. The LCD/NIP coalition agreement stipulated that the first five PR positions in the NIP lists were reserved for the NIP candidates, while the following ten positions were for the LCD candidates which would then be followed by the NIP five and so on (Motseki Motikoe, Press Conference, 26 January 2007).

Opposition parties accused the LCD government of organising the ‘snap elections’. They claimed that this was a deliberate attempt to deny them an appropriate time to campaign across the country (Thomas Thabane, South African Broadcasting Corporation (SABC) Morning Live, 10 January 2007). The RCC senior leadership also called for a change in the government. It appealed to its followers to vote for the BNP. The ABC was able to attract a significant support from large numbers of Basotho working and living in South Africa.

The government later claimed that it had uncovered a plot allegedly organised by the South African labour union, the Congress of South African Trade Unions (COSATU) and ABC of conspiring to destabilise the country after the 2007 elections (Prime Minister Pakalitha Mosisili, Lesotho Congress for Democracy (LCD) Rally, Teya-Teyaneng, 24 January 2007).

Despite the rising political temperature, the 2007 elections were won by the LCD as indicated in **Table 8** below. The mathematical calculations in the translation of votes into PR seats remain unclear. But there are no legal stipulations explaining how the formula should be implemented. **Table 8** also shows the allocation of seats after the elections.

Table 8: The 2007 elections and the allocation of FPTP and PR seats

Party Name	Party votes (FPTP + PR)	Const. seats	Compen. seats (PR)	Total number of seats	% party votes - PR (valid votes)	% Seats won (Const. + Comp. seats)
ACP	20,263	1	1	2	4,6%	1,7%
BBDP	8,474	0	1	1	1,9%	0,8%
BCP	9,823	0	1	1	2,2%	0,8%
BDNP	8,783	0	1	1	2,0%	0,8%
BNP	29,965	0	3	3	6,8%	2,5%
LWP	107,463	0	10	10	24,3%	8,4%
MFP	9,129	0	1	1	2,1%	0,8%
NIP	229,602	0	21	21	51,8%	17,6%
NLFP	3,984	0	0	0	0,9%	0,0%
PFD	15,477	0	1	1	3,5%	0,8%
ABC	-	17	0	17	0,0%	14,3%
LCD	-	61	0	61	0,0%	51,3%
Totals	442,963	79	40	119	100%	100%

Source: www.iec.org.ls/online/NAER_Seat_Allocation.pdf, 10 June 2008

The LCD won 61 constituencies out of 79 on the election day. It later won the delayed Makhalleng constituency elections and this increased the number of seats to 62. Its coalition partner, the NIP, got 21 PR seats. Therefore the LCD/NIP coalition obtained 83 seats, which resulted in their dominance in the National Assembly. The ABC won 17 constituency seats, while its coalition partner LWP got 10 PR seats. The ABC/LWP coalition had a total of 27 seats (Independent Electoral Commission (IEC) Report on Lesotho 2007 General Elections, 25 February 2007).

As a result of a strong urban following, the ABC won all the lowlands urban constituencies in the northern regions. In Maseru it won all nine urban constituencies and lost in the outskirts. In Berea, Leribe and Butha-Buthe the ABC won all the constituencies around their urban centres. In the highlands it won the district headquarters of Mokhotlong. The LCD won all the rural areas of the lowlands and on

the outskirts of the urban centres. Arguably, the ABC was able to highlight the need to improve service delivery. It should be noted most of these urban constituencies always voiced their grievances about their marginalisation in the delivery of services compared to the rural areas.

The ABC refused to accept the election outcome. It argued that the elections were rigged. It instituted legal proceedings against eight constituencies on allegations of ballot rigging. It claimed that it has “video footage of the woman who voted two times” in the elections as empirical evidence (Mokhosi Matooane, 20 February 2007).

The ABC alleges that in Bela-Bela constituency its constituency candidate, Mokhosi Matooane, was not allowed to vote because his name did not appear on the registration list as it was said that he had died in 2005. Mokhosi Matooane instituted an urgent court application seeking for the court to nullify the constituency results and call for new elections in the constituency (All Basotho Convention (ABC) Media Report, 17 March 2007).

In protest at the election outcome the ABC and the BNP boycotted the swearing in ceremony of the MPs in parliament. They called on their supporters to stay away from work pending the outcome of their legal challenges. The ABC, ACP, BNP and the MFP appealed to SADC to intervene over the issue of what they describe as “unfair allocation of PR seats” (*Public Eye*, 17 March 2007). They alleged that the LCD/NIP coalition manipulated the allocation of PR seats to deny opposition parties equal representation in parliament.

Thabane further pleaded with the SADC member states to withhold their recognition of the LCD government. SADC has, however, called upon concerned parties “to truly address ... [their] differences through dialogue in the best interest of the Basotho nation and of the SADC region as a whole” (Ministerial Troika of the Organ on Politics, Defence and Security Affairs Cooperation, 23 March 2007).

Thabane called for the immediate swearing in of the NIP leader Anthony Manyeli as an MP with his preferred PR list, which did not have LCD members (All Basotho Convention (ABC) Rally, Ha-Abia, 25 March 2007). Anthony Manyeli’s argument was

that he should be sworn in as an MP and be allowed to control the NIP because “the Court of Appeal ... ruled in 2003 that issues related to election disputes are not supposed to be taken to the Appeal Court; the High Court ruling is final” (Harvest FM-Radio Broadcast, 30 March 2007).

Section 69 (6) of the Constitution of Lesotho¹⁰ states that “the decision by the High Court in an election dispute cannot appear before the Appeals Court” (The Constitution of Lesotho, 1993). What surprised Anthony Manyeli was that all the decisions by Judge P. Steyn of the High Court, who declared the LCD/NIP coalition null and void, were overruled by the Appeals Court.

This was despite the relevant constitutional clauses. Anthony Manyeli argued that the National Assembly Order 1992 (section 111) supported his contention that the decision by the High Court in an election dispute is final. He indicated that he would continue fighting for control of the NIP with the support of the ABC, ACP, BNP and MFP until he is recognised as the party leader, sworn in as an MP and allowed to submit his PR list of candidates, which does not have LCD members (*Public Eye*, 30 March 2007).

Some individual ABC candidates from Kolonyama, Thaba-Phatsoa and Machache constituencies also filed urgent applications in the High Court. They alleged that the election was rigged and full of irregularities. The ABC also raised allegations of vote buying by the ruling party and the use of the government vehicles to transport voters to the polls.

The ABC leader Thomas Thabane even argued on the 21 February 2007, that

my general impression is that the atmosphere was peaceful and I think we are all free to vote as we like, but I cannot add the word fair ... the ABC should have won over 30 seats.

¹⁰ At the time of writing, the LCD government was pushing for an amendment to this clause. Opposition parties were against this move. Given the LCD’s parliamentary majority, this section of the constitution was amended, but the Senate refused to approve it. This means that this amendment has not been officially enacted into law.

After the allocation of seats was completed, the ABC changed its earlier allegations of ballot rigging. It joined other opposition parties complaining about what they described as the “unfair allocation of PR seats by the IEC” (*Public Eye*, 23 March 2007). Even the individual ABC candidates withdrew their court challenges against what they had described as rigged elections in their respective constituencies.

Most of opposition candidates (the BNP, MFP and the LWP) and ABC/LWP candidates who were not high on the PR lists insisted on the re-allocation of 40 PR seats. Perhaps they believed that they might make it to parliament after the re-allocation of PR seats. It should be noted that ‘vote pooling’ between the ABC/LWP and LCD/NIP coalition deepened the electoral crisis.

Opposition parties argued that the IEC should have taken into consideration that the LCD and NIP had actually contested the election as one party, as were the ABC and the LWP. They claimed that the IEC should have treated both coalitions (ABC/LWP and LCD/NIP) as one party in the allocation of PR seats. They argued that if these coalitions were treated as one party, it could have led to an increased representation of the smaller parties. They claim that the overall dominance by the LCD/NIP coalition would then have been smaller.

Significantly, despite the opposition grievances about the unfair allocation of seats, it should be noted that the most problematic issue that confronted the MMP system in Lesotho was the IPA retaining a fixed number of 120 seats. This made the National Assembly inflexible in terms of the quota. Contrary to the German system, this has made parliament inflexible if a full quota of votes were to be used. If the size of parliament was flexible, I am of the view that the current political impasse could have been partly addressed.

Crucially, Leshele Thoahlane, Independent Electoral Commission (IEC) Commissioner, on 10 March 2007 noted that “when the current quota (3,723) is operationalised for the first time, it provides for more than 40 available PR seats”. This inflexibility of Lesotho’s MMP system further raised political tempers. For instance, the MFP’s share of votes

increased from 1,2% in 2002 to 2,7% in 2007. Its support doubled, yet it still has only one seat, as it had in 2002 (South African Development Community (SADC), 2007:3).

Table 9 below shows the allocation of seats when a quota of 3,723 (for 2002 elections) was applied after the 2007 election. The total number of party votes (PR) was 442,963. The first round allocated 119 seats (an election did not take place in one constituency) on the basis of a quota of 3,723 votes per seat (442,963 divided by 119). The ABC and the LCD were not included in the provisional allocation of PR seats as they did not participate in the PR ballot. If this provisional allocation of seats is followed, it is likely to allocate more *compensatory* seats than the available 40 PR seats as indicated in **Table 9**.

Table 9: 2007 elections and first round of the allocation of PR seats

Party	Total party votes (FPTP + PR)	Party's quota of seats	Alloc. based on full quota	Highest decimal fraction	Rank	Party's provisional allocation of total no. of seats	Const won	Party's provisional allocation of compen. seats
ACP	20,263	5,442654	5			5	1	4
BBDP	8,474	2,276121	2			2	0	2
BCP	9,823	2,638464	2	0,638464	3	3	0	3
BDNP	8,793	2,359119	2			2	0	2
BNP	29,965	8,048617	8			8	0	8
LWP	107,463	28,864625	28	0,864625	1	29	0	29
MFP	9,129	2,452055	2	0,452055	4	3	0	3
NIP	229,602	61,671233	61	0,671233	2	62	0	62
NLFP	3,984	1,070105	1			1	0	1
PFD	15,477	4,157131	4			4	0	4
ABC							17	
LCD							61	
Total	442,963	119	115			119	79	118

Quota of Votes 3722, 37815 rounded to 3,723

Number of seats 120

Delayed elections 1

Source: Independent Electoral Commission (IEC), Report on Lesotho 2007 Election, 25 February 2007

This allocation is partially consistent with a *parallel* system and the significance of the strategies used by the two big coalitions was to use the system as a *parallel* and not as a *compensatory* system. This was problematic, because it had to be reworked by the IEC so as to fit into 40 PR seats.

The IEC went to the second round; it excluded the 78 seats that were already won by the parties that were not listed on the party ballot and the one constituency seat which was not contested. One of the parties (ACP) which had run on the party ballot had also won one constituency seat. This seat was added to the 40 compensatory seats to make a total of 41 seats to be considered. In the second round, the quota was 10,804 votes per seat (442,963 divided by 41) and it was applied to those parties (the ABC and LCD were excluded) that participated in the party election (PR) (Leshele Thoahlane, Independent Electoral Commission (IEC) Commissioner, 10 March 2007).

This determined how the allocation of 40 PR *compensatory* seats was finally done. What should be noted is that there are no legal guidelines explaining how this has to be done. The mathematical calculations were done by the IEC without any constitutional or legal stipulations on how it should approach the re-allocation of seats to fit them into 40 PR seats. An attempt to get a clearer explanation from the one of the former Commissioners of the IEC in 2007 was fruitless. This is an example of the partial example of the *parallel* system. **Table 10** shows the second round allocation of PR seats.

Table 10: The 2007 elections and second round of the allocation of PR seats

Party	Total party votes (FPTP+PR)	Party's quota of seats	Alloc. based on full quota	Highest decimal fractions	Rank	Party provisional alloc. of total no. of seats	Const. won by party	Party's provisional alloc. of compen. seats
ACP	20,263	1,875509	1	0,875509	3	2	1	1
BBDP	8,474	0,784339	0	0,784339	6	1		1
BCP	9,823	0,909200	0	0,9092	2	1		1
BDNP	8,783	0,812940	0	0,81294	5	1		1
BNP	29,965	2,773510	2	0,77351	7	3		3
LWP	107,463	9,946594	9	0,946594	1	10		10
MFP	9,129	0,844955	0	0,844965	4	1		1
NIP	229,602	21,251573	21			21		21
NLFP	3,984	0,368752	0			0		0
PFD	15,477	1,432525	1			1		1
Total	442,963	41	34			41	1	40

Quota of votes 10,803.9756 rounded to 10,804

Number of seats 41

Source: Independent Electoral Commission (IEC), Report on Lesotho 2007 Election, 25 February 2007

It was against this background that the opposition parties refused to recognise the legitimacy of the LCD. They argued specifically that the LCD/NIP coalition undermined the whole process of electoral reforms that were undertaken after the 1998 electoral crisis. Once more feelings of exclusion surfaced amongst the smaller parties. There are 12 parties represented in parliament compared to the 2002 elections, when ten parties were represented in parliament. But there is a difference in terms of proportionality and the allocation of seats.

Opposition parties have vehemently insisted that the process of the allocation of PR seats should be re-done. The MFP lodged a complaint in the High Court, complaining about the unfair allocation of 40 PR seats. According to *Public Eye* (10 May 2008), the MFP has requested

the court to direct the Independent Electoral Commission (IEC) to [re]allocate the PR seats in the lower house in terms of a formula agreed upon by all parties ... [and] ... *to declare alliances of ABC/LWP and LCD/NIP null and void.*

The Lesotho High Court referred the MFP case to the Constitutional Court of Lesotho for further adjudication. The Constitutional Court of Lesotho in August 2008 dismissed the MFP application with costs. The Constitutional Court judgment was wholly criticised by opposition parties. The judgment stated that only the IEC (not MFP) has the right to put the case before the Courts of Law. The judgement states that

a political party has a discretion– it is under no obligation– to present a party list under the PR system and a political party is not prohibited under law to form any alliance or pact with any political party or parties, and the Independent Electoral Commission is not enjoined to treat – for purposes of PR allocation – any alliance as a single entity unless such alliance contested the constituency seats as a single entity. This must be clear to all concerned in these proceedings. If the IEC treated any unregistered alliance as a single entity – it would be acting so *ultra vires* and its allocation would have been illegal outright (Judgement of the MFP Vs Independent Electoral Commission (IEC), 17 August 2008).

Section 57:28 of the judgement further indicates that

with the multiplicity of parties in Lesotho's political landscape, alliance formation is to be expected at election time, the purpose being to amass and accumulate constituency votes or the PR seats allocation. This alliance formation should either be outlawed or controlled under law. The court cannot declare as illegal something not prohibited under law (Judgement of the MFP Vs Independent Electoral Commission (IEC), 17 August 2008).

The judgment states that there are no legal stipulations or provisions that explain the agreed party's formula as the MFP alleges (*Lesotho News Agency*, 18 August 2007).

The electoral reforms were introduced to reduce potential election-related conflicts. MMP succeeded after the 2002 election, but this was short lived as five years down the line – in 2007 it resulted in political crisis. The skewed allocation of seats was influenced by the emergence of coalitions which undermined all issues that the MMP system was intended to address.

