

DEMOCRACY IN LESOTHO: THEORY AND PRACTICE OF OPPOSITION

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DECLARATION

I, Refiloe Alphonse Mohapi declare that the copy of this half-thesis submitted by me in November, 2005, is my own work and that it has not previously been submitted at another University.

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ABSTRACT

Using theoretical insights from elsewhere, this thesis examines and explains Lesotho's opposition. It argues that the decline of single-member constituency and the rise of Mixed Member Proportionality (MMP) has weakened the prospects for a strong opposition in Lesotho; more parties in parliament have strengthened the hold of the ruling party. These parties cannot overturn the parliamentary decisions of the ruling Lesotho Congress for Democracy (LCD), which continues to win more than 90% of majority seats in successive elections. So, most bills and motions passed in parliament have support of the majority of the MPs of LCD. Opposition parties have little legislative impact in challenging the policies of government. Paradoxically, MPs of the LCD are often the only source of opposition in the country's parliament.

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GLOSSARY

ANC – African National Congress

BCP – Basotho Congress Party

BNP – Basotho National Party

CDU – Christlich Demokratische Union

CEO – Chief Executive Officer

EU – European Union

FDP – Freie Demokratische Partie

HBP – Hareeng Basotho Party

IEC – Independent Electoral Commission

IPA – Interim Political Authority

LCD – Lesotho Congress for Democracy

LDF – Lesotho Defense Force

LEP – Lesotho Education Party

LLA – Lesotho Liberation Army

LPC – Lesotho People's Congress

LP – Labour Party

MFP – Marematlou Freedom Party

MMP – Mixed Member Proportionality

MP – Member of Parliament

NLP – National Labour Party

OAU – Organisation of African Unity

OMI – Oblate of Mary Immaculate

PAC – Pan-African Congress

RLDF – Royal Lesotho Defense Force

SACP – South African Communist Party

SADCC – Southern African Development Coordination Community

SADC – Southern African Development Community

SDP – Sefate Democratic Party

SPD – Sozialdemokratische Partei Deutschlands

UDP – United Democratic Party

UN – United Nations

US – United States

CHAPTER 1

1. INTRODUCTION

1.1 Context

The 1966 birth of a Westminster-style parliamentary system in Lesotho was said to be a new dawn of organising political life among the Basotho nation¹. There was however a complex and perplexing misunderstanding between the new Basotho National Party (BNP) government and its opposition. As a result, political life in Lesotho came to be centred on notions of government and opposition².

Unlike Britain, where the monarchy enjoys ceremonial functions, in Lesotho the monarchy politicised its position by seeking executive powers in an independent Lesotho. Consequently, King Moshoeshoe II (Head of State at the time) became part of the political opposition. The King's campaign had the support of two parliamentary opposition parties – Basotho Congress Party (BCP) and Marematlou Freedom Party (MFP).

¹ The founder of the Basotho nation, King Moshoeshoe I (1786-1870), begins a history of pre-modern political rule in Lesotho. After the rule of Moshoeshoe I, the years that followed were marked by 96 years of colonial rule that ended in 1966 (Strom, 1978: 45).

² The British notion of government and opposition is essentially an interpretation of its party system. It is characterised by a relatively two-party competition. The practice exhibits one party as the ruling party and the other as opposition. The electoral system (single-member constituency or first-past-the-post) also contributes to the advantage of the two main parties. Hence it is a system of the winner takes all, with little advantage to minority parties. Indubitably, the British Labour and Conservative parties monopolise the role of government and main opposition. Both these parties have won more than 90% of parliamentary seats since the 1920s (Punnett, 1980: 103; 1987: 77-78). Similarly, the 1965 Lesotho election outcome encouraged a two-party system. Matlosa (1999a) remarks that both the BNP and BCP accounted for more than 90% of parliamentary seats. Out of 60 seats, 31 went to BNP, 25 to BCP, and 4 to MFP. The election was based on the first-past-the-post electoral model which Lesotho used.

Initially, the ruling BNP pronounced publicly that it would not compromise with both BCP and MFP on any national issue while opposition parties proposed that executive powers should be vested in the King. However, the BNP rejected the opposition's proposal. It argued that Lesotho's monarchy should enjoy ceremonial functions like the British (Weisfelder, 1974; Gill, 1993; Machobane, 2001).

This lack of national unity and compromise on the position of the monarchy in an independent Lesotho was detrimental to the future orderly running of the country. The BNP's disregard for the opposition was quite clear in the 1970 general election³. Taken together, these events were to lead to an authoritarian legacy in Lesotho and they complicated democratic reforms in the 1990s.

1.2 Objectives

This thesis sets out to offer both theoretical and empirical explorations of the British and German opposition models, with particular interest in how these models explain the case of opposition in Lesotho. While basic features of democratic political institutions in Lesotho – the socio-economic order (capitalist economy organised along market lines) and

³ When the BNP observed that the BCP had won the 1970 election, Prime Minister Leabua Jonathan pronounced the election outcome null and void, declared a state of emergency, and suspended the constitution (Bardill and Cobbe, 1985: 130-131).

the electoral system (first-past-the-post) – have been much explored in writings on foreign aid, migration from that country, elections and violence, little has been written on opposition, specifically from a comparative perspective. It is the aim of the thesis to examine opposition institutions in Lesotho, with the following objectives:-

- (a) to understand why the Lesotho's monarchy has been involved in party politics since 1966;
- (b) to find the rationale behind the common practice of opposition parties in forming alliances only when they adopt extra-parliamentary positions;
- (c) to analyse the driving force behind the opposition parties for abandoning extra-parliamentary practice after the 2002 general election and adopting a loyal position;
- (d) to point out the roles played by the ruling LCD and opposition in democratic consolidation; and
- (e) to identify the reasons why the LCD rejects extra-parliamentary opposition and a coalition government.