What is surprising is the lack of understanding on how the calculations were done amongst some senior staff members of the IEC. This perhaps shows the lack of understanding of the complexities of Lesotho's MMP system in terms of the translation of votes into seats and how the calculations were done. In the informal discussions with various politicians, they all expressed different views and interpretations on how the 40 PR seats should have been allocated.

The BCP and the Basotho Batho Democratic Party (BBDP) leadership publicly announced that their parties should have been compensated with four seats each as a result of their poor performance in the constituencies. They believe that the *compensatory* aspect of the MMP system is meant for parties that performed poorly in the constituencies so as to make the parliament more inclusive and representative.

It is a fact that the allocation of seats in the national assembly is not fully proportional but *compensatory* in a limited way. Both the ABC and LCD have benefited from both FPTP and PR seats. But both of them (ABC and the LCD) contested only under the FPTP ballot. They also paid the required amount of M200.00, for fielding the candidates under FPTP to the IEC. The LWP and the Popular Front for Democracy (PFD) only paid the M8000.00 required for contesting under the PR ballot. The other parties – ACP, BBDP, Basotho Democratic National Party (BDNP), BNP, BCP and MFP – fielded candidates under both FPTP and PR and paid M200.00 and M8000.00 respectively.

Lesotho's electoral law does not give an appropriate explanation on some issues in relation to the electoral conduct. Section 49B (1) stipulates that "a political party intending to contest an election may nominate candidates for election by proportional

representation” (*Lesotho News Agency*, 18 August 2007). The LCD, ABC and PFD did not comply with the rules of registration for two ballots. As there is no legal instrument that compels the parties to submit either their FPTP and PR lists, it is thus up to them to decide which one to submit or not, and they have a choice to do as they wish. If parties do not submit their PR list, it means that they will not be entitled to PR *compensatory* seats.

The MMP is often referred to as the *compensatory* model. As mentioned before, a party that wins more constituency seats under the Lesotho MMP system is often not compensated under the PR seats. The LWP, NIP and PFD were awarded PR seats, yet they did not field candidates under the FPTP. This was a result of the silence of the electoral law on whether they should have registered for both lists. Likoti (2007:5) states that “the MMP compensate only parties that failed dismally on FPTP, not those that did not”. But the law is silent on this issue as it does not explicitly state that parties should submit a list as well as field candidates in constituencies so as to conform to the nature of the ideal electoral system.

The ABC and the LCD did not comply with the principles of the electoral system. The submission of the PR seats was done by their coalition partners, i.e. the LWP and the NIP. The basis of this was to give preferences to those candidates in the ABC and LCD who were seen as going to lose the elections, yet they were senior members. Significantly, Reynolds and Reilly (1997:75) give a similar example of this by indicating that

MMP can give rise to what are called “strategic voting” anomalies. In New Zealand in 1996, in the constituency of Wellington Central, some National Party strategists urged voters not to vote for the National Party candidate, because they had calculated that under MMP his election would not give the National Party another seat in parliament, but simply replace another MP from their party list. It was therefore better for the National Party to see a candidate elected from another party, providing he was in sympathy with the National

Party's ideas and ideology, than for votes to be "wasted" in support of their own candidate.

There were no legal instruments established in order to monitor the status of coalitions in the country. It can be argued that parties which did not participate in the constituency-based electoral ballot should not have been entitled to the *compensatory* seats on the PR ballot. But there is no legal instrument prohibiting or stating how the allocation of seats should be done and the constitution is silent as well. These coalitions were also not registered legally with the Lesotho Law Office.

Likoti (2007:7) points out that "there are pacts with no force of law, no constitution and the electoral law is silent on such informal pacts". This informality of the coalitions means that the IEC cannot treat them as one party in the allocation of PR seats. Each party was treated independently in the allocation of seats. Importantly, Likoti (2007:7) argues that "while the PR lists of alliances reflected names of candidates from other parties, this does not mean anything because the National Assembly Election Act is silent on the membership of a candidate who is nominated for PR and FPTP".

Another significant issue absent from the Act is that it does not specify whether the PR candidates submitted to the IEC should belong to a certain party. It does not give a clear indication of the merits and demerits of including the names of individuals in the PR lists. Consequently, both the LCD and ABC were able to submit their members under both the names of the NIP and LWP respectively.

This coalition between the ABC/LWP and the LCD/NIP did not amount to a formal breaking of the rules of the game; there is no official legal instrument prohibiting these coalitions, but the spirit of the rules of the game was broken. The ABC and LCD did not take into account the political background and the political culture of the country that led to the adoption of MMP.

What is likely to complicate this issue is that some LCD members in parliament via the NIP PR list were appointed into the executive. These are the current Minister of Trade and Industry, Popane Lebesa, who is also the LCD Secretary; Lebohang Ntsinyi, Minister of Tourism, who is also the LCD deputy secretary; and the Minister of

Education, Mamphono Khaketla (*Public Eye*, 30 March 2007). These LCD members were defeated in their respective constituencies under the FPTP by the ABC. The Ace project (www.aceproject.org/today/feature-articles/the-mmp-electoral-system, 08 June 2008) states that it “defies a common political sense that a person can stand for two parties in one election, because there were no legal or constitutional provisions that prohibited political parties from forming alliances or coalitions”.

I am of the view that the blame cannot be directed at the Lesotho MMP system. Its inclusivity in terms of the allocation of seats was undermined by the self-interest of politicians who were eager to maximise their share in the allocation of PR seats. *As a result, the allocation of seats occurred in accordance with the principles of a mixed parallel system.*

It can also be argued that the allocation of seats does not represent an accurate picture of a *mixed parallel system*. Neither the ABC nor the LCD appeared in the PR list. Also, the NIP appeared under FPTP in nine constituencies. It can therefore not be accurately classified as a fully *mixed parallel system*.

But I strongly believe that this allocation occurred in the form of *mixed parallel system* as both the LCD and ABC benefited under both under FPTP and PR systems, despite the fact that they did not contest the PR seats. Matlosa (2007) correctly asserted PR has failed to compensate the losing parties. In the allocation of seats, the number of seats won in the FPTP did not have an effect on the number of PR seats allocated to each party as the two tiers were treated differently. This is similar to Japan’s mixed-member system. Gallagher and Mitchel (2005:281) argue that in the Japanese mixed member system,

the candidate who receives the most [FPTP] votes wins the seat.
The number of seats won in the [FPTP] has no effect on the number of PR seats allocated to that party. In terms of seat allocation, the two tiers are completely separate.

In their common cause against the government, opposition parties formed a coalition consisting of the ABC, ACP, BNP, LWP and MFP, popularly known as the “Big Five”.

These parties publicly pledged their support to Anthony Manyeli's NIP faction as the legitimate one which was entitled to the PR seats. This is because Anthony Manyeli's list did not have LCD members. They have pointed that the LCD/NIP coalition under Motseki Motikoe was declared null and void by the High Court, only to be overturned later by the Court of Appeal. They have argued that it was unconstitutional for the Court of Appeal to overturn the High Court verdict.

The "Big Five" also based their concerns on the relevant constitutional clauses. These are Section 69 (6) of Lesotho's constitution, as mentioned before, which stipulates that "the decision by the High Court in an election dispute cannot appear before the Appeals Courts". Similarly, the National Assembly Order 1992 (section 111) stipulates that "the decision by the High Court in an election dispute is final".

On 16 March 2007 Anthony Manyeli went to the National Assembly demanding that the speaker of the National Assembly recognise him as the legitimate leader of the NIP. Anthony Manyeli went to the National Assembly with 20 members hoping that the "Big Five" would influence the speaker to accede to their demands, so that they could be sworn in as legitimate MPs (*Public Eye*, 23 March 2007).

Upon his failure to be sworn in as an MP, the "Big Five" staged a sit-in protest in parliament against what they described as the unfair treatment of Anthony Manyeli and the unfair allocation of PR seats. But this sit-in protest in parliament was brought to a halt by the military. The opposition MPs were forcibly ejected from the parliament house by the military. *Public Eye* (23 March 2007) aptly captures the events of that fateful day, 16 March 2007, by noting that

upon seeing the military boots, camouflage gear and rifles in their midst, opposition MPs almost chest-pushed down heavy parliament doors as each and everyone of them struggled for survival and rushed to be the first to get out of the house. All hell broke loose when the muscled military officers man-handled one of the opposition members, Sello Machakela, who started kicking in vain [and] protest[ed] into the sky as he was carried out of parliament. As

the drama unfolded, opposition MPs almost forgot the vows and commitments of an 'injury to one is an injury to all' which they had made ... instead of pushing one another to the doors, they were pulling each other back. It was everyman for himself.

This drew a sharp criticism from the opposition parties, who claimed that the LCD government was using the military to guard against what they described "as the unconstitutional assumption of state power" (Billy Macaefa, Leader of the Lesotho Workers Party (LWP), 16 March 2007). I disagree with Billy Macaefa's view, however, because the LCD was the majority party in parliament with 62 seats in the parliament. Even if the re-allocation of the 40 PR seats was to be re-done, it would still remain government of the day because of its parliamentary majority.

Furthermore, after the opposition's abortive attempt to force the speaker to accede to their grievances, they called for a public 'stay-away from work'. This 'stay-away' almost paralysed the effective functioning of the government. Civil servants were left stranded as the public transport commuters joined the stay-away and refused to take them to work.

The commercial sectors across Maseru and in other urban centres remained closed. Violent incidents were reported. Those who did not participate in the opposition stay-away were harassed and some cars were burnt and shops looted. The stay-away was suspended after SADC intervened and promised to look into the problem of the allocation of seats.

SADC appointed the former President of Botswana, Sir Ketumile Masire, to mediate in the political impasse between the LCD government and opposition parties over the allocation of PR seats following the Constitutional Court judgement. Nonetheless, external intervention efforts have so far proved fruitless. Opposition parties have accused Sir Ketumile Masire of supporting the LCD government.

The LCD government has also refused to negotiate with the "Big Five" parties. It has argued that the issue of the allocation of PR seats has been solved by the Constitutional

Court. According to Prime Minister Pakalitha Mosisili, who is also the leader of the LCD, the following reasons contributed to the failure of mediation process.

- 1. Mekha ea bohanyetsi e tsitlaletse hore ho khutleloe tabeng ea kabo ea litulo joaloka ha eka Lekhotla le Phahameng ha lea e qeta. Ba re ho bitsoe litsebi tsa machaba ho tla aba litulo bocha. Joale rona re le LCD re lomahentse meno re re le ho leka! Litsebi tseo tsa bona li na kob'a bohali kapa oona matla a ho etsolla likahlolo tsa makhotla a Lesotho.*
- 2. Mekha ea bohanyetsi e batla hore ho fetoloe mofuta oa likhetho (electoral model) hape. Ba re ho aroloe litulo tsa Lekhotla La Sechaba ka ho lekana pakeng tsa masieasieane le khekhehane, ho seng joalo ho hle ho felisoa mabatooa ha hang, ho sebelisoa khekhehane feela (100 % PR). Joale LCD e re ha ho nonyana e llang joalo.*
- 3. Mekha ea bohanyetsi ba re ho uoe likhethong tse ncha nakong e etsang likhoeli tse 18 ho tloha hona joale. Re re na hobane'ng, e le ha ho etsahetse eng ha re tsoa likhethong tse akaretsang ka 2007. Rona re re ho hlompheue qeto/khetho ea sechaba, LCD etla busa ho fihlela 2012!*
- 4. Mekha ea bohanyetsi ka eona ke ha ba re ho eketsoe litulo tse 20 ka Lekhotleng la Sechaba e le 'matseliso (compensation) ho batho ba hlotsoeng ho kena paramenteng. Taba ena e tsoaloe ke tumelo e fahliloeng ea ba bohanyetsi ea hore hantle-ntle litulo tse 21 li abetsoe selekane sa LCD/ NIP ka phoso, e n'e ts'oanela ebe li aroletsoe mekha ea bohanyetsi (Seboka sa Boetapele, 26-28/09/2008).*

This is translated as follows.

1. Opposition parties have strongly insisted that the allocation of PR seats should be examined despite the Constitutional Court ruling. They have insisted that international experts on electoral systems should be consulted and tasked with the process of re-allocating the disputed PR seats. The LCD as the ruling party does not support such a move because the Constitutional Court has ruled that there is nothing wrong in the allocation of PR seats. The LCD has indicated that

international experts do not have the authority to overturn the rulings made by the Constitutional Court of Lesotho.

2. Opposition parties want the current electoral system (MMP) to be changed. They have insisted that the allocation of seats should be done equally between FPTP and PR seats; alternatively, FPTP should be abolished and full PR be used in the allocation of the seats for the National Assembly. The LCD does not support this demand.
3. Opposition parties have demanded that new elections should be held within a period of 18 months. The LCD has rejected such a move and it does not see anything wrong with the 2007 elections. The LCD has indicated that it will be in power until the next elections which are scheduled for 2012.
4. Opposition parties have demanded that the size of National Assembly should be increased by 20 PR seats. This is to compensate for the 21 PR seats which opposition parties believe were wrongly allocated by the IEC to the LCD/NIP alliance. (my own translation from Sesotho) (*Seboka sa Boetapele*, 26-28/09/2008).

The “Big Five” refused to recognise the LCD as the legitimate government. Their supporters attempted to frustrate the government’s development plans in some urban constituencies on the basis that it did not win any urban constituencies. Added to these political tensions, the homes of government ministers as well as the ABC leader were attacked by unknown gunmen (*Public Eye*, 23 March 2007).

Rising political tempers saw violent clashes in some urban constituencies between the LCD and the opposition supporters. Illegal roadblocks were mounted by unknown assailants who “strangely managed to disarm some military personnel patrolling Maseru” (*MoAfrika* Radio Programme, *Mafekefeke*, 24 June 2007). Sporadic incidents of violence were reported, which the military and police battled to contain. Consequently, the government imposed a curfew to curb what was likely to turn into anarchy.

Has institutional legitimacy been restored? Since the 2002 elections the military has hardly intervened in politics. After the 2007 elections, the military acted swiftly to quell the political impasse between the speaker of the National Assembly and the opposition parties. The King seemed to have remained a more potent destabilising force than the military. But there were unconfirmed allegations that some military personnel assisted the opposition parties in trying to destabilise the government. Some military senior officers were arrested in June 2007 and have been charged with sedition, high treason and conspiracy to overthrow the government.

Political tempers have continued to rise. The LCD government further issued a statement that it had uncovered opposition plans to assassinate some government ministers, senior civil servants and business people. The LCD government further noted that it has learnt about opposition efforts to topple the government and also to lure the military into assisting them (Mothejoa Metsing, Minister of Communications, Science and Technology, Radio Lesotho Broadcast, 20 December 2007).

The military has abided by the provisions of the constitution and has been working cooperatively with the police to maintain law and order. The monarchy has appealed to all major political stakeholders to resolve their political differences in a peaceful manner and to exhaust all the available legal avenues to redress their grievances (*Public Eye*, 23 March 2007).

While the reforms regarding the monarchy, the military and the electoral system seem to be in place, the remaining obstacles remain socio-economic. Southall (2003) argues that as the result of increasing famine, declining migrant labour and the rising levels of unemployment, it was unlikely that MMP would offer long-term solutions in Lesotho. Some well-known figures who were MPs in 2002 have now been left out of the government and have taken to criticising the LCD government and labelling it as illegitimate. The MMP has led to political instabilities and has “negated the consensus ... [it] ... was designed to promote” (Ace report, www.aceproject.org/today/feature-articles/the-mmp-electoral-system, 08 June 2008).