1.3 Method

The method which guides the thesis is *systematic comparison between countries*. Mair (1996: 310) views the method of systematic comparison as a criterion which deals with the characteristics of an institution that appears between countries. It identifies and explains the similarities and

the differences between countries, with an analytical emphasis on specific institutional phenomena.

The method of systematic comparison between countries positions opposition as an institutional unit of study. The British and German opposition models and their relationships to Lesotho boil down to the method of systematic comparison between countries. In this thesis, this method does not deal with opposition from a single country but a number of countries – Britain, Germany, and Lesotho.

1.4 Approach

The theoretical framework of the thesis is informed by *neo-institutionalism*. Peters (1998) views neo-institutionalism as an approach which examines institutions as specific units, and asks how such units differ in the composition of political systems.

Neo-institutionalism is used in this thesis to analyse opposition as an institutional unit, and shows how such a unit in both the British and German models unfolds in Lesotho.

1.5 Literature review

Mair's (1996) method of systematic comparison between countries, and Peters' (1998) approach of neo-institutionalism, are integral to the content of Comparative Politics. While Mair's method of systematic comparison between countries is based on the similarities and the differences that appear in institutions between countries, Peters' approach of neo-institutionalism explicates specific institutional units between political systems. The thesis employs these integral components of Comparative Politics with other sources such as Weisfelder (1974), Matlosa (1999) and Sekatle (1997). By so doing, the theoretical framework is used as a tool to understand the application of the British and German opposition models to opposition in Lesotho.

Lesotho is modelled on a constitutional monarchy with a Westminster-style parliamentary system of government⁴ (Strom, 1978). She is also an enclave of South Africa – being completely surrounded by the latter. Furthermore, Lesotho is a poor and underdeveloped country that cannot provide its people with the necessities of life, and depends on imports from South Africa (Spence, 1968). The country is thus inevitably circumscribed by its economic dependence on South Africa (Weisfelder,

⁴ For further discussion of Westminster-style parliamentary system of government see Johnson (1997) and Punnett (1980).

1974). These features of Lesotho's economic dependence on South Africa suggest that the country is politically not strictly independent.

Since independence, South Africa has influenced internal politics of Lesotho. Shortly after he came to power in 1965, Prime Minister Leabua Jonathan made clear that the BNP government disassociated itself from both the international community sanctions and the use of force against apartheid South Africa. He maintained that:

The economy of Lesotho, which is at a very low level...is closely associated with that of the Republic of South Africa and we cannot expose such a precarious economy to the dangers of economic sanctions (cited in Van Wyk, 1967: 55).

On the contrary, in a speech to the National Assembly, the BCP leader, Ntsu Mokhehle, argued that:

...our government so far...has not been able to acquire a philosophy of its own. A government without a political philosophy is like a ship or a plane without a compass. A nation like that is likely to be directed this and that way by the gentle breezes or the whirlwinds blowing from the countries that have a philosophy guiding their administration (cited in Weisfelder, 1974: 404).

Mokhehle felt that the gradual policies of the BNP to the domestic and the international status quo were disastrous, in that they would make Lesotho more dependent, subservient and vulnerable to the apartheid

philosophy of South Africa. According to the BCP, Jonathan's emphasis on the 'kingdom of the stomach' had trapped him in failure to provide long-term benefits for Lesotho (Weisfelder, 1974: 404).

In order to counter the BNP's policies, the BCP and MFP formed an alliance with King Moshoeshoe II. Their intention was to prevent the BNP from leading the country into independence unless executive powers were vested in the King (Machobane, 2001: 12). Following negotiations between King Moshoeshoe II, the government and the College of Chiefs, however, the King signed an agreement in which he agreed that he would not be involved in any political activity without the permission of government (Van Wyk, 1967: 47)

Lesotho's development efforts during the first five years of independence were limited. Besides the fact that South Africa's economic strength influenced internal politics in Lesotho, the BNP achieved very little in developing Lesotho. It concentrated hugely on pleasing neighbouring South Africa (Gill, 1993: 220). Being unable to pay attention to the political and economic affairs of the country, the BNP was defeated by the BCP in the 1970 general election. The BNP however annulled the election outcome and staged a coup (Weisfelder, 1974). According to Matlosa, the rationale behind the BNP's coup was that:

...the BNP disrupted and destabilised the political system in 1970 precisely because the party realised that the imminent BCP victory would lead to its exclusion from the system. This party, therefore, violated the rules of system only in order to hang on to state power. The ruling BNP (23 seats and 42 percent of votes cast) lost the election to the BCP (36 seats and 49.8 of votes cast) (Matlosa, 1999a: 69).

But according to Sekatle, Lesotho's political system, which was based on the first-past-the-post electoral model, did not exclude opposition parties.

She argues:

...that the electoral system [first-past-the-post] [does not] deliberately excludes certain section of the population. It did not do so in 1965 and 1970. In 1965 opposition parties were well represented in Parliament⁵. The 1970 elections would have also given a fair representation to opposition parties (cited in Kadima, 1999: 77).

The 1965 and 1970 elections produced a two-party system. Electoral competitiveness existed only between the BNP and the BCP. This competitiveness was destroyed by the coup of 1970 which resulted in authoritarian rule. Machobane (2001) states that the BNP's annulment of the 1970 election was followed by its authoritarian rule which lasted until 20th January, 1986, when the military overthrew the BNP government. By 1992 it was quite possible that democracy would finally return to Lesotho. The military abolished Order No 4 which prohibited political

⁵ The number of parliamentary seats in 1965 election was as follows: out of 60 seats, BNP obtained 31 seats, BCP 25 seats, and MFP 4 seats (Matlosa, 1999a).

parties from contesting for government. This was followed by the resumption of political parties campaigning for the 1993 democratic election.

Following the return of Lesotho's democracy in 1993, the exclusionist tendency of first-past-the-post produced the rise of a dominant party system. There was no opposition in parliament. The BCP won all parliamentary seats (Matlosa, 1999a: 70). As a result, the BNP launched extra-parliamentary opposition. It mobilised undisciplined elements in the army and the monarchy. These problems were followed by the military hostility towards the ruling BCP and the King's coup of August, 1994 (Ajulu, 2001).

The BCP government was reinstated by Southern African Development Community (SADC). The reinstatement of the BCP into government was however accompanied by fierce fighting within the party; a common disease of one-party governments with no opposition in parliament (Matlosa, 1999a: 70). There were legislative divisions within the BCP. These divisions culminated with the establishment of Lesotho Congress for Democracy (LCD) through a Vote of Confidence in the Prime Minister, Ntsu Mokhehle, and the BCP became the parliamentary opposition (Sekatle, 1997).

The legislative split within the BCP did not stop continuity of a dominant party system. The 1998 general election produced one opposition parliamentary seat that was won by the BNP. The opposition however alleged that the election was rigged by Independent Electoral Community (IEC) in favour of LCD. It mobilised undisciplined security forces and launched a protest at the Royal Palace, urging that King Letsie III should dissolve the alleged victory of the LCD and form a government of national unity which would prepare a new election. These problems were followed by conflicts within the army and major lootings in the capital of Lesotho, Maseru. Peace and stability in the country was reinforced by the intervention of South Africa and Botswana troops on behalf of SADC (Engel, 1999; Ajulu, 2001).

Following SADC resolution for the deployment of South Africa and Botswana troops to restore law and order in Lesotho, LCD continued to control and administer the country. The LCD and opposition parties agreed to the establishment of an Interim Political Authority (IPA). The IPA task was to review the first-past-the-post electoral model and to prepare for a new election. It supplemented the first-past-the-post with proportional representation (Homan and Happel, 1999: 74). Today, there are nine opposition parties represented in parliament through a system of proportional representation (Summary of Events in Lesotho, 2002). But

as it will be observed in the next chapters, these parties are fragmented. They cannot overturn the decisions of the ruling LCD. We turn now to an analysis of the sources used for literature review.

The sources focus on Comparative Politics, South Africa's economic and political influence in the internal affairs of Lesotho, the struggle of Lesotho's monarchy to gain executive powers, elections and party systems, parliamentary and extra-parliamentary opposition, and legislative factions.

While some works (Machobane, 2001; Spence, 1968; Strom, 1978; Van Wyk, 1967; Weisfelder, 1974) examine South Africa's influence on the internal politics of Lesotho, and the monarchy's struggle to gain executive powers, others (Ajulu, 2001; Engel, 1999; Homan and Happel, 1999) discuss election outcomes, and extra-parliamentary opposition. Beside these works, Matlosa (1999a) and Sekatle (1997) sources are exceptional. Matlosa (1999a) attributes extra-parliamentary opposition in Lesotho to the exclusionist tendency of the first-past-the-post system, but Sekatle (1997) does not agree with this position. In her view, opposition parties were well represented in the 1965 and 1970 elections. The new trend of a legitimate one-party rule, and violent oppositional resistance to

it, is a result of “...a legacy of the long history of BNP dictatorship” (cited in Kadima, 1999: 77).

Finally, all these works generally look at political institutions, with little attention to comparative opposition. The only exception is Sekatle’s (1997) discussion on comparative opposition and the establishment of LCD in 1997, with similarity to MacDonald’s formation of National Labour Party (NLP) in the British Parliament in 1931. Sekatle however fails to come up with a theoretical framework for comparative opposition at the legislative level.

The thesis differs from the above works in discussing comparative opposition at the legislative level. In fact, little attempt has been made by the majority of these works other than Sekatle’s, to explore legislative-comparative opposition.

1.6 Structure of thesis

The thesis is divided into four chapters. Chapter 1 is this Introduction.

Chapter 2 offers a theoretical analysis of comparative opposition, and compares Lesotho to the British and German oppositions. It suggests that Lesotho shares some characteristics with the British and German

oppositions. In relationship to the British opposition model, for instance, Lesotho legislatively recognises the notion of opposition with a capital ‘O’. Germany, on the other hand, shares some similarities with Lesotho – both countries constitutionally accept representation in parliament through the constituency system and proportional representation.

Chapter 3 traces the origins of the fragmentation of Lesotho’s opposition and analyses the implications of this for democratic reform. It argues that when Lesotho obtained independence, there existed a lack of political tolerance and compromise between government, opposition, and monarchy. These problems were to result in the abolishment of democracy in 1970 and were also the source of failure for democratic reforms in the 1990s.

Finally, chapter 4 constitutes a summary of all the chapters and suggests future prospects for Lesotho’s opposition.