The spirit of the rules of Lesotho's MMP has been broken. It can be argued that the allocation of seats looks like a mixed *parallel* electoral system in "which the calculations of FPTP and PR seats are made separately and do not have any effect on each other" (Ace report, www.aceproject.org/today/feature-articles/the-mmp-electoral-system, 08 June 2008).

5.7 Assessment

The reforms were long in the making. Lesotho's military reluctantly managed the transition to democratic rule in 1993. A significant breakthrough occurred in 1990 after the monarchy was stripped of legislative and executive functions. This development compelled the military administration to introduce a return to democratic rule as it was engulfed in a legitimacy crisis – the monarchy had managed to provide some form of legitimacy after the military's assumption of power in 1986. The Council of State was formed to deal with election-related political violence. A Defence Commission was also established to handle military issues. However, there were no major constitutional changes to the old 1966 constitution.

The return to democratic rule in 1993 was seen as positive step towards democratisation. Matlosa (1997:ii) notes that since 1970, "elections did not feature prominently in the rulers political scheme of things as their legitimacy rested more on coercion ... than persuasion and consensus".

While people yearned for elections as a way to regain their roles in the country's democratic process, the "military also saw it as a means of easing itself out of the mire of perpetual *coups* [and] legitimacy crisis" (Mahao, 1997:12). As a result of entrenched military interests in the domains of state power and the continuing insistence on executive powers by the monarchy, it was unlikely that democratic stability would survive after democratisation in the post-1993 period (as the monarchy remained restless). Consequently, the BCP government battled to impose its authority over the security establishment of the state and the monarchy. Its leadership, cabinet ministers and MPs vented their frustrations at the military, often labelling it as Chief Leabua

Jonathan's army. Re-democratisation efforts went fairly well except for elements in the military and royalist forces.

In 1994 the BCP, and later the LCD government, embarked on the restructuring process in the military with the intention of creating an apolitical army. Technical assistance was sought from Botswana, South Africa and Zimbabwe to enhance the transformation of the military. The Ministry of Defence and National Security was established, which became the headquarters of the military. Another important transformative issue was the formation of the Defence Council, which managed to place the military much more under civilian authority. The Defence Council handled all issues relating to the military, and the terms and conditions of its members' service. Educational programmes and seminars on the role of military in a democracy were organised for military personnel. But the results of this transformative exercise of the military proved fruitless after the 1998 elections as the military once again intervened in politics.

The other problem which arose during the new re-democratisation phase were problematic elections. The BNP refused to accept not only the 1970 outcome but also the 1993 election outcome on the allegations of ballot rigging. Bratton and Van de Walle (1998) argue that acceptance of the validity of founding elections by the losing parties is important because it signals the first tentative consensus on democratic rule.

Since the 1965 elections there have always been feelings of marginalisation amongst the losing parties in the democratic process as the result of FPTP, which led to skewed parliamentary representation. After the 1965 elections the BNP became a minority government with less than 50% of the total vote – but with the majority of seats. Even in the aborted 1970 elections, there could still have been skewed representation in the national assembly. In the 1993 elections the BNP was the party that came second, with over 20% of the votes, but did not have representation in parliament. The tables were thus turned. The BCP with 74,7% of the vote got all 65 parliamentary seats.

Due to this crisis of representation and feelings of marginalisation in the democratic process, the BNP resorted to destabilising the government. This suggests that there was a problem with the electoral system. Even after the assumption of state power by

the LCD in 1997, which was supported by the majority of the MPs, opposition parties refused to recognise the LCD as the legitimate government – again because of over-representation. They organised public protests against what they claimed was the violation of democratic principles and appealed to the King to dismiss Ntsu Mokhehle. This was contrary the practices of the Westminster model, which allows MPs to cross the floor to make or unmake Prime Ministers as they see fit.

In the 1998 elections the losing parties got almost 40% of the votes, but had only one seat. The LCD with 60,7% of the vote had 79 seats. Arguably, 40% of the votes were not adequately represented in parliament. Consequently, opposition parties resorted to violence. The country was engulfed into the worst political violence which almost precipitated a state of anarchy and civil war.

The winner takes all system has made an enormous contribution to the country's democratic breakdowns. It led to problematic elections, which paved the way for electoral reforms and the MMP system was adopted for the 2002 elections. Tekle (1998:175) argues that

mutual appreciation of opposing views must be accepted and the conviction that losers lose everything while winners take it all can no longer be the norm. It must be recognised that in a democracy winners and losers are partners and not enemies who must destroy each other. Electoral systems must advance this in law and practice.

Makoa (2002:3) argues that despite the bloody conflicts over the election results, "Basotho people have steadfastly clung to the view that elections are the only legitimate means of appointing their government". But elections in Lesotho are only celebrated by the victorious party, whilst the losing parties have since independence consistently refused to accept the outcome.

Makoa (2002) further argues that "elections have as yet not brought national unity". Despite the country's ethnic homogeneity, the political elites are divided and there is a lack of collective responsibility among the political elites over developmental projects affecting the welfare of the nation. The Report of the Commission of Inquiry into the

Events Leading to the Political Disturbances which occurred in Lesotho during the period between 1st July to 30 November 1998 (2001:56) notes that

Basotho people speak one language and are all of the same tribe. Despite this, the evidence revealed Lesotho to be divided and troubled society divided by fundamental differences of views on diverse matters and troubled by its failure to reconcile them.

Similarly, Makoa (2002:3) argues that

individuals and political parties competing for state power have been prepared to discredit, undermine and directly oppose national development projects that might increase or strengthen their opponents' popularity and political support.

I concur with Makoa's (2002) argument, because the levels of cooperation between the political elites have been minimal. There has been lack of trust and tolerance of differing views. Political elites have since independence directed their efforts at campaigns and protests to destabilise the position of their rivals.

After the 2002 elections, for the first time in the country's history, 10 political parties were represented in parliament. The parliament was therefore much more inclusive and representative of all the political stakeholders. Consequently, violence was reduced to a minimum and peace prevailed. The long-term prospects of peace were short-lived as the 2007 elections, still run under the MMP system, created more problems than anticipated. Opposition parties have argued that they are not adequately represented in parliament. The leader of the ACP, Kelebene Maope on (10 December 2007), argued that "injustice has been done to us, we were cheated, the BNP has been robbed of its five seats while the New Lesotho Freedom Party (NLFP) was completely denied its proportional share"

Despite the prevailing political instability in the country since the 2007 election, the Lesotho MMP system was adopted through the IPA reforms with the intention of ensuring that all political parties are represented in parliament. But it has been

manipulated by the same politicians who were pleased with its achievements in the 2002 elections.

The current political standoff in Lesotho does not mean that there are serious flaws with MMP system. The problem is only that it is very complicated to operationalise in Lesotho. But it has worked successfully in Germany. In Lesotho's MMP system it seems that the two methods of seat allocation (FPTP and PR) operated independently from each other. Compared to the German system, Lesotho's MMP system has the following shortcomings:

- no upward flexibility in the size of parliament;
- no legal specification that parties must register for both ballots;
- no legal guidelines for coalitions (treated as one party or not, legal registration required or not, individuals on lists).

Lesotho's MMP system was adopted with the intention that it would not be manipulated by political parties but there were no measures to close any possible loopholes. I concur with the South African Development Community (SADC) (2007:4) view that

any reforms of MMP systems should consider making explicit the legal status of alliances and coalitions, particularly when it comes to the calculation of quotas. The law should guide election administrators as to how to allocate compensatory seats in cases where coalitions are not officially registered or when the parties listed on the constituency are not the same as those on the party ballots.

What is interesting is that, if the IEC were to re-allocate the 40 PR seats within the LCD/NIP coalition (if considered as one party) by virtue of winning over 60 constituency seats, its share over the compensatory seats would be reduced significantly. The ABC/LWP coalition (if considered as one party) would be compensated in proportion to the seats at the constituency level. For citizens this is confusing.

Seemingly, the electoral reforms have not solved the country's democratic problems. Instead of ensuring that there is inclusivity in parliament, more election-related conflicts have resulted. Tlakula, Molokomme and Jordan (2003:28) argue that this manipulation of the MMP system has not reflected or given a clear representation of the major political stakeholders in Lesotho. He further state that

parliament must be an accurate map of the whole nation, a portrait of the people, faithful echo of the voices, a mirror that reflects accurately the various parts of the society. It is only when parliament reflects a cross-section of society that society needs can be addressed adequately.

Likoti (2007:10) argues that the other problematic challenge of the MMP system is that it gives room for coalition politics and "they are usually prone to pernicious combinations of ideological incoherence [and] policy stalemate". I concur with this assessment, because the ABC and LCD joined in coalitions with the LWP and NIP respectively with differing ideological positions. These coalitions of convenience were prompted merely by the desire for more PR seats. Does the electoral system now create a larger number of smaller parties?

The fruits of the restructuring of the military in 1998 were seen after the 2007 elections, as it refused to be drawn into the political impasse. Perhaps the gradual phasing out of the senior military officers and their replacement with the new generation has minimised the military's involvement in politics. After the 2002 and 2007 elections the military has not intervened in politics; it has abided by the provisions of the constitution and supported the government of the day. But electoral politics became more confusing except that monarchical politics became more stabilised.

The consistently dismal performance by the royalist MFP in the elections has reduced monarchical influence in politics. In 1993 it had 1,2% of the vote; in 1998 it had 1,3% of the vote; in 2002 it had 1,2% of the vote; and in 2007 it had 2,1% of the vote. This shows that people prefer a democratic system of government rather than a monarchical

rule. This was contrary to the MFP stance that the monarchical system of administration was better than that of the democratically elected representatives.

5.8 Implications for democratic consolidation

Democratic consolidation entails a combination of various institutional and socio-economic arguments. O'Donnell (1996a) argues that a democratic regime can be consolidated when it is "likely to endure and may ... last well into the future". But for democratic consolidation to occur there has to be a particular set of conditions. Leftwich (2000) proposes the following conditions: legitimacy, adherence to the rules of the game, policy restraint, poverty reduction and an absence of ethnic divisions. As argued before, Lesotho meets only the last of these.

Leftwich (2000:132) argues that "no democratic polity can survive and become consolidated unless it enjoys some form of legitimacy, whether of the passive acceptance kind or whether of the uncommon positive kind". But as a result of defects of FPTP (skewed parliamentary representation) in Lesotho, opposition parties felt excluded from the political system and they resorted to protest politics. They also refused to recognise the legitimacy of the victorious parties. But the electoral reforms were able to offer a solution to the problem of marginalisation and the unequal representation in parliament after the 2002 elections were run under MMP system. Almost all parties were represented in parliament. But the main opposition (BNP) still refused to accept the election outcome and to recognise the LCD as the legitimate government. Without themselves, they would not recognise the redemocratisation of Lesotho.

After the 2007 election opposition parties have refused to recognise the LCD as the legitimate government and to adhere to the rules of the game. They even appealed to South Africa and regional organisations (SADC) not to recognise the LCD as the legitimate government. None of the neighbouring states did that.

From the 1993 to 2007 elections the governments have always lacked legitimacy. Political parties have dragged in other organs of the state (military and monarchy) to

destabilise the democratic governments. The losers have never abided by the results of the elections and they showed minimal commitment to the democratic process.

Likoti (2007:9) offers an interesting argument that this was because the LCD pursued highly contentious policies. This was contrary to Leftwich (2000) argument that governments should not pursue highly contentious policies. The LCD used its dominance in the National Assembly to pass the contentious policies that had negative implications for democratic consolidation, such as the Members of the Parliament Salaries Act in 2003. This act dealt with the MPs' salaries and benefits. In the deliberations over the amendment of this act, Matlosa (2007:71) argues that the LCD government strongly maintained that "Proportional Representation MPs do not represent the electorate but only their parties. So they cannot be given constituency allowances because they have no constituencies".

Matlosa (2007:72-73) argues that this had some negative implications for democratic consolidation because it led to

a high level of suspicion, mistrust and even hostility between the ruling LCD and the main opposition BNP. In other words, the electoral/ parliamentary reforms have not enhanced the prospects for co-operation between them. The BNP, along with fewer smaller parties, does not believe the ruling party is committed to the principle of inclusive government, given that it does not regard proportional representation MPs as legitimate representatives of the people proportional representation and first-past-the-post MPs are treated differently in relation to constituency allowances is an important political issue. It seems that the former do not believe they are relevant or share ownership of the system. Democracy is possible only when all stakeholders feel they are integral players.

I concur with this assertion, because PR MPs developed a negative attitude towards the LCD government. An opposition MP argued that we are always outvoted in terms of parliamentary bills; we do not make any significant contribution to the democratic

process. Though the PR MPs do not get constituency allowances, Lesotho law does not discriminate between the FPTP and PR MPs. It regards all the MPs as equal in the National Assembly, but the LCD government has been using its majority to marginalise PR MPs.

Likoti (2007) argues that whilst the country's constitution prohibits any form of discrimination, it does not provide the essential remedies for judicial intervention in a parliamentary stalemate. The absence of this has made it difficult for those PR MPs to seek recourse from the courts for such discrimination in parliament. Hence, PR MPs are not seen as legitimate MPs by the LCD and its supporters; this has led to increasing hostility between the LCD and the opposition parties. Private interests, rather than matters of principle, seem to have been the problem here.

Given such instances where political actors have failed to adhere to the rules of the game and the ruling party did not exercise policy restraint, I am of the view that democracy has not become "the only game in town" (Linz and Stepan, 1996) and is unlikely "to last well into the future" (O'Donnell, 1996a). It has not been *behaviourally*, *attitudinally* and *constitutionally* embraced by the political actors or the majority of the population. Still, the greater legitimacy of the political system after the crises of 1993, 1998 and especially 2002 to 2007 is an improvement, but we remain sceptical about the unlikelihood of breakdowns in future. With much of the older institutional problems settled, weak socio-economic might well feature in future. This is what Przeworski *et. al* (1996) and Leftwich (2000) wrote about.

CHAPTER 6: ECONOMIC AND SOCIAL FACTORS IN THE ENDURANCE OF DEMOCRACY

6.1 Introduction

Lesotho's key institutions of state (the military, the monarchy and the political parties) have always played a significant role in the country's democratic breakdowns. The military became an active political actor after the re-democratisation process in 1993 in that it competed for political power with the democratically elected civilian governments. The monarchy, which was supposed to be a unifying actor, did not abide by its constitutional role, but also competed for both political and executive power. Since the 2002 elections the military has not intervened in politics as a result of a comprehensive re-training programme. This is a democratic dividend.

The electoral reforms and adoption of an MMP system in the 2002 election managed to minimise political conflicts. More parties were represented in parliament and in a more equitable way, which was a milestone considering the history of two-party domination since the 1965 elections. This was followed by a period of relative peace and stability until the 2007 elections. The question is: apart from the complexities of the electoral system as well as the issue of representation in coalitions, are there perhaps additional factors other than institutions that obstruct the consolidation of democracy? But problems still remain with the different interpretations of how the MMP system has to be operationalised as well as the dependency of the state on the external sources of income and increasing incidences of poverty.

The chapter focuses on the role of economic and social factors that are essential for the consolidation of democracy. The "multivariate model" of Bratton Van de Walle (1997) and Leftwich (2000) suggest the significance of economic and social factors for democratic consolidation. Leftwich (2000:131) argued that democratic survival requires factors such as affluence, growth, reduction of inequality and a strong civil society. Bratton and Van de Walle (1997) also emphasised a high level of literacy and an

established middle class. Bratton and Van de Walle (1997) “multivariate model” as well as Przeworski *et.al* (1996) and Leftwich (2000) will form crucial aspects within which the economic and social factors in Lesotho will be gauged upon.

This chapter begins with a focus on the economic issues such as *per capita* income, economic growth and reduction of income inequality. The social issues that will be covered will include literacy rates, civil society and the role of the middle class.

6.2 Economic issues: *per capita* income and growth

The economic indicators discussed in this section will be broken down into *per capita* income, economic growth and inequality reduction so as to assess their significance in the consolidation of democracy. Leftwich (2000) argues that affluence was critical for the survival of democracies. He concurs with Przeworski *et al.* (1996) that *per capita* incomes are very important for the survival of democracies. Przeworski *et al.* (1996) argues that democracies are “fragile” (based on data for 1990) if their *per capita* incomes are lower than US\$1000. But *per capita* incomes that are more than US\$6000 make democracies impregnable. By now these figures can be assumed to be about US\$3,000 or less and US\$18,000 or more.

According to the United Nations *Human Development Report 2000, Trends in human development and per capita income*, Lesotho’s *per capita* in 1975 was US\$220, in 1980 it was US\$311, and in 1985 it was US\$295. According to *Africa at a Glance* (1992:80), in 1989 Lesotho’s *per capita* income was US\$470. In 1990 *per capita* income was US\$386. In 2005 it was US\$950 (Breytenbach, 2007:110). This was more than twelve times lower than the “impregnable” category of Przeworski and also more than half lower than the “fragile” category.

Judged by Przeworskian notions, Lesotho was clearly a case of being too poor for democracy to endure. Adjusted for inflation, these benchmarks must be higher, as indicated above. In his study in 2007, Breytenbach found that the average *per capita* income of Africa’s oldest surviving multiparty democracies since independence was US \$ 2996 which is more than three times higher than the average of Lesotho. This is again

an indication that Lesotho's profile in terms of affluence was far below democratic endurance levels. It is perhaps still in the "fragile" category.

Lesotho has experienced very poor economic performance since 1966. Most of the external sources of income (migrant remittances, foreign aid and SACU revenues), which amounted to a high proportion to her revenues, have declined. The mining boom which increased her exports production in the 1980s was short-lived.

Lesotho does not have a viable economic base through which a strong national economy could be created and has low levels of affluence. Makoa (1996:18) correctly asserted that Lesotho has a poor functioning economy, which does not have the ability to produce goods and services that could be sold on competitive markets. Its dependency on South Africa is key.

Lesotho's economy has several distinctive features. The country hardly constituted a coherent economy prior to independence in 1966. It had long being relegated to being a labour reserve for South Africa by the colonial administration (Lundall, McCarthy and Petersson, 2003:35). Makoa (1996) wrote that on the eve of independence Lesotho barely had a modern communications system. There was a small road network which was in poor condition.

According to Cobbe (1983:18), this did not only militate against creating a viable sustainable economy, but it also reinforced the country's status as the labour reserve for South Africa. He argued that

to a large degree, the economic life of the country was fragmented into a number of rural hinterlands that interacted economically with the closest South African market across the border and the more distant mines and urban centres where migrant workers earned cash income.

According to Bardill and Cobbe (1985), the most productive sector of the economy-government services excluded, was agriculture, which made the highest contribution to the Gross Domestic Product (GDP) from 1967 to 1968. The manufacturing sector was

weak and underdeveloped, and there were no major mining activities. **Table 11** below shows the sectoral origin of GDP between 1967- 68, immediately after independence.

Table 11: Sectoral Origin of GDP in 1967-68

Sector	Percentage
Agriculture	39,0
Mining and quarries	2,0
Manufacturing	0,7
Construction	1,7
Services (including government)	56,6
Total	100

Source: Kingdom of Lesotho, Lesotho First Five-Year Development Plan 1970/71

The most reliable source of income came through foreign aid, migrant remittances and revenues from the Southern African Custom Union (SACU). **Table 12** below shows government revenues between 1965-1966. This shows its vulnerability.

Table 12: Lesotho government revenues, 1965-1966

Revenue	Maloti	Percentage
Direct taxes	1,084	10,6
Customs Union receipts	1,637	15,9
Other indirect taxes	239	2,3
Other local revenue	406	4,0
UK grant-in-aid	5,202	50,7
UK overseas aid scheme	353	3,4
UK Colonial Develop and welfare grant	1,346	13,1
Total	10,266	100

Source: Ward, 1967:355-368

Throughout the 1960s the country recorded a very poor economic performance. Agriculture at almost 40% was the main contributor to the country's GDP. The manufacturing sector contributed less than 1% to the GDP. It was largely undeveloped

and poor. As mentioned there was heavy dependence on the external sources of income, especially foreign aid. The level of affluence was too low; and the economy was characterised by extreme poverty and low productivity. Consequently, there was neither affluence nor was there space for a robust middle class to grow. These have negative implications for civil society.

Between 1970-1980 the GDP growth rate was 7 per cent per annum, while the Gross National Product (GNP) grew faster at 7,4% per annum (Bardill and Cobbe, 1985:46). These imbalances were in terms of the GDP, while GNP growth rates were caused by the following factors. The remittances from the migrant workers who were working in the gold and coal mines in South Africa increased rapidly by an estimated 8 per cent annum (World Bank, 1987b:15).

The number of migrant workers increased from 87,400 in 1970 to 112,500 in 1975 and to 120,700 in 1980 (Shaw, 1983). There was a substantial increase of foreign aid from Britain, the United States of America (USA), West Germany, Denmark and other multilateral sources such as the World Bank (WB), the African Development Bank (ADB), the United Nations Development Programme (UNDP) and the World Food Programme (WFP) (Bardill and Cobbe, 1985:66).

Matlosa (1995:5) argues that the donors believed that “aid would be temporary therapy to set Lesotho on a growth path and would be terminated once this is achieved”. But this was not the case. Most foreign aid in the early post-colonial period was primarily for recurrent expenditure (budgetary aid) and capital expenditure (development aid). But the budgetary aid did not last; it was roughly estimated at M5.5 million in 1965-66. During the same period development aid amounted to M2.3 million (Jones, 1977:171). Wellings (1983:268) states that

total UK aid rose to a peak of M8.6 million in 1966-67, dropped to its lowest ebb in 1970-71 (when aid was suspended for a brief period in response to a political *coup* in the country), revived somewhat afterwards, but reached only M3.8 million in 1972-73.

In the 1970s Lesotho's aid continued to diversify (Gay, Gill and David, 1995:192). American assistance which began in 1966 in the form of food aid through the Catholic Relief Services (CRS) was increased in 1972/73 to cover technical assistance for health, family planning, manpower training and agriculture. Between 1966-75 USA assistance to Lesotho was US\$26 million (Woodward, 1982:170). **Table 13** below shows the growth of Lesotho's foreign aid receipts between 1970 and 1980.

Table 13: Lesotho's foreign aid receipts, 1970-80 (million US\$, net receipts)

Year	Aid receipts
1970	10,0
1971	16,8
1972	14,1
1973	14,2
1974	22,3
1975	28,6
1976	30,1
1977	38,8
1978	50,1
1979	64,2
1980	90,3

Source: Bardill and Cobbe, 1985: 66

In the absence of viable and robust productive sectors, foreign aid evolved into an industry whose objectives were to boost economic growth and alleviate poverty throughout the 1980s to the 1990s (Matlosa, 1995:104). The diversification of aid sources was a "function of political sympathy towards a small, impoverished and landlocked country under the constant threat of apartheid South Africa" (Matlosa, 1995:104). But in the 1990s foreign aid declined. In 1995 the amount of foreign aid that Lesotho received amounted to US\$123.7 million. In 2007 this figure rose to US\$350 million (www.state.gov/r/pa/ei/bgn/2831.htm, 25 March 2009). Foreign aid still plays a vital role in Lesotho's economy.

Towards the end of the 1970s De Beers made a massive financial investment in diamond production at Lets'eng-la-Terai, which saw the sale of diamond exports increasing from M1.2 million to M 16.7 million in 1978 to M 24.7 million in 1980 (Bureau of Statistics, 1987b:95).

According to the 1974/75 estimates, the average earnings of the Basotho mines in South Africa were estimated at M95 million. The total value of goods imported to Lesotho by the migrant workers amounted to M20 million. Migrant remittances in this period were valued at about M30 million. The annual country's imports in 1974/5 amounted to M 86 million, while exports were only M10 million (Kingdom of Lesotho, Second Five Year Development Plan, Volume One, 1975/76-1979/80:6-7). Its impact on job creation is rather small.

In the 1980s there were some changes in the structure of Lesotho's economy. The boom in the diamond industry was short-lived and in 1982 the Lets'eng-la-Terai diamond mine was closed down (Lundahl and Petersson, 1991:66). **Table 14** shows the decline of the country's exports after the closure of the diamond mine.

Table 14: Diamond exports from Lesotho, 1977-83 (million, maloti)

Year	Diamond Exports
1977	1,2
1978	16,7
1979	21,2
1980	24,7
1981	18,2
1982	15,2
1983	0,9

Source: Bureau of Statistics, 1987b:95

The contribution of diamond mining to the economy has been unpredictable. Maleleka (2007:5) indicates that "in the past diamonds were not mined consistently because most of the initial feasibility studies at the exploration stage showed that diamond mining in Lesotho could not be sustained and commercialized". Consequently, from 1983 to 1999

there was little commercial activity in relation to the diamond industry. But the production capacity of diamond mining changed from 1999 to 2006. This development was a result of the re-opening of the Letseng-la-Terai diamond mine in 1999.

According to *Lesotho News Agency* (04/08/2008), Letseng-la-Terai diamond mine recovered the 15th and 18th largest diamonds in the world in 2006 and 2007 respectively, which were reported to have been sold for over M70 million. In 2007 it was reported that diamond mines contributed 6,7% to the country's GDP. But there is little statistical evidence from the government of Lesotho and there is no accurate public information about the diamond industry to prevent unconfirmed speculation on the nature of the industry.

Though the diamond mining sector is emerging as an important contributor to Lesotho's economy, it is generally capital intensive in a country with high unemployment levels. Maleleka (2007:12) states that "in March 2007 only 384 employees were employed by the mines ... to further illustrate the poor employment capacity of the mines ... Lihobong operations in 2005-7 had only 75 Basotho employees".

In the 1980s it became impossible to maintain high economic growth rates. The growth rates were much lower than in the 1970s. GDP grew at 2,1 and GNP grew at 2,8 percent per annum. The population growth rate was 2,6 percent per annum (Bureau of Statistics, 1999:15-20). Consequently, the *per capita* production declined and the *per capita* income stagnated.

Prior to 1973 no consumer price index was computed in Lesotho. Lesotho did not have a currency of her own and the South African rand circulated freely, while goods from South Africa flowed into the country without any impediments (Lundahl, McCarthy and Petersson, 2003:47). Lesotho officially introduced her currency (maloti) at par with the South African rand in 1980.

Both the rand and maloti are used as legal tender in Lesotho. The rate of inflation was much higher than in South Africa, which was around 7 per cent in the 1970s. Inflation in Lesotho increased to 13,6 per cent in 1973-75 (Matekane, 1992:31). In 1975 it

decreased to 11,6 per cent. It continued to fluctuate until the end of the 1970s. **Table 15** shows the fluctuating inflation rates in the country until 1988.

Table 15: Inflation rates, 1979-88

Year	Inflation rates %
1979	22,4
1980	12,7
1981	11,3
1982	19,0
1983	9,6
1984	12,6
1985	19,4
1986	10,1
1987	11,8

Source: Bureau of Statistics, 2001a:4

The country's efforts to contain inflation are constrained by the fact that it belongs to the Common Monetary Area (CMA). This means that whatever measures are taken around the Maloti by the Central Bank of Lesotho have to be backed by the convertible foreign currencies (Lundahl and Petersson, 1991:277-8). Matekane (1992:19) concluded that the rate of inflation in Lesotho remained closely correlated with that of South Africa.

Table 16 below further shows inflation trends from 1966 to 2007.

Table 16: Inflation levels, 1996- 2007

Year	Inflation rates %
1996	9,1
1997	8,5
1998	7,8
1999	8,7
2000	6,2
2001	7
2002	11,9
2004	5
2005	3,4
2006	6,1
2007	7,6

Source: Standard Bank Lesotho Report, 2007:2

These levels of inflation are uncontrollable because of the chronic economic dependence on South Africa's economy.

Lesotho's economy continued to depend on migrant labour remittances, foreign aid and revenues from SACU throughout the 1980s and the 1990s. In 1992 the annual migrant earnings were M1,299,06 million, which was almost 87,4% of the country's GNP. The miners' remittances were M347,4 million. In 1992 the total government revenue was M1,019,6 million, of which M547,7 million came from SACU dividends (Kingdom of Lesotho, Budget 30 April 1994/95, Annexure 1).

In the early 1990s there was increasing investment from the Lesotho Highlands Water Project (LHWP). Investments related to the LHWP increased to almost 20 per cent of GNP between 1994/95 (Bureau of Statistics, 2000:19-20). In 1997/98 the country's gross investment increased to around 40 per cent of the GNP. It was estimated that the royalty payments from the multi-billion dollar LHWP amounted to M143 million in 1996/97 and M83 million in 1997/98. In the three subsequent years the royalties increased to M135 million by 2000/1 (International Monetary Fund (IMF), 2002:10).

In 1998/ 99 the country's economy experienced a significant decline (Lesotho National Development Corporation, 2001). This decline in the domestic sector was caused by the decline in the construction activities of the LHWP and weak growth in the other manufacturing sectors, apart from the garment industry. It was also aggravated by the 1998 political crisis, which resulted in the destruction of the major commercial enterprises in the main urban centres (Sechaba Consultants, 2000).

Most of the external factors that were historically crucial to Lesotho's revenue declined in the mid-1990s. The Central Bank of Lesotho, *Annual Report*, 31 September 2005 indicates that the numbers of Basotho migrant workers in South African mines declined from 95,913 in 1997 to 56,537 in 2004. **Table 17** below shows the declining trends since 1997. Dependence meant more poverty.

Table 17: Basotho migrant workers in South African mines, 1997-2004

Year	Number
1997	95,913
1998	80,445
1999	68,604
2000	64,907
2001	61,412
2002	62,000
2003	61,413
2004	56,357

Source: Central Bank of Lesotho, *Annual Report*, 31 December 2004:11;
Central Bank of Lesotho, *Annual Report*, 31 September 2005:12

Since the 1994 political changes in South Africa, SACU revenues have also declined. This was a blow for Lesotho, as over 90% of her imports are from South Africa and she was able to claim substantial rebates, which amounted to 60% of total government revenue in the 1990s (it comes through compensation from the customs pool) (Sechaba Consultants, 2000:32). Most of the international agencies and diplomatic missions that were source of foreign aid closed their offices in Lesotho in 1994 and relocated to South

Africa and Botswana. Lesotho, therefore, benefited very little, if all, from the post-apartheid dividend in the region.