CHAPTER 2

2. THE CONTENT OF COMPARISON AND OPPOSITION MODELS: THEORETICAL CONSIDERATIONS

This chapter addresses the substance, methods, and the various approaches of Comparative Politics. The main purpose of the chapter is to examine these main tenets of Comparative Politics, with particular interest in the British and German oppositions and their relationships with opposition in Lesotho.

2.1 Substance and method of Comparative Politics

Comparative Politics is a sub-discipline which is defined by both its *substance* and *method*. The substance of comparative politics consists of the study of foreign countries or a plurality of countries (Mair, 1996: 311). It involves the study of the institutions of countries. Lane and Ersson (1994: 6) locate the institutional substance of Comparative Politics at the microlevel, comprising units denoted by terms such as state, political system, and government. On the other hand, the comparative method is a methodology for the study of any kind of unit in politics (ibid). The comparative method is generally reduced to a twofold: *single country case-study* and *systematic comparison between countries*.

The first is the most common form of methodology in Comparative Politics. This is the study of countries usually in isolation from one another or what is often referred to as a single country case-study (Peters, 1998: 11). This method is especially followed in Anglo-American cultures, with different courses for teaching purposes being offered on individual countries which are incorporated in these courses (Mair, 1996: 309).

The second type of methodology is the systematic comparison between countries. This deals with the characteristics of an institution that appears in several countries. It identifies and explains the similarities and differences between countries, with an analytical emphasis on specific institutional phenomena. Thus it focuses on countries themselves as cases, and how the process unfolds in different settings (Peters, 1998: 13-14; Mair, 1996: 310).

2.2 Comparative Theory

The substance and methods of Comparative Politics need to be tested. In other words, the explanation of the unit of investigation between countries requires an instrument to interpret it properly – this is comparative Theory. In this thesis, the unit of the study is *opposition*. This unit is discussed in Section 2.3 and expanded in Chapter 3. The

concern now is to examine the Comparative Theory in order to build a theoretical base for what follows. For the purpose of this study, three types of comparative theory are examined: *institutionalism*, *developmentalism*, and *neo-institutionalism*.

2.2.1 Institutionalism

Institutionalism is an approach that embraces a state's *structures* and *activities*; it includes social structures such as family, school, and government. It can also incorporate abstract structures such as gender (Scott, 2001). On the other hand, the level of activity in institutionalisation generates "institutions". This "occurs whenever there is a reciprocal typification of habitualised actions by types of actors" (Berger and Luckmann, 1996: 54). The individual acts under normative systems, and focuses on norms, values, and obligations in accordance with the respective institutions in a democratic country. In simple terms, the individual acts out of duty or an awareness of what one is supposed to do in the democratic state (Scott, 2001: 56). Institutionalism has historical roots.

It can be traced from the historical evolution of the state out of the Greek polis and the origins of conciliarism⁶. The evolutionary sphere of historical institutionalism comprises specific benchmark events, struggles between church and state, between ecclesiastical and secular authority, over kingship and feudal barons, and the civil wars and revolutions which transformed the matter of individualism and social compact theories of authority – ranging from abstract principles to matters of life and death (Apter, 1996: 374-376). From this historical approach of institutionalism, to review the theme of institutionalism would amount to review a far too large proportion of both social and political thinking, a task that is clearly impossible. As such, this thesis will only give attention to contemporary issues.

In this form, institutionalism is concerned with the specific workings of political systems such as parliamentarism and presidentialism, parties and voting, committees and elections etc. Above all, it is concerned with democracy as a system of order with the centrality of choice. So, if order is one priority, choice is another. These two elements of democracy became standards for examining governments in institutionalism. For

⁶ The institutional approach is as old as political thinking. Plato's Republic or Aristotle's Politics are the first ancient works to introduce institutionalism. These famous philosophers studied the ancient Greek city-states constitutions with systematic and comparative institutional analysis. Conciliarism, on the other hand, was a reform movement in the 14th and 15th century Catholic Church. This movement was based on the principle of final authority in spiritual matters presided over by a general church council, not with the pope.

instance, the governments of England, the US and France were – after their revolutions – classified according to different scales of judgement. British parliamentarism was valued as a parliamentary system due to its stability which dates back to the 18th century; the US was regarded as the presidential system because of its choice (and localism); while the French system was judged as the unstable version of the former⁷. In this sense, governments and states could be judged by their distance from each other.

Some authors (Blondel, 1990; Finer, 1950) – argue that institutionalism must be measured by *citizen participation*, the *means and ends of government*, and the *comparisons between democracies and non-democracies*.

As the name implies, participation is interest in other aspects of politics – like transitions, or meetings and political parties, or media freedom. The combination of these aspects varies according to political systems. Regimes in the Third World as a rule have less democratic participation as well as less radicalism. The rich Western countries show high levels of participation and liberal government (Blondel, 1990: 25-32).

⁷ After their revolutions, the British power became vested in the Prime Minister; but France on the other hand vested its power in the President (Sartori, 1976). However, the legislative branch of both countries is bicameral.

In a state, two factors are seen as necessary to a complete act of the government, namely, to *resolve* and to *execute*. The resolving branch of government includes the political parties, the electorate, the legislature, the cabinet and chief of the state. The executive branch comprises the chief of the state, the cabinet, the civil service and the courts of justice (Finer, 1950: 109). Similarly, economic factors also represent the features of institutionalist tradition. As trade unions become more organised and, in association with political movements of many varieties, argued for greater political and equal participation, the dynamics of politics changed. These movements often challenge liberal principles with socialist and other ideological alternatives. Institutionalism also addresses issues of unemployment, the emergence of class politics, and negative social conditions. It also challenges monetary institutions and protests for the protection of radicalised political politics. In such practical politics, totalitarian alternatives – like communism or fascism – are questioned, and at stake is whether the possibility of parliamentary socialism is likely to evolve as the next stage to democracy (Apter, 1996: 378).