Lesotho's economic performance still relied on foreign investment as opposed to local initiatives. The manufacturing sector, especially the garment industry, improved since 2000 as a result of the Africa Growth and Opportunities Act (AGOA). The AGOA agreement allows Lesotho's textiles access to the United States (US) market without any duties and tariffs as result of its least developed status (Naumann, 2002:7). But this was a temporary project.

It was reported that exports on the basis of AGOA to the US market doubled from US\$110,8 million in 1999 to US\$140,3 million in 2000 and US\$215,3 million in 2001 (Gibbon, 2002:35-36). Consequently, there was an increase in Lesotho's commodity exports of 40% in 2002. The development of this export-led garment industry was able to create more jobs. It was estimated that in 1998 employment numbers in the textile and clothing sector doubled from 13,313 in 1998 to 26,185 in 2001 (Lesotho National Development Corporation, 2001:21).

Lesotho's GDP grew at an average total rate of 6.3 percent from 1970 to 1997 (Bureau of Statistics, 1999:1-2; World Bank, 1998-17). Despite the high average economic growth, rates of unemployment and underdevelopment kept on rising. This was the result of the increasing population density, declining productivity in agriculture and the decline in migrant labour. There was also stagnation in the growth of the public sector employment and the manufacturing sector failed to compensate for the poor performance of other sectors of the economy.

Lesotho is ranked as one of the poorest countries in the world. According to the World Bank (1998), the country's total *per capita* GDP measured in terms of the Purchasing Power Parities was US\$1,860 in 1997. This placed Lesotho among the world's 50 lowest-income countries. The Lesotho poverty line is M124.00 and 68% of its population is poor (May, 2001:24). The United Nations Human Development Index (UNHDI) ranked Lesotho 138th out of 177 states in 2007/8. This is not in the lowest but the lower-medium

category. This medium ranking is due to its relatively high literacy rates (see **Table 18**), despite low affluence levels.

Poverty levels vary across the country's four geographic regions: the highlands, the lowlands, the foothills and the Senqu River Valley. Poverty is rampant in the rural areas and remote highlands and the Senqu River Valley. More than 80% of people in these areas are characterised as "poor" or "destitute". For most people in these areas it is normal not to have a toilet or to drink water from the river, and to gather cow dung for fuel. But poverty is also high in the lowlands and the foothills (Government of Lesotho, 2002; Lundahl, McCarthy and Petersson, 2003; UNDP, 2002).

The country's small domestic market is also dominated by the more competitive South Africa's business sector. The formal sector absorbs only 20% of new job seekers. It was predicted that the country's labour force would increase by 20-25,000 annually, while the economy generates about 6,000-10,000 jobs each year. In 1998 unemployment levels were estimated at over 40% (Central Bank of Lesotho, 31 December 1998:15). In 2005 unemployment levels had increased to over 54% (Central Bank of Lesotho, *Annual Report*, 31 September 2005). The overall impression is therefore that the economy is poor.

6.3 Reduction of income inequality

Lesotho has over the years experienced high levels of inequality in the way the income is distributed. The country's economic growth rated at 7,2% from 1987 to 1992 did not benefit the population equally. According to the UNDP (1998), it was established that 45% of the total national income flows to the richest people, who are only 10% of the population, presumably civil servants. While the poorest are in the rural, and mountain areas.

The Poverty Reduction Strategy of Lesotho (2000:7) notes that "one severe implication of this skewed distribution of income is that growth in the national income levels such as GNP and GDP in Lesotho is less likely to benefit the poorest groups". The Gini coefficient increased from 0,23 in the rural areas in 1967/69 to 0,57 in 1993 (Lundahl,

McCarthy and Petersson, 2003). The poorest are also the unemployed as well as peasant farmers especially in the mountains, as mentioned above.

Przeworski *et al.* (1996) and Leftwich (2000) argue that democracy is likely to survive in countries where income inequalities are declining over time. But since 1990s the income gaps in Lesotho have kept on increasing between the few employed in the public sector, in the small private sector, and the majority of the retrenched migrant workers and the ranks of the unemployed. Przeworski *et al.* (1996) found that the expected lifespan of democracy in countries with declining income inequalities was about 84 years, while the expected lifespan of democracies with increasing income inequality was about 22 years. If this is the case, more breakdowns are likely to occur in Lesotho in future.

Lesotho's economic growth has therefore hardly benefited the entire citizenry. Lesotho's state has failed to accumulate and redistribute wealth among her population. The country growth in the 1990s has not been effectively distributed and levels of inequality are high. Makoja (1996:19) argues that the state cannot create even a most basic 'welfare state' to provide for the needs of its citizens.

Table 18 below shows the trends of the UN Human Development Index of Lesotho since 1990. Despite fluctuations, the trend is downward.

Table 18: UN Human Development Index 1990-2007

Year	Rank	Trend
1990	78	-
1992	107	worse
1993	120	worse
1998	127	worse
2001	120	better
2002	132	worse
2003	149	worse
2004	145	better
2005	149	worse
2006	149	same
2007	138	better

Source: UNDP, 2007:12

Lesotho performs poorly when measured against aspects of the HDI such as life expectancy, mortality rates and standard of living. Life expectancy declined from 41 years in 2000 to 35,6 years in 2007 (this is due to HIV/AIDS). The mortality rate was 75,5% in 2000 and it has increased to 80,0% (UNDP, 2007:13). The only relatively positive indicator is adult literacy at 82%.

It can be argued that the prospects of democratic survival in Lesotho are low. Almost all the economic preconditions for democratic endurance are virtually non-existent. The high economic growth rate in the 1990s did not manage to reduce the inequalities. It was accompanied by increasing levels of unemployment and low domestic production.

Judged by the economic benchmarks of affluence, growth and income inequality reduction, Lesotho seems very fragile indeed. Although Leftwich (2000:135-145) reminds us that poverty is an obstacle to the survival of democracy, Przeworski *et al.* (1996:49) state that democracies can survive even in the poorest nations if institutions and other conditions remain favourable. To be sure, although Lesotho was rated “free” by Freedom House after 2002, its *per capita* income is the lowest of all “free” nations in

Eastern and Southern Africa (Breytenbach, 2005:63). Poor nations can therefore be free, but this is exceptional. India and Ghana are other nations in this category.

6.4. Social factors

Apart from institutions and the economic conditions already discussed, there are social factors relevant for democratic endurance. These are adult literacy rates (Bratton and Van de Walle, 1997: 237-241) and the state of civil society (Leftwich, 2000; Linz and Stepan, 1996; Bratton and Van de Walle, 1997). Then there is also the question of a sizeable middle class (Moore, 1996, Bratton and Van de Walle, 1997).

Moore (1996) published an influential work on the role of classes in the making of the modern world. He was dismissive about peasants as modernisers, but was convinced that the middle class was key not only to modernisation but to democracy as well. According to him, democracy was a dependent variable: it depended on the capitalist middle class for endurance. Hence his famous dictum “no bourgeoisie, no democracy” (1996:14-29). Lesotho’s prospects for democratic consolidation will also be judged against these social criteria.

6.4.1 Lesotho in a social context

Lesotho is a culturally homogenous country, yet it demonstrates the symptoms of a divided society. Leftwich (2000) maintains that social cleavage is a negative condition for consolidation. Internal divisions in the society were heightened by the contestation for religious domination between the Protestants of the PEMS and Catholics of the RCC. It can be argued that this competition was a spill-over of the historical competition between the French Protestants and the Roman Catholics in Europe.

As the competition increased, the Catholics were able to co-opt the royal family (after the death of Moshoeshe I) to their ranks. This saw the Catholics becoming more dominant in the country. Odendaal (2000:4) argues that the impact of this competition in the name of God became so severe as “it set up social hierarchies based on religious membership”. The Church membership determined which school an individual attended as well as the type of education received.

Church schools are still prominent in society even today. Even the choice of marriage partner is determined by religious affiliation. These two religious denominations divided the country's homogenous population into two distrustful and rival groups. And yet missionary schools educated the nation.

What should be noted is that after independence the BNP always enjoyed the support of the RCC as the result of its anti-communist stance (Khaketla, 1971; Machobane, 2001). The BNP was conservative and pro-chieftainship and the RCC also encouraged and accommodated traditional systems of authority and belief. Odendaal (2000:4) argues that "a prominent aspect of their mission strategy was to incorporate traditional elements into church liturgy and practice. This theological focus translated naturally into close bonds between the Catholic Church, traditional authorities and the BNP". The BNP continued to champion for the interests of the chiefs and the monarchy, though it did not support the Matsieng house.

The Protestants under the PEMS, which became the Lesotho Evangelical Church (LEC) in the post-colonial period, supported the BCP through the 1970s and 1980s. The BCP represented the commoners' views and perceptions as opposed to the RCC, which was pro-chieftaincy. The LEC supported the World Council of Churches' economic and social policies, which favoured the poor in the 1970s. Consequently, the BCP pro-poor reforms gained popular support for them (Odendaal, 2000; Khaketla, 1971).

What should be noted is that though there are more Catholics than Protestants in the country, one would have expected that the BNP to have been the most dominant political party in Lesotho. But the BCP and its splinter faction, the LCD, received more votes in 1993, 1998, 2002 and 2007 elections than the pro-Roman Catholic BNP. The BNP was in power until 1986 and remained one of the strongest opposition parties after 1993.

This implies that while the RCC was able to provide a strong moral support for the BNP, it was unable to convince its grassroots supporters to vote for the BNP. It can be argued that the key alliance between the BNP and the RCC exists at the level of the senior church hierarchy and the chiefs, therefore mainly in the poorer rural areas.

Leftwich (2000) argues that religious differences, especially where they overlap with material inequalities, makes the consolidation of democracy difficult. These religious differences in Lesotho society overlap with the high incidence of inequality and poverty. It can also be argued that this has rendered the prospects of democratic survival in Lesotho minimal.

Another problematic issue has been the increasing levels of HIV/Aids. According to the United States Agency for International Development (USAID), Lesotho has one of the highest rates of HIV/Aids infection in the world at 31% of the total population. It is estimated that 36,1% of women aged between 15-49 years are infected, while the infection rate for men in the same age group is 17,4% (Economic Review March 2004, [www. centralbank.org.ls/publications](http://www.centralbank.org.ls/publications), 04 July 2008).

As a result of poverty, it is expensive to maintain health care for those infected by HIV/Aids. Financial assistance to fight the pandemic from the Global Fund, the United Kingdom Department for International Development, the USA and the World Bank has not effectively benefited poor rural households. Larger shares of the funds are allegedly been misused in the government ministries and district offices without reaching people at the grassroots level (Poverty Reduction Strategy of Lesotho, 2004/5:27).

But Lesotho does not have high levels of crime. Stock theft is the most prevalent. It is rampant along the border with South Africa and in the lowlands (UNDP, 2002). But since 2003 stock theft declined by 60% (Crime Assessment Report– Ministry of Home Affairs and Public Safety, 31 April–May 2005). The other major challenges include recurring droughts, deforestation as a result of the over-reliance on biomass fuel, ineffective land tenure systems, inefficient management of the fragile mountain ecosystem and poor agricultural practices. As a result of the high levels of HIV/Aids, high unemployment and poverty, most people have now refocused their attention on the state for the provision of welfare benefits but this is problematic because the state also depends on the external sources of income.

6.4.2 Literacy rates

As the result of the early missionary contact since the 1830s, the country has a high literary rate. According to the measures referring to education included in the UNDP Human Development Index, the performance of education in Lesotho is positive. The country had a high literary rates of 82% in 2004, which is better than the average rate of the five oldest multi-party systems in Africa, which is 76% (Breytenbach, 2007:101). Secondly, another aspect of the human development index, the school enrolment ratio is high (56%) compared to average for Sub-Saharan Africa (42 per cent). The gender-related development index reveals that the total enrolment ratio is much higher for females (60%) than for males (51%). It was ranked 5th out of more than 40 Sub-Saharan countries in terms of high literacy rates (UNDP, 1997: 146-8; UNDP, 1999:1).

This high literacy rates have hardly assisted the country's economic development. The government has over the years failed to absorb its educated labour force (Bureau of Statistics, 2000). Lesotho is currently experiencing a massive drainage of its valuable human resources to South Africa as the result of lack of employment opportunities in the country. The brain drain is further worsened by the fact that Sesotho is one of the official languages in South Africa and there are more Basotho in South Africa (Free State and Gauteng provinces) than in Lesotho.

Lesotho's high literacy rates have therefore hardly benefited socio-economic development in the country, which is crucial for democratic survival. This is contrary to Bratton and Van de Walle's (1997) argument that literacy rates are crucial for democratic survival. (Zimbabwe is another country with an exceptionally high literacy rate (90% in 2004), but with serious problems of breakdown). But this positive is overshadowed by high poverty, high inequality, weak civil society and rather small middle class.

6.4.3 Civil society

Neocosmos (2002:39) argues that Lesotho's first civil society organisations, the Basutoland Progressive Association (BPA) and the *Lekhotla la Bafo* (LLB), emerged during the colonial period. Selinyane (1997) says that these civil society organisations

were more active in the political movements and formed the core of the BCP support. It can be argued that there were no major civil society organisations pursuing the interests of the working class during the colonial period.

Southall (1984) points out that though the country's labour seemed mobilised and organised, it did not form a building block of civil society. Selinyane (1997:29) argues that

to the extent that their economic struggles did not combine with the political resolve to compel the state to fulfil their demands and to the extent that their involvement in political campaigns might have lacked specific economic demands – they remained organized labour but increasingly lost attributes that made them constitute a civil society.

Selinyane (1997) notes that two tiers of civil society emerged after independence. The first one which emerged during the colonial period was incorporated into the BCP. This was based on Protestant church organisations. The second tier was directly assisted by the BNP government. The BNP- sponsored civil society failed to represent the interests of its members against the government. This party lost its autonomy, as it became co-opted into the ruling party at that time.

Matlosa (1995:22) argues that in the late 1980s there was a growing perception among donors that non-governmental organisations had more capacity to act as agents of economic growth and adjustment than the government did. Magazi-Rugasira (1994:7) states that

the 1990s ... [saw] a greater prevalence and proliferation of NGOs on the African continent. With the myriad of economic programmes being implemented across the continent, NGOs ... [were] perceived as the engines of growth, this comes in the wake of the popular perception that Africans are unable to afford and even manage their own affairs.

Matlosa (1995) points out that in 1992 the World Bank suggested that NGOs should be granted more external funding, since they occupied strategic positions in their societies to correct the widespread problems that exist in most African countries. NGOs were seen as strategic partners to execute aid programmes in most African countries.

This perception culminated in the formation of the umbrella body of NGOs in Lesotho-called the Lesotho Council of Non-Governmental Organisations (LCN) in 1990. Most of Lesotho's NGOs are engaged in the variety of donor-aided projects ranging from social welfare, emergency services, the environment, employment generation and monitoring human rights.

Selinyane (1997) argues that civil society organisations played a fundamental role in the transition process; he argues that the commencement of the LHWP in the early 1990s coincided with the arrival of Lesotho trade union workers who were expelled from South Africa during the 1987 mine workers strike. Ultimately, this led to increased unionisation of workers across the country.

In 1990 the teachers' strike climaxed with the formation of the Lesotho Teachers Trade Union (LTTU). Civil society strikes in the transition period were also joined by the youth and students movements, which called for the speedy return of democratic rule in Lesotho during the military administration. Selinyane (1997:32) argues that "the rural areas, where the forms and means of oppression are more subtle, were the only sector left without dramatic, organised struggles with the state".

Despite their role in the transition to democracy during the military governance, civil society organisations did not have a ready agenda that could be imposed on the incoming democratic government. The only exception was the RCC, which supported the BNP and was therefore hardly a pro-democracy factor.

Arguably, when the democratic platform was opened for political participation in 1993, only limited number civil society organisations were able to push for their participation in the democratic period. The Construction and Allied Workers Union of Lesotho (CAWULE) were able to push for the interests of the workers in the political landscape. It formed the Lesotho Labour Party (LLP) but failed to attract any significant support

from the working classes. To be sure, the Basotho working classes were more prominent in South Africa than in Lesotho.

I concur with Selinyane (1997:33) that it was almost impossible for civil society groups to form a single trade union movement capable of transcending the old political divisions as the result of their alignment to the BCP and BNP. Selinyane further argues that this was also delayed by the “opportunism, power struggles and financial corruption leading to conspiracy and bribe-taking between them”

Most strikes that occurred in the post-1993 dispensation failed to translate into worker political consciousness. Various organisations acted independently despite their affiliation to the LCN. The LCN refused to back the 1995 teachers’ strikes; this was despite appeals for support from its affiliated teachers union, the LTTU. It also refused to back the LHWP workers strikes against unfair labour practices.

Selinyane (1997) states that the LCN never prescribed a role for itself in the process of building democracy. What makes civil society an essential ingredient for democracy is the fact that ‘it must be seen to improve the lives of people, to allow for self-exertion and release of people’s creativity in the transformation of society for the better in all spheres of life’ (Wamba-dia-Wamba, 1994:12). The LCN has over the years, lacked the cohesive capacity to push for greater demands for its various affiliates and it remained a toothless mother-body.

Matlosa (2003:46) claims that Lesotho’s civil society is weak as a result of its dependence on donor funding. He argues that it has not become a major force to push for the views of various people. He also says that “as it stands [it] ... may not be a great force that reflects the views of the Basotho, civil society nonetheless provides a much needed window of opportunity”. It is weak and has failed to act as an efficient watchdog in the country’s democratic landscape.

Most civil society programmes are influenced by donor priorities and conditions. The country’s NGOs have failed to come up with appropriate programmes to address the issues affecting the welfare of the citizens. Their activities have primarily focused on creating social awareness among the citizens about their rights without educating

people about democracy. Matlosa (2003:47) asks “what is democracy if it does not have a citizenry that is aware of their rights?”

Civil society organisations therefore did very little to sensitise the population about the broad understanding of the concept of democracy in the 1993, 1998, 2002 and 2007 elections. There has been poor inculcation of civic and human rights across the population. Matlosa (2003:47) writes that

their programmes implemented prior to the 2002 elections were structured along four main election-related aspects: the Lesotho electoral law, how to vote, the importance of voting and relationship between elections, democracy, human rights and participation responsibilities. *But much more needs to be done to continue to build on this new awareness among the people.*

Despite this, numerous efforts aimed to promote voter education do exist. It seems that very little has been achieved in terms of making people aware of various political values, principles and policy differences. Civil society has failed to influence and encourage the electorates to break away from their “pre-structured, pre-designed political affiliations to choose their leadership along policy issues” (Matlosa, 2003:47-48).

Commenting on the weakness of civil society, Mahao (2008) wrote that the LCD government’s grip on power in the 2002 and 2007 elections was partly attributable to weak civic institutions. He further argues that “without strong media and other civic institutions to educate the populace, the majority of the people are not properly informed and engaged on issues that affect them” (www.findarticles.com/p/articles/mi_qn4158/is_20070222, 31 July).

I concur with Mahao’s observation. The country’s civil society has failed to add any significant democratic value to the democratic process. It has failed to assert its influence over the state. What it successfully attained was to secure a place for itself in the bosom of the state and in donor circles. It also failed to force the state to establish

the rule of law and a set of standards and rules for business to flourish and to ensure that there is efficient redistribution of services across the society.

Bratton and Van de Walle (1997), Leftwich (2000:146), and Linz and Stepan (1996) argue that a “rich and pluralistic civil society” is crucial for democratic survival. Lesotho’s civil society, however, is weak and fragmented. It has failed to push for major democratic forms in the state. Its weakness is complicated by the great dependence on donor agencies to cover operational costs. Most civil society programmes are rigid and insensitive to the needs of the people. They failed to engage people fully in diverse approaches beyond regular workshops. Given a weak civil society, it can be argued that democratic survival remains unlikely. There are no pressures brought to bear on the state to improve the delivery of services which could benefit democracy.

6.4.4 Middle class (urbanisation)

Barrington Moore (1996) and Bratton and Van de Walle (1997) argued that sizeable middle class is important for democratic survival. Lesotho does not have a sizeable middle class as a result of its weak economic base. Usually middle classes exist in tandem with working classes and higher levels of urbanisation. But Lesotho’s urbanisation rate is at 29%. Breytenbach (2007:100) argues that “urbanisation may reveal the potential for urban based civil society”. But the low levels of urbanisation are unlikely to make a positive contribution to the development of a middle class, especially not in poor rural areas.

What constitutes the country’s small middle class consists of the few people employed in the civil service (military, police, teachers and in the bureaucracy) and the small private sector. This middle class has also been fractured by intense competition for few senior positions in the civil service.

It can therefore be argued that a country does not have the sizeable middle class. Lesotho is a poor democracy with a weak economy and it has failed to create a sizeable middle class. The majority of the working citizens are migrant workers and most people in the country are peasants. But Moore (1996) was dismissive of peasants as essential

for democratic survival. Lesotho lacks this essential factor as a precondition for its democratic endurance as Moore (1996) and Bratton and Van de Walle (1997) noted.

6.5 Assessment: implications for democratic consolidation

Lesotho's political problems are located in, amongst other things, its enduring poor economic performance. Everybody looks at the state for employment opportunities. Amongst the few employment opportunities that exist in the country, a large portion are in the civil service – in parliament, in the military and other organs of the state. Those who are closely aligned to the ruling elites have better access to state resources by being employed in the civil service. With its weak economic base, the state is unable to “accumulate” (Sekatle, 1997:84) sufficient resources for distribution among its population.

The political impasse after the 2007 election should in part be explained in the context of escalating poverty and high levels of unemployment. Political positions are contested with passion and violence. The pain of losing an election is therefore much greater than normal and for many it means an almost automatic return to poverty. The endless breakaways amongst parties were motivated by attempts to address the issue of personal poverty. The loss of leadership positions is equated with the loss of one's employment. This situation is aggravated by the absence of meaningful economic activities that the state can offer.

Leftwich (2000:142) states that if poverty is not eradicated, it will be an obstacle for democratic consolidation. Leftwich (2000:143) wrote that “the struggle for scarce resources, and the enormous advantages that permanent control of the state may bring to a party or fraction, makes democracy very unlikely”. Poverty has always been at the core of Lesotho's political problems. Lesotho has failed to eradicate the high levels of poverty across the country.

Lesotho's political elites depend on state resources to accumulate wealth and to marginalise their political opponents. Matlosa (1997:102) eloquently captures this by arguing that “the principal pre-occupation of the ruling elite has been the accumulation

of power and imposing their political hegemony over other class forces outside the state in order to undermine opposition”.

The most appealing factor in gaining access to state power is better salaries and controversial benefits. Cabinet ministers and Principal Secretaries (PSs) have generous benefits, including interest-free loans that range between M500,000-800,000 (Government Gazette, 2005). In 2006 the cabinet ministers were given an opportunity to buy their official used latest Mercedes cars E240 and E300 at the knockdown price of M4000, while the PSs were allowed to buy their latest Toyota Camry's at M2000.

Most ministers bought these vehicles at M4000 and sold them at a higher price. They were later seen in Bloemfontein in South Africa valued between M290,000-320,000 (*Public Eye*, 15 November 2006). The Minister of Tourism and Culture, Lebohang Ntsinyi, openly admitted to selling her car in South Africa. She stated that “if I sell vegetables at my home, will you ask me about it? The sale of my car is a personal matter” (cited in *Public Eye*, 15 November 2006).

This raised a huge public outcry across the poverty-stricken population. In order to sustain one's livelihood, it is rational to stay in politics. Given such benefits, everybody wants to be involved in politics. The formation of coalitions before the 2007 elections between the main political parties was influenced by the desire to maximise access to state resources.

The political elites were desperate not to lose their seats in parliament and the formation of coalitions was the most convenient way to safeguard their positions. There is a strong reliance on parliamentary seats as the most reliable source of employment. This emerged through the informal discussions that I had with various MPs of the ruling LCD and the opposition parties (BCP, BNP and the MFP).¹¹

¹¹ Most of the BNP and some LCD candidates who were in parliament after the 2002, but did not make it after the 2007 election, have no formal employment and are struggling to survive. In the case of some, their properties have been repossessed by various banking institutions in Lesotho. I have first-hand experience of this, as my close relative was an LCD MP in 2002 but lost his constituency in the 2007 election. He is currently unemployed and with no parliamentary pension.

Most of country's political parties do not have significant following (the stay-away factor was big), as was shown by the 2002 and 2007 elections. They emerged out of conditions of desperation and poverty, and hardly presented any set of policy alternatives for addressing the country's socio-economic challenges. There is also little evidence of the continuous expression of civic responsibility among the voters beyond the elections. *Work for Justice* (2007:12) noted that "parliamentarians occupy a parliamentary seat on their own behalf, which is complete with all the perks that come with it and they often abandon their constituencies".

For most people, working in South Africa is the only source of income and livelihood (and this figure declined). This is shown by the ever-increasing numbers (over 10,000 Basotho men) who are regularly seen queuing at the recruiting agencies of the South Africa mines and farms with the anticipation and belief that they would be recruited (UNDP, 2002). Added to these figures are the increasing undocumented numbers of Basotho men who are regularly seen around the mining towns in South Africa with the hope of being employed (Poverty Reduction Strategy of Lesotho, 2004/5). Lesotho does not have any relevance for most people as far as their economic needs are concerned.

Despite the institutional re-arrangements (the electoral reforms and the depoliticisation of the military and the monarchy), these positive aspects have been undermined by the personal stakes that are associated with access to state power through politics. Lesotho's political parties also do not have policy documents beyond their constitutions and electoral manifestos. Their policy issues are combined in the party's constitutions and there are no clear policy guidelines to strengthen their electoral manifestos.

Most of the parties' attention is directed to maintaining their parliamentary seats rather than focusing on policy formulation and development to address the socio-economic challenges facing the country. Lesotho's population is slightly over 2 million, yet there are now over 20 political parties. Mokhele Likate, on 20 July 2002, the former Independent Electoral Commissioner (IEC) argued that

the number and size of political parties is a problem ... economically available opportunities are not too many in Lesotho ... politics is the

easily available avenue to making a living ... mushrooming of political parties is a reality ... there is a need for control and representation of political party formation ... three parties [are] enough ... there is a need for legislation on the issue (Interview on Radio Lesotho).

It remains reality that Lesotho has low levels of affluence, income inequalities are high, unemployment remains high, while HIV/Aids and poverty are also rampant and civil society is weak. It has been difficult for democracy to endure under these conditions. Furthermore, Lesotho faces the serious problem of 'brain drain' to South Africa. Makoa (1996:18) wrote that Basotho were transformed into a nation of migrants by the colonial administration, with limited direct economic links with their nation state. But apart from Chief Leabua Jonathan's authoritarian rule after 1970, South Africa seldom meddled in Lesotho's domestic politics since redemocratisation in 2003.

Lesotho does not have appropriate room to design its development plans as the result of its chronic economic dependence on South Africa. The question is: will Lesotho be able to attain its Vision 2020?¹²

Maybe Weisfelder articulated these problems best as long ago as 1992. He wrote that

during the early ninetieth century, Moshoeshoe I created his independent Kingdom as a refuge for people displaced by ... [*difaqane*]. But in the new South Africa, Lesotho's mountain fortress no longer provide[s] sanctuary. Instead, they, as well as the maloti currency named after them, and the concept of national sovereignty, increasingly symbolise the alienation of the Basotho from participation in a potentially better future [in south Africa](1992:655).

This means that the state autonomy has over the years, due to the dependency on the external sources of income eroded away. Lesotho remains weak on almost all

¹² Lesotho Vision 2020 is the long-term development strategy adopted in 2000. It focuses mainly on boosting economic development, the development of human resources, employment creation and poverty reduction.

Przeworski's (1996) and Leftwich's (2000) socio-economic variables, namely affluence, economic growth, inequality reduction and social cleavage. The same applies to civil society (Linz and Stepan, 1996) and middle class (Bratton and Van de Walle, 1997; and Barrington Moore, 1996).The positives- homogeneity and literacy rates are overshadowed. The lesson is that for democracy to endure, sufficient levels of the multivariate model must be in place.

CHAPTER SEVEN: CONCLUSION

7.1 Overview

The Kingdom of Lesotho has experienced considerable political instability since independence in 1966. Various democratic breakdowns occurred precipitated by various factors; of all Leftwich's conditions for survival, there are only two positive factors: the absence of ethnic divisions despite social cleavages and high literacy rates. The democratic regime inaugurated with the 1965 elections lasted until 1970 when the ruling party under Chief Leabua Jonathan declared the election results invalid and suspended the constitution. His single-party authoritarian rule lasted until 1986, when he was deposed in a military *coup*. This military regime lasted until 1991, when another *coup* took place, producing a new set of military rulers. A new (second) democratic regime was instituted in 1993, with elections for a democratic government. But then came election violence in 1998.

In 1998 the election result prompted a mutiny from the army and a military intervention led by South Africa and Botswana. Constitutional reforms followed and in 2002 democratic rule was re-launched a third time, when elections under a new set of electoral rules took place. The electoral reforms and adoption of MMP in the 2002 election managed to minimise political conflicts, despite confusion about the electoral system.

More parties were represented in parliament and in a more equitable way, which was a milestone considering the history of two-party domination since the 1965 elections. This was followed by period of relative peace and stability; legitimacy was partially restored as well as adherence to the rules of the game. Yet, time and again, policy restraint was not exercised by winning parties. At least, parliament became a legitimate institution once again.

The central question asked in this study is why Lesotho seems unable to consolidate democracy. We turn to theory for explanation. A case can be made that both

institutional and socio-economic factors obstructed the deepening of parliamentary democracy in Lesotho. Bratton and Van de Walle (1997), Leftwich (2000), Przeworski *et al.* (1996) and many others argue that the conditions for democratic consolidation are not only institutional but also socio-economic. Lesotho's case is different from other countries in the SADC region. It is much more vulnerable because of its poor functioning economy which shows that under poor socio-economic conditions, democracy is unlikely to survive.