In overall, Apter argues that:

Institutionalists did not only study the workings of democracies or authoritarian alternatives in configural terms. They recognized that institutions “work” only insofar as they embody the values, norms, and principles of democracy itself. Hence institutionalism was never simply about mechanisms of governing but was also about how democratic principles were “institutionalized” (ibid).

This approach compares political systems and discusses how their properties proceed along institutional lines, with comparisons involving specific institutions, structures, processes, and perhaps groups of countries. Institutionalism is an approach that deals primarily with political systems and institutions, investigating regime types, institutional units (e.g. parties, constitutions, and economies), and their similarities or differences of comparative perspective.

2.2.2 Developmentalism

Unlike institutionalism, developmentalism is an approach that incorporates broad theories (modernisation and dependency theory for example) of societal change⁸. The developmental approach evolved

⁸ Modernisation theory is a historical product of the three major events in the post World War Two era. The first event is the rise of the US as a superpower and the Marshall Plan; the second represents the rise of the Soviet Union as a counterchallenge to the US; and the third involves the process of decolonisation in Africa and Asia as an outcome of the disintegration of the former European colonial empires. In a quest to avoid losing the new independent states to the Soviet Bloc, the US political elites encouraged their scientists to devise ways of promoting capitalist-political stability. The result was the publication of evolutionary theory (an approach that generally divides societies into primitive and advanced societies) and functionalist theory (an approach based on the conviction that societies tend to peace and stability, and any behaviour jeopardising these conditions is subject to punishment) (Rojas,

around the general optimism after World War II. It was nourished by the Cold War conflict and the political system differences between the Superpowers which were exploited by the Third World. The Superpowers were inclined to an ambiguous neutralism between the US and its allies and the Soviet Union which rejected democracy in favour of one-party state and personal rule, with more or less attraction to vaguely defined socialism (ibid).

The tension between the two Superpowers by the Third World was exploited into efforts at institution-building as well as decolonisation proceeded. The political problem for the West was how to combine decolonisation with devolution of powers democratically and so redirect colonised states as newly independent nations. The West hoped that democratic institutions would become the instruments of the state-in-becoming – a positive, development state. They reasoned that the attempt to introduce democracy to these countries and others would prevent the communist alternative of one-party state, proceeding directly to socialism (ibid). However, the development paradigm often obstructed political dependence in poor countries.

1996). In contrast to modernisation theory, Sunkel (1969: 23) argues that dependency theory is an explanation of economic development of a state in terms of the external influences (political, economic, and cultural) on national development policies. Similarly, Ferraro (1996: 3) points out that modernisation theory is associated with cultural bias. Modernisation theorists smear their discourse with ethnocentrism. They fail to recognise that the former colonies were not to be blamed for underdevelopment because they are the victims of colonial powers and imperialism had underdeveloped the Third World and impeded their development.

The West's insistence on democracy in the Third World was made more problematic by the absence of Third World independence which resulted in countries only mechanically imitating Western methods (Blomstrong and Hettene, 1984: 20). This state of political practice was neo-imperialist and hegemonic in that economic control was substituted for political control. Political economy shifted in the development paradigm which was interested in the differences between rich and poor countries (Apter, 1996: 380-384; Blomstrong and Hettene, 1984: 20).

2.2.3 Neo-institutionalism

This approach combines institutionalism with developmentalism by reflecting features of both approaches, and by critically analysing them. Peters (1998: 1) suggests that whereas institutionalism claimed that the formal structures and rules of presidential systems are significantly different from those of parliamentary systems, neo-institutionalism sets about trying to find out if the assumed differences do indeed exist. If so, it asks how these ways of organising political life differ, and what difference comprises the performance of the two systems. Apter (1996: 386) contends that where developmentalism emphasised the need for growth as a means to democracy, neo-institutionalism examines the way governments confront the negative consequences of growth – say the capitalist threat of job loss faced by marginal industrial workers.

Neo-institutionalism seeks to offer explanations for the reversal of the social welfare and social democratic state. It is therefore less constitutional than old institutionalism, and more inclined to economic analysis in so far as it focuses on fiscal and monetary issues and, more recently, on globalisation. It is also more concerned with locating changes in the legislative process, focusing on shifts in party politics (e.g. Thatcherism or Reaganism), and on the principles and practices of government, coalitions and so on (ibid: 386-389).

2.3 Unit of study

As was previously highlighted, *opposition* is the unit of the study for this thesis. Why is this important? The model of systematic comparison between countries and the neo-institutional approach self-selects opposition as the unit of the thesis for two reasons. First, the model of systematic comparison between countries aims at...“identifying, and eventually explaining, the differences or similarities between...[countries] with respect to the particular phenomenon which is being analyzed” (Mair, 1996: 310). The British and German opposition models and their analogies to the Lesotho opposition must be viewed as a systematic comparison between these countries. The model does not deal with one country alone but allows for a plurality of countries – Britain, Germany, and Lesotho. Secondly, within the context of neo-institutionalism,

opposition can be understood as the theoretical point of departure. Amongst the major issues that neo-institutionalism includes in its genus, it is also concerned with “locating changes in the legislative process” (Apter, 1996: 389). This is cardinal for a thesis which is concerned with how the British and German ways of institutionalising opposition at the legislative level can instruct Lesotho’s opposition. We turn now to the two comparative cases – the United Kingdom and Germany.