The institutional factors identified in Lesotho include the monarchy, the military and electoral system. These have changed. The socio-economic issues, as suggested by the above authors, include factors such as affluence, growth, inequality reduction and civil society. Bratton and Van de Walle (1997) as well as Barrington Moore (1996) underline the role of the middle classes. This chapter begins with an assessment of the institutional factors: the monarchy, the military and the electoral system. It then concludes with an overview of the socio-economic conditions and attention is drawn to other conditions for consolidation.

7.2 The monarchy

The institution of the monarchy stems from the political leadership of Moshoeshoe I, who skilfully managed to unite and form his nation within the destructive wars of the 1820s known as *difaqane*. Moshoeshoe I was elevated by the people because of his leadership skills and wisdom. Moshoeshoe I was democratically inclined and depended on participatory methods of governance such as 'placing' (which also enabled him to centralise his control), *pitsos* and the *mafisa* system to consolidate his kingdom. These institutions for administration were able to establish a sense of belonging to and participation in a cohesive political community (Weisfelder, 1971). The key question is: in what way did the monarchy affect the breakdown of democracy in 1970 and 1998?

Lesotho's monarchy did not thrive under the British colonial rule. The British colonial administrators viewed it as a rival form of government. Policies were conspicuously designed to undermine its powers and streamlined it in the way the British desired. There were numerous legislative instruments such as Proclamation 2B of 1884, and

Proclamations No. 61 and No. 62 of 1938, which were intended to reduce monarchical powers and influence. Chiefs became colonial line functionaries rather than servants of the King.

In addition this loss of powers and political isolation, there were internal disputes between the “Sons of Moshoeshoe” over supremacy and this affected its capability as an effective administrative organ. Moshoeshoe I had four sons, of whom Letsie I was the oldest and the first in the royal lineage. But contestation for power with his junior brothers, Molapo and Masupha, resulted in divisions within the traditional authority. This competition for power between the “Sons of Moshoeshoe” became so rampant that it undermined prospects of reaching consensus on major issues.

Consequently, their subordinates (junior chiefs) took advantage of these internal power struggles amongst the “Sons of Moshoeshoe” to undermine their authority and pursued independent policies. The monarchy also had to compete with the British colonial administrators and was compelled to adapt to the changing economic environment as people no longer depended on it for survival. In addition to these fault lines within the traditional authority, societal divisions continued to form and deepen at a rapid pace as the result of the influence of various Christian denominations, migrant labour and voluntary associations – the foundations of civil society in Lesotho.

The erosion of monarchical powers was also aggravated by the emergence of modern political parties in the 1960s. These modern parties (the BCP and the BNP) did not recognise the supremacy of the monarchy over the democratically elected structures. It was only the MFP that strongly advocated the retention of executive powers for the monarchy- but it was always the smallest of these older parties, and to be sure was behind some military *coups* of later years.

Maqutu (1990) argues that what the colonial administration and the commoners-led political movements failed to totally root out from the society was the perception that many people still looked at the monarchy for guidance. Weisfelder (1997:25) similarly argues that Basotho groups believe that their identity and survival as a nation was

rooted in the monarchy. Maqutu (1990) and Weisfelder (1997) states that despite the monarchy's political isolation and decline of power under the colonial administration, people still regarded the monarchy as representing continuity in the tradition of self-determination.

I differ from Maqutu (1990) and Weisfelder (1997) that the monarchy still retained its special status as the symbol of unity amongst the population. Their arguments become questionable when a closer examination is made of the relative performance of the royalist-backed MFP in the following elections: 1965, 1970, 1993, 1998, 2002 and 2007. It performed relatively poor in the light of what these authors postulated, namely that most people still looked at the monarchy for guidance. This poor performance was an indication that the people's trust in the monarchy as an instrument of control and administration had eroded by the time electoral politics were established.

What is significant is that, because of the heroic battles that the institution of monarchy fought against the Boers and its political legacy of executive powers, it was unlikely that the monarchy would submit to the status of constitutional monarchy without a fight. King Moshoeshoe II, who was inaugurated in 1960, consistently resisted being relegated to the passive head of state of a parliamentary democracy.

King Moshoeshoe II continued to denounce the 1965 constitution in the post-independence period and demanded executive powers. It should be noted that while the monarchy declined considerably after the colonial interaction with the British, it still remained a key but a declining actor in the political landscape. The monarchy's contestation for executive powers suffered a blow as its royalist-backed political party (the MFP) fared poorly in the elections. Despite this setback, the monarchy continued to push for more executive powers and denounced the BNP government after the 1965 election. Was it strong enough to cause breakdowns?

As the result of this traditional rival contestation, Chief Leabua Jonathan, from the Molapo house, tried after his accession to power after the 1965 election in various ways to undermine the authority of King Moshoeshoe II from the Matsieng house (location of

the seat of royal power). He was determined to assert the suzerainty of Molapo house over the Matsieng royal house and to relegate it to a minor status.

But this was met with resistance from King Moshoeshoe II, who was seemingly not prepared to submit to the authority of Chief Leabua Jonathan. This traditional rivalry between the descendants of Moshoeshoe I placed the country in a precarious situation which contributed to the democratic breakdowns. This contestation for political power and supremacy reached a climax in 1970, when King Moshoeshoe II was exiled to Holland by Chief Leabua Jonathan after he had declared a state of emergency. Upon his return, the King was forced to submit to the authority of Chief Leabua Jonathan's government.

The restoration of executive powers to the monarchy was always a contentious issue in the 1965 constitution and its involvement in the military government was likely to result in future democratic problems. The monarchy even tried to impose its own system of democracy, but its position at the helm of state power was short-lived, for King Moshoeshoe II was again exiled to Britain in 1990 by the military government. Were monarchical powers now ready to exploit the military in their quest for power?

In the re-democratisation phase in the early 1990s, the old 1965 constitutional parliamentary democracy was retained. The monarchy and its supporters, backed by the military, tried to impose monarchical rule through a palace *coup* in 1994. In the 1998 electoral crisis the monarchy tried to canvass for the abolition of the 1965 constitution and demanded more constitutional powers. The monarchy supported the opposition cause against the LCD government in the events which almost precipitated a state of anarchy and civil war.

Heywood (2002:342) correctly points that the existence of a constitutional monarch often contributes towards the violation of democratic principles. Lesotho's monarchy had up to the 2002 elections never subscribed to its constitutional provisions. It can be argued that the monarchy has over the years been at the core of the country's

democratic breakdowns (1970 and 1998) and undermined efforts towards democratic consolidation.

It can also be argued that the successful depoliticisation of the monarchy only occurred after the Principal Chief of Matsieng, younger brother to King Letsie III, Chief Seeiso Mohato, was appointed to the diplomatic position of ambassador in Britain in September 2005. The continuing infighting between the Principal Chiefs further eroded the strength of the monarchy. This situation was aided by the continuing dismal performance of the royalist-backed MFP. The net result was that the parliamentary democratic order gained legitimacy at the expense of the monarchy. But other problems remained.

7.3 The military

In 1986 the military staged a *coup* that deposed Chief Leabua Jonathan after 16 years at the helm of state power. It also established a period of military dictatorship, which lasted until 1993. The military was an active actor in Lesotho politics often in pursuit of either a civilian autocracy (read Jonathan's rule) or even the monarchy. In 1970 it had backed the unconstitutional assumption of power by Chief Leabua Jonathan, who suspended the constitution, aborted the elections and instituted a period of civilian dictatorship. During its period in governance from 1986-1993, the military's interests in the domains of state power increased considerably. Despite its active withdrawal from state power in 1993, the military remained politically involved in the democratic landscape.

The military became a key factor in democratic breakdowns as its members indulged in violent confrontations in January 1994, destabilised the democratically elected governments and gave tacit support for the palace *coup* in August 1994. Various efforts backed by international and regional bodies to transform the military were undertaken in 1994. But these efforts came to a naught during the 1998 electoral crisis; the military directly assisted the opposition parties against the ruling LCD and staged a mutiny. It also merely observed acts of violence and intimidation as the breakdown of law and order became visible.

The Lesotho military did not therefore serve as custodians and guarantors of democratic rule, but became active political actors competing for state power. Successful depoliticisation occurred only after the 1998 political crisis. There were intensive retraining efforts of the military, which were led by South Africa and the regional body (SADC). There was a gradual phasing out of those senior military officers from service who were seen as political. The fruits of this military depoliticisation became evident after the 2007 elections. The military managed to halt opposition moves to render the country ungovernable. Perhaps the South African-led military intervention in 1998 was an eye opener that military intervention in politics could have dire consequences. Today the military is neutral. How it will respond to future crises will be crucial to the question of whether it is a force for the preservation of democracy. Unlike South Africa's implicit support for chief Jonathan's rule during the 1970's, South Africa never meddled through the military during the 1990's.

7.4 The electoral system

Lesotho adopted a Westminster-type constitution from its former colonial master, Britain, in 1965. It also opted for a constituency-based electoral system based on the FPTP principle. But the dependence on FPTP has throughout been a key issue that resulted in the democratic breakdowns. In the 1965 election it led to skewed parliamentary representation and the BNP became a minority government with less than 50% of the total vote. Even in the abortive 1970 elections, the skewed parliamentary representation was still evident.

In 1993 the BCP won all 65 constituencies with an overall 74,7 % of the vote. The BNP with 22,7% of votes did not get a seat in parliament. This was a recipe for protest. In 1998 the LCD won 79 seats with 60,7% but obtained 98,7% of the seats in parliament. Opposition parties with almost 40% of the votes had one constituency seat won by the BNP (Kadima, 1999). This might have been a perfectly free election, but the result was seen as grossly unfair.

It can be argued that the FPTP system disadvantaged those smaller parties with wide but unconcentrated support in given constituencies. This lack of representation in the national assembly by the losing parties impacted significantly on the country's democratic breakdowns, as losing parties refused to accept the election outcome and resorted to violence. There was a breakdown of the rules of the game; also of the rule of law.

But after the 1998 democratic crisis, electoral reforms were introduced and this led to the adoption of the MMP with a fixed number of 120 seats (80 FPTP + 40 PR). The adoption of these electoral reforms was followed by relative peace and the problem of recurrent political marginalisation was solved. Was this contentious matter now settled?

The 2007 elections were still contested under MMP. But it resulted in a new set of challenges. Opposition parties accused the IEC of unfairly allocating 40 PR seats. The grave problem of the Lesotho MMP system is the lack of understanding among electorate and politicians on how it works. This undermined the new-found legitimacy of parliament.

The Lesotho MMP system is also difficult to operationalise. This situation is further aggravated by the absence of clear guidelines on how the translation of votes into seats, especially for candidates under PR, has to be undertaken in cases where there are coalitions. The absence of constitutional provisions or legal explanations of how Lesotho's MMP system works resulted in different interpretations on how it is supposed to be operationalised. A well-intended new electoral system now threatened the legitimacy of democracy.

The most problematic issue confronting the Lesotho MMP system was for the IPA to retain a fixed number of 120 seats in parliament. The IPA, formed after the 1998 electoral crises, was vested with the powers to redesign an appropriate electoral system. This had the effect of making the National Assembly inflexible in terms of the quota. This is contrary to the German system (on which it was based), which is much more flexible in terms of the quota. If the size of the National Assembly had not been fixed, the problem of the allocation of PR seats could have been partially solved.

The skewed allocation of seats in Lesotho's National Assembly was influenced by the emergence of coalitions, which undermined everything that the MMP system was intended to address. Some people have argued that parties which did not participate in the constituency-based electoral ballot should not have been entitled to the *compensatory* seats on the PR ballot.

But there is no legal instrument prohibiting or stating how the allocation of seats should be done and the constitution is silent on this as well. These coalitions were not registered legally with the Lesotho Law Office. The blame cannot be directed at the Lesotho MMP system. Its inclusivity in terms of the allocation of seats was undermined by self-interested politicians who wanted to maximise their share in the allocation of PR seats.

The allocation of seats occurred in the form of a *parallel* system. Both the LCD and ABC benefited under FPTP and PR, despite the fact that they did not contest the PR seats. The allocation of seats does not represent an accurate picture of a *parallel* system. Neither the ABC nor the LCD appeared in the PR list. Also, the NIP appeared under FPTP in nine constituencies. Hence, they argued, this could not be accurately classified as a *parallel* system. It failed to compensate the losing parties and occurred in the form of *parallel* PR system.

Every democratic country has an electoral law that prescribes to particular electoral system. This law is supposed to define the clear terms of conduct of the elections. In this way "the constitution and the electoral law represent the social contract between the state and its people and, more especially, the manner in which they regulate the conduct of elections" (Blais, 1999:354).

But Lesotho electoral law is silent on numerous issues relating to the conduct of elections. It does not specify clearly that parties should submit their PR lists. Section 49 B (1) indicates that "a political party intending to contest an election may nominate candidates for election by proportional representation" (The Constitution of Lesotho, 1993:49). There is no legal instrument or constitutional provision that compels political parties to submit their PR or FPTP lists; they have the choice to either submit one list or

two lists, as they may see fit. This lack of clarity unfourtantely impacts negatively on the prospects not of free and fair elections in future but on stability after elections.

7.5 Socio-economic factors

Lesotho is a poor country. Most income comes from external sources, such as migrant remittances, foreign aid and SACU revenues. Przeworski *et al.* (1996) argue that democracies are “fragile”, based on the data for 1990, if their *per capita* incomes are lower than US\$1000. But *per capita* incomes that are more than US\$6000 make democracies impregnable. In 1990 Lesotho’s *per capita* income was US\$386. This was almost twelve times lower than the “impregnable” category of Przeworski and also more than half lower than the “fragile” category. Judged by Przeworskian standards, Lesotho is even today too poor to be democratic, but it was rated as “free” by Freedom House. Poor nations can therefore be free, but this is the exception.

Lesotho has high levels of inequality. It performs poorly when measured against some aspects of the HDI such as life expectancy, mortality rates and standards of living. Her ranking deteriorated from 78th in 1990 to 138th in 2007.

Lesotho’s civil society is also weak and divided. Lesotho’s civil society activities depend mainly on donor funding. Given the weakness of Lesotho’s civil society organisations, the level of political participation by the ordinary citizens has been minimal. The high literacy rates of 82% have not benefited Lesotho’s democracy in any meaningful way.

As a weak economy, Lesotho does not have a sizeable middle class. What could form the country’s middle class consists of the few people employed in the civil service, teachers, the police and the military, and in the weak and small private sector. This small middle class has not benefited Lesotho’s democracy in any significant way.

7.6 Other conditions for consolidation

Leftwich (2000) argued that legitimacy, adherence to the constitutional rules of the game and policy restraint by the winners were essential for democratic conditions. From the 1965 to the 2007 election, all the governments have always lacked legitimacy. This means that the losing parties have consistently refused to regard the victorious parties

as procedurally entitled to rule. The BNP as the main opposition party has over years (1993-2006) refused to recognise the victorious BCP and LCD as legitimate. Even after the reforms of the electoral model (2002 and 2007 elections), the losing parties still refused to recognise the LCD as the legitimate government. Opposition parties after 2007 election even went to an extent of appealing to the neighbouring South Africa not to recognise the LCD as the legitimate government. This shows that this condition as mentioned by Leftwich (2000) was not fulfilled in Lesotho.