2.3.1 United Kingdom

The United Kingdom is a constitutional monarchy. The Head of State in the United Kingdom is a hereditary King or Queen. The King is also the head of the Church of England, and of the armed forces, and the fountainhead of justice. All actions of the government are carried out in the name of the Monarch, currently Queen Elizabeth II, who reigns but does not rule. Whenever she acts, she does so on the advice of the Prime Minister and her Ministers, who, as they are responsible to parliament, are subject to criticism from the opposition for the advice which they give to the Queen. The Head of State is however above criticism because the Ministers are answerable for her actions (Punnett, 1980).

The legislature in the United Kingdom is called Parliament or the National Assembly. It comprises two Houses, namely, the Upper House (the House of Lords) and the Lower House (the House of Commons). The members of the former are not elected by democratic vote but are appointed by Government. They include the royal princes (who do not take part in the debate of the Lords), Bishops, and the Law Lords, who do participate in the debate of the House. The House sitting consists only of the Lord Chancellor, former Lords Chancellor, and other peers who have held high judicial office and the Lords of Appeal in Ordinary. Members of the Upper House have limited powers, which only go as far as delaying to revise the bills coming from the Lower House. They do not therefore exercise any veto over the majority decisions of the House of Commons (Sartori, 1976: 185).

Both Houses constitute an exchange of what is usually parliamentary or presidential bicameralism (ibid). It is in both Houses that one can identify oppositions and their strategies and goals. Although the British Upper House represents opposition, and can thus delay the implementation of the decisions of the Lower House, a substantial input of opposition exists in the Lower House.

Arguably, the best known feature of the British model of opposition is to be found in the notion of “opposition with capital ‘O’”. This is understood to be the largest opposition party in the House of Commons, and is called ‘Her Majesty’s Opposition’ (Johnson, 1997: 487; Helms, 2004a: 26-27; Potter, 1966).

Like the Cabinet, the ‘Official Opposition’ is part of the conventional British constitution. According to the legislation or the rules of the House of Commons, however, the leader of the opposition has no official functions. The Rights, Privileges, and Duties of ‘Her Majesty’s Opposition’ have constitutional interpretation, with its mixture of descriptive and prescriptive elements, and cannot be resolved by recourse to the Courts of Law. So, leaders of opposition have the responsibility for not damaging the security of the state and other public interests in their criticism, and to keep themselves informed as potential advisers of the Queen. This provision of responsibility requires them to receive confidential government information. However, once they have received it, they are deemed to dispute with the government about the value of imparting it in a particular case. They sometimes refuse it, especially when it seems likely to be incompatible with the constitutional function of criticism (Potter, 1966: 13-15).

The British model of opposition includes the parliament-centredness of the constitutionally provided devices of political opposition and the highly specific character of opposition instruments within the parliamentary arena. It does not, however, have any veto or strong co-governing devices. The political provision of this condition is embedded in the British two-party system⁹. Its existence is a workable two-party system formed by a single-party majority government based on alternative terms (Helms, 2004a: 26-28).

Although the British opposition does not have any co-governing devices, one of its key weapons is a Vote of No Confidence in the Prime Minister.

In offering an example of this device in action, Punnett argues that:

In the House of Commons on March 28th 1979, a motion presented by the Leader of the Opposition that ‘This House has no confidence in Her Majesty’s Government’ was carried by 311 votes to 310. A Prime Minister whose government is defeated in a motion of no confidence either can resign and advise the Monarch to invite the Leader of the Opposition to attempt to form a government that will have the support of the House, or he can seek a dissolution of parliament in the hope that the electors will produce a

⁹ The British party system is described as a two-party competition. Traditionally, the Whigs and Tories competed for office in the eighteenth and early nineteenth centuries, and Liberal and Conservative parties in the twentieth century. Today, the Labour and Conservative parties monopolise the role of Government and main Opposition party. They account for over 90% of political party members in Britain. Both parties have also won more than 90% of parliamentary seats since the 1920s. For example, during the 1979 general election when there were more minor party candidates than ever before, the Labour and Conservative parties received 81% of the votes, and won 96% of the seats. The interpretation of the British party is thus characterised not by multi-party politics or by the dominance of a single-party, but by relatively two-party competition. This practice encourages a two-party system, with one party as the ruling party and the other as opposition. Indubitably, the electoral system (single-member constituency or first-past-the-post) also operates to the advantage of the two main parties (Punnett, 1980: 103; 1987: 77-78). Hence it is a system of the winner-takes-all. The system does not take the minority into account. Chapter 1 highlighted this point.

parliament that will sustain his government. The second of these options was by far the more attractive for James Callaghan following the March 28th vote, and accordingly on March 29th he went to Buckingham palace to advise the Queen to dissolve Parliament. Parliament...was...dissolved on April 7th...Polling day was on May 3rd, and with the Conservative...victory at the polls, Mrs Thatcher's Government came to office...(Punnett, 1980: 3-34).

The Prime Minister in Britain is at the mercy of the members of the House of Commons. He (or in Margaret Thatcher's case, she) is always obliged to maintain the support of the majority of MPs. Any failure to maintain their confidence creates opportunity for the opposition. So, a Vote of No Confidence in the Prime Minister is one of the main weapons of opposition at the legislative level. There is no absolute guarantee that any government coming into office does not carry the risk of being dissolved and defeated by the opposition. It is therefore imperative for the ruling party to always manage the stability of its majority MPs. Otherwise, the opposition would capitalise on the weak stability of the ruling party MPs, and bargain for governmental power, leading to a situation where government would face the possibility of being legitimately overthrown by the opposition.