In terms of policy restraint after the 1993, 1998, 2002 and 2007 elections, the victorious BCP and later LCD have always pursued highly contentious policies. These contentious policies threatened the major political stakeholders (political parties, the military and the monarchy) in the new democratic dispensation. For instance, the BCP and the LCD government's continuing stance by refering to both the monarchy and the military as the key enemies of democracy in Lesotho. The expulsion of the BNP inclined civil servants further showed the post-redemocratisation after 1993 governments pursued policies that were detrimental to the spirit of the rule of law. This is the politics of bad faith.

The continuing marginalisation of the PR MPS in the parliamentary debates by the LCD government after both the 2002 and 2007 elections shows that this did not augur well for democratic consolidation. This was worsened by the ruling LCD stance that PR MPs are not legitimate. This is also bad faith.

On the adherence to the constitutional rules of the game (after the 1993, 1998, 2002 and 2007 elections), the losing parties have always refused to accept the rules of the game. This is also bad faith. But the only difference came after the 1998 political crises (when reforms were introduced for the 2002 elections), when the military and the monarchy adhered to the rules of the game. These are positives that could work against breakdowns in future.

What should be noted is that though elections are essential for any democracy, they are not sufficient for democratic consolidation. Elections in Lesotho are only celebrated by the victorious parties. But the Basotho people apparently adhere to the principle that

elections are the only legitimate means of choosing their government (Makoa, 2002). This is contrary to the monarchy's and the military's earlier views about electoral democracy in the kingdom.

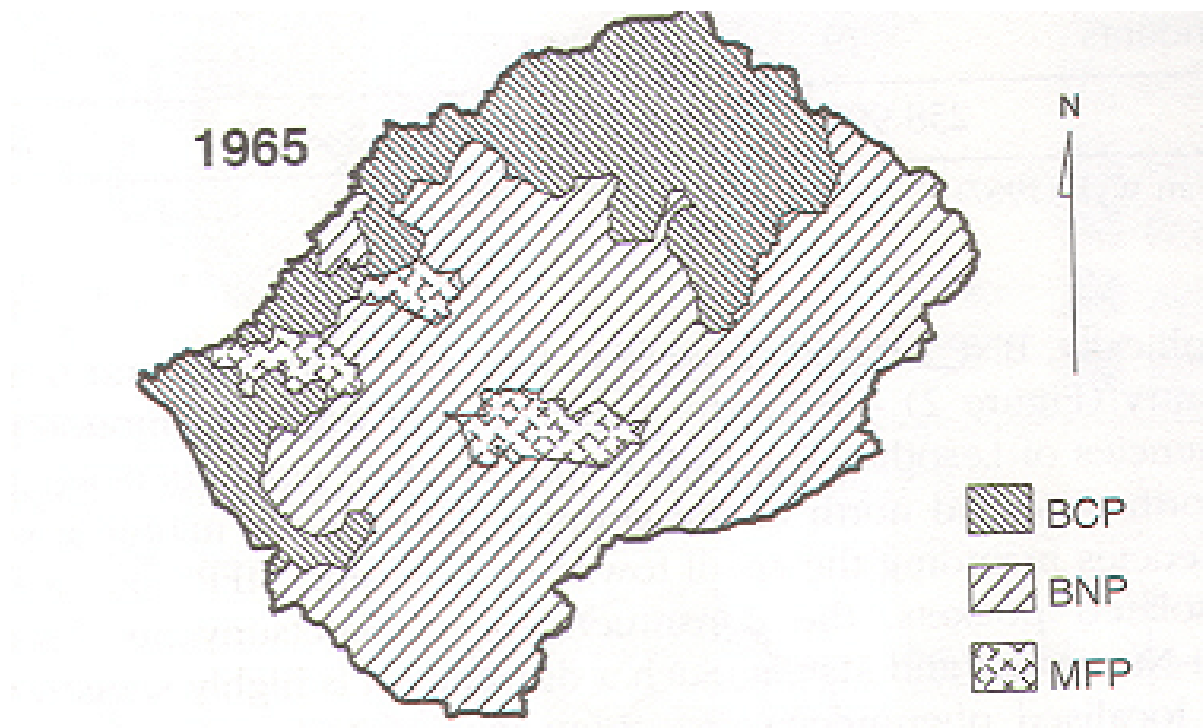
Given the depoliticisation efforts by the LCD government to the monarchy and the military (the retraining processes and the gradual phasing out of the political elements within the military), it is unlikely that Lesotho's democracy will consolidate in the foreseeable future. The major weakness in terms of Bratton and Van de Walle's multivariate model is not institutional any more, but socio-economics. It is worth noting that Lesotho is one of the few sub-Saharan with a fundamentally homogenous population. But this homogeneity (as in Swaziland) has not as yet promoted the prospects for democracy.

Lesotho's is a homogenous yet poor democracy. Its income base remains external. In a society that offers limited employment opportunities, the contestation for political positions is undertaken with passion and desperation. Moreover, institutional reforms have succeeded. But it is difficult to fashion electoral rules that are able to weaken the perception in Lesotho of politics as a winner-takes-all contest. It is evident that amongst the variables that were identified in Lesotho (the monarchy, the military and the socio-economic factors), that the socio-economic factors are much more important than the other identified factors. Certainly, with these problematic socio-economic conditions, despite institutional reforms, the prospects of democratic consolidation in Lesotho are low.

APPENDICES

Appendix One

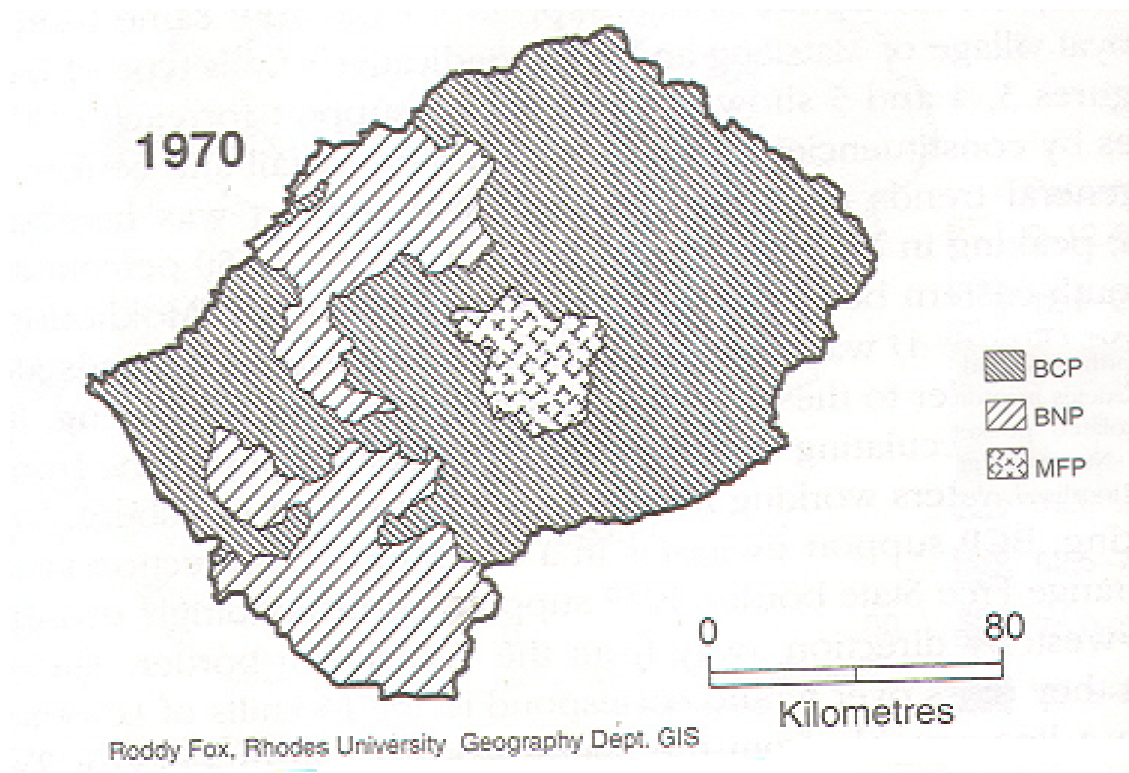
The performance of the BCP, BNP and MFP across the country.



Source: Fox, R (1995)

Appendix Two

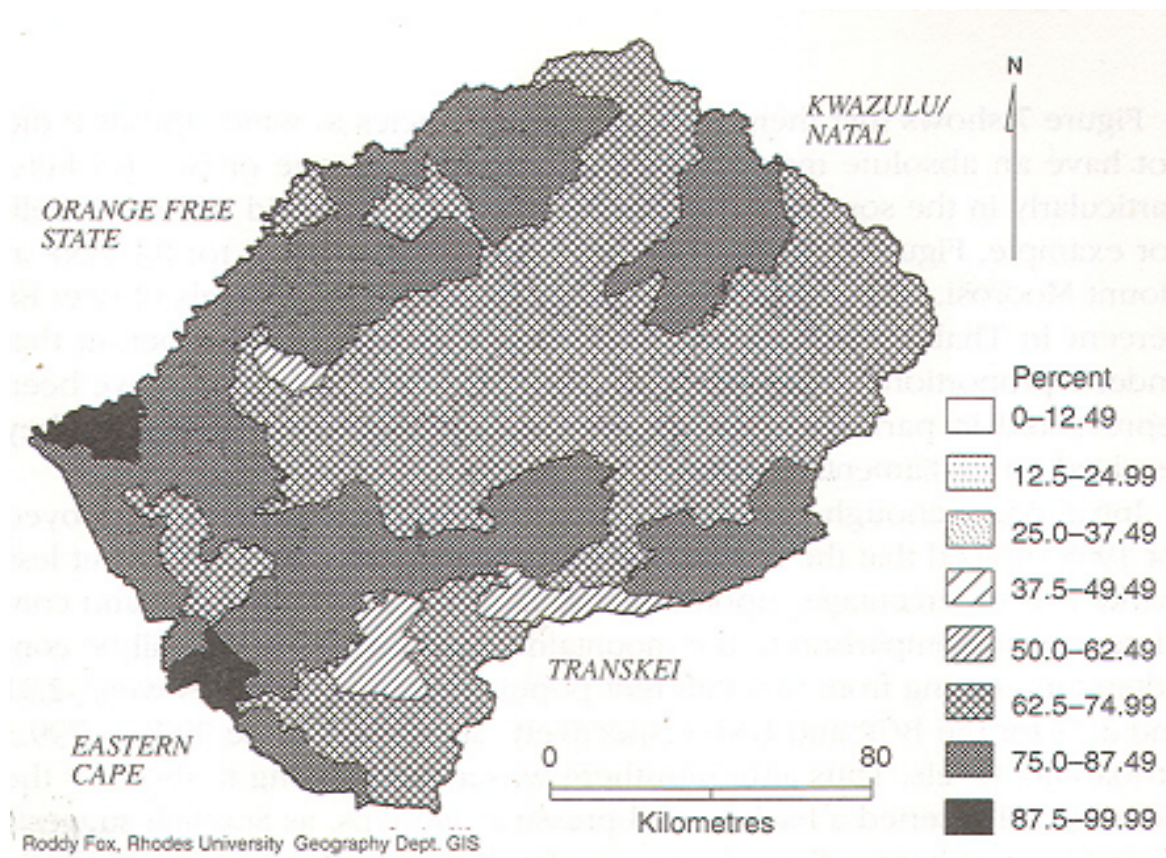
The performance of the BCP, BNP and MFP across the country.



Source: Fox, R (1995)

Appendix Three

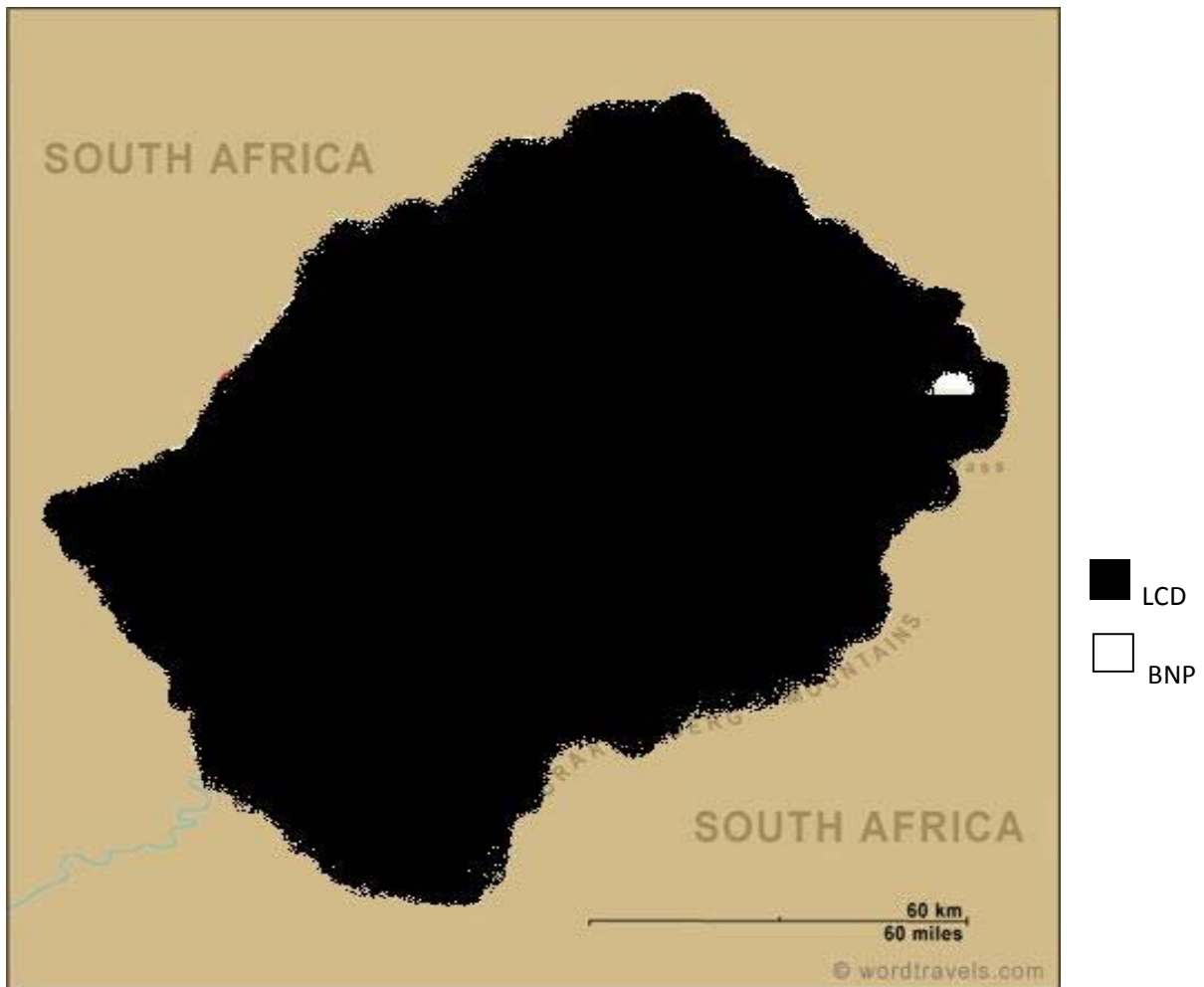
The BCP performance across the country in 1993 election



Source: Fox, R (1995)

Appendix Four

The LCD performance across the country in 1998 election



Source: Government of Lesotho (2002)

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