Despite the advantage of the opposition to bargain in times of crossing the floors, Helms (2004a: 29-30) argues that there are possible party-system related problems in the British model. First, there is possibility of

one-party rule. This is because minority parties form the policy-making process, and thereby promote the existence of a hegemonic party that threatens to undermine the system's democratic legitimacy. Interestingly, dominant party systems or large and unchallenged governing majorities tend to produce bad politics. Secondly, there is the possibility of third parties gaining substantial proportions of the popular vote and so acquiring parliamentary seats. Strong performances of third parties may undermine the notion of an 'Official Opposition'. This is provided by special resources from either inside or outside the National Assembly. Although the 'Official Opposition' enjoys a lead in votes, if not in seats, over the numerous oppositions in the House of Commons, this has not basically turned out to be problematic in Britain. But in other countries, the strategy of the winner-takes-all may, at the level of opposition parties, develop into a substantial source of conflict, especially in countries with a less democratic tolerance than Britain (ibid: 29-30). This problem is discussed in the next chapter, when we focus on Lesotho.

2.3.2 Germany

Like Britain, Germany also has a Bicameral Parliament. The German Parliament is composed of the Upper House (Bundesrat) and the Lower House (Bundestag) (Sartori, 1976: 183). The executive branch of Government has two principal executive officials: the Federal President

and the Federal Chancellor. Both the President and the Chancellor are elected by the members of the Bundestag. The President serves as Head of State, whose signature is required for important government papers such as treaties with foreign countries. The President's signature, however, requires the countersignature of the Chancellor or the relevant Cabinet Minister. The Chancellor, on the other hand, acts as the operative head – the CEO – of the Federal Ministers (German Constitution, 1949: 12-14).

The German constitutional arrangements may also represent a fundamental model of institutionalising the opposition principle. Like the British, the German model is also based on parliament-centredness of institutional devices. While the British opposition does not exercise any major veto or co-governing devices, the German opposition parties have powerful co-governing devices (Helms, 2004a: 29). The peculiar character of the German model is attributed to its Mixed Member Proportionality (MMP) system – an electoral system which combines features of both majority (constituency) voting and proportional representation (party lists) (Johnson, 1997: 506).

Every voter has two votes in the German system – the first vote is for the candidates in constituencies; the second vote is for given party list. The candidate who secures a majority of votes in his/her constituency wins the parliamentary seat. The proportion of votes gained by a party determines how many representatives it is entitled to send to the Bundestag. Only parties securing at least 5 percent of the total vote or three direct (constituency) seats may participate in the allocation of these latter seats. If a party wins more, it is entitled to a greater proportion of seats (Helms, 2004b: 143).

The German opposition parties actively participate in the parliamentary agenda-setting process. A significant proportion of chairs in the Bundestag's standing committees require a two-thirds majority in order to be passed by the Council. The structure of the Bundestag favours a deliberative and consensual, rather than an adversarial, style of government/opposition relations. It has a strong veto-potential of the opposition parties at parliamentary divisions for any Constitutional Amendments and the constructive Vote of No Confidence (Helms, 2004a: 30). The German President is subject to scrutiny by opposition. This happens under the following provision:

Article 61. (1) The Bundestag or the Bundesrat may impeach the Federal President before the Federal Constitutional Court for willful violation of the Basic Law or any other Federal law...

(2) If the Federal Constitutional Court finds the Federal President guilty of a willful violation of the Basic Law or of another Federal Law it may declare him to have forfeited his office. After impeachment, it may issue an interim order preventing the Federal President from exercising the powers of his office (German Constitution, 1949: 14).

No case of impeachment has occurred, yet votes of no confidence in the Chancellor have. But constitutionally, this can take place under two provisions:

Article 67. (1) The Bundestag can express its lack of confidence in the Federal Chancellor only by electing a successor by the majority of its members and by requesting the Federal President to dismiss the Federal Chancellor. The Federal President must comply with the request and appoint the person elected.

Article 68. (1) If a motion of the Federal Chancellor for a vote of no confidence is not assented to by the majority of the members of the Bundestag, the Federal President may, upon the proposal of the Federal Chancellor, dissolve the Bundestag within twenty-one days. The right to dissolve lapses as soon as the Bundestag by the majority of its members elects another Federal Chancellor (ibid: 15).

This dissolution or confidence that appear in the provisions of the German Constitution is clearly clarified if one examines the Vote of No Confidence which the Bundestag exercised against Chancellor Helmut Schmidt on 1st October, 1982, and the Vote of Confidence in Chancellor Gerhard Schroder on 16th November, 2001.

In the first case, Schmidt was voted out of office in favour of Helmut Kohl. The exercise marked the end of the then ruling SPD-FDP coalition, and the beginning of Kohl's ruling CDU-FDP coalition. The SPD-FDP Bundestag majority was dissolved, and followed by the new CDU-FDP bundestag majority (Wikipedia, 2004). But this parliamentary oppositional incident is not the same as the second, the Schroder case.

On 16th November 2001 the Bundestag cast 336 votes out of 662 in favour of the Chancellor and 326 against. There were no abstentions. Chancellor Schroder therefore won the support of the majority of the Bundestag (Federal Government, 2001) and, unlike Schmidt's government, Schroder's government was not dissolved.

Apart from the opposition's involvement in the Bundestag, another important weapon of the opposition parties is its role of the Bundesrat, the Republic's Second Chamber. It represents primarily the state government, and not a given state's population. Its members are appointed by the state, rather than being elected; they are in effect the delegates of the state governments. Demographics determine the number of seats a state may have in the Bundesrat, and each state has to cast its vote as a bloc vote (Helms, 2004a: 31).

The Bundesrat has the power to veto any bill passed by the Bundestag. However, some regulations, *zustimmungsgesetze* (approval bills), require the explicit approval of the Bundesrat. Today, 60 percent of all bills count as approval bills. For its part, the Bundestag may overrule vetoes on other bills. However, even if a bill does not fall into the category of approval bills, if the Bundesrat blocks a decision by a two-thirds majority, the Bundestag has to overturn this veto with an equivalent

majority. Moreover, bills requiring changes to the Constitution require the support of a two-thirds majority of the Bundesrat. In addition, a group of one-third of the members of the Bundestag may veto any law that they regard as a threat to the Basic Law before the Constitutional Court. This practice is called abstract norm control. It is a procedure which is premised on the idea that the question of a law's validity may be purely conjectural and need not have been exercised in the course of a legal dispute. Opposition parties initiate most votes which fall under this category. Initially, this opposition strategy has a strong impact on the parliamentary decision-making process. It provides parliamentary opposition parties with a vital institutional opportunity. Actually, the threat of blocking a bill in the Bundesrat or invoking the Constitutional Court increases the willingness of government to seriously take into account the opposition's stance on a given legislative project (ibid: 31-32).

The German model has both advantages and disadvantages. Among the former is the high degree of political and social integration of the opposition forces which has been effectively secured even during extended terms of the same parties in office. In practice, a significant proportion of legislative key decisions have emerged from intense negotiations between government and opposition, including key

components of major programmatic agenda. The costs of this legislative decision-making strategy are almost too obvious to require any detailed description. What is gained at the level of legislative quality and social integration is, perhaps, paid for in terms of policy innovation, especially with regard to transparency and accountability. There is ample evidence that the strong co-governing needed from the opposition may seriously limit the government's capacity to act. This happens when the government fails to fulfil targets such as anti-corruption policy, and is thereby taken into critical hostage by the opposition (ibid).

2.3.3 Lesotho

Although geographically distant, Lesotho has both similarities and differences with her British and German counterparts. As in Britain, some authors (Spence, 1968: 41-42; Gill, 1993: 214) maintain that Lesotho is a Constitutional Monarchy. All Lesotho government actions are carried out in the name of the King. Whenever the King acts on public issues, he does so on the advice of the Prime Minister. However, the Monarch is a 'living symbol of national unity' or a ceremonial figure, with no executive or legislative powers.

Lesotho also bears a resemblance to both the British and German bicameral parliaments; it has both an Upper House (Senate) and a Lower House (Assembly). The Upper House is composed of 22 Principal Chiefs and 11 Members appointed by the ruling party; it is similar to the British House of Lords in that it can delay, but not obstruct, the decisions of the Lower House; nor can it exercise any legislative powers. Like the British House of Commons, therefore, only the Lower House can.

Following the constituency-based system which Lesotho inherited from Britain in 1965, and supplemented in 1998 with proportional representation, Lesotho today use a system akin to the German (MMP) – the Lesotho Lower House includes 80 seats obtained from constituency votes, and a further 40 from proportional representation.

The role of opposition in Lesotho is however both complex and perplexing. First, although the Lesotho's King is not legally entitled to exercise any executive powers, the King has since independence sought to attain such powers by entering politics as the opposition. Wiseman (1996: 145-146) argues that the King has at times suspended the constitution and enforced a state of emergency; after which he has announced that he has overthrown the democratically elected government – this was the case with the ruling BCP in 1994. This action was a legacy

of the monarchy's participation in politics - it has had a bearing on Lesotho's trends of party system.

Secondly, with the collapse of the two-party system (between the BNP and BCP) after the first BNP term which began in 1965, and followed by 16 years of Prime Minister Leabua Jonathan's authoritarian rule, the return of democracy in Lesotho has produced a dominant party system¹⁰. Wiseman (ibid) points out that the 1993 general election outcome gave the BCP a landslide victory and subjected opposition parties to no parliamentary representation. This election result had unprecedented consequences.

¹⁰ A dominant party system is a model of political competitiveness in which one party is characterised by a majority of seats in parliament. Sartori (1976: 195-196) views the dominance of a single party as a system which belongs to the area of pluralism. It is characterised by the condition in which one party manages to win, over time, an absolute majority of seats in parliament. However, this does not necessarily mean that the majority party is able to win all votes. It is rather that it shares the national vote with other parties but obtains the majority of seats. Yet it can cease, at any moment, to be predominant. When this happens, either the pattern is soon re-established or the system changes its nature. That is to say, it ceases to be predominant party system (ibid). The dominant party "...must dominate the electorate, other political parties, the formation of governments, and the public policy agenda" (Pempel, 1990: 4). In contrast to Sartori, Pempel does not claim that the dominance of a party requires an absolute majority of seats or consecutive majorities. Rather, he stipulates that one party is dominant over a substantial period of time, whereby the condition of dominance is relaxed to the requirement that the ruling party wins plurality which is large enough to enable it to stay in government and execute its policies (Bogaards, 2000: 166). A dominant party system is often mistakenly identified with a one-party system, as if both have the same meaning. But this is not the case. Huntington (1968: 419) argues that a dominant party system is differentiated from a one-party system in that: while the former allows for a plurality of parties to contest for election and governmental power, the later is essentially a party system in which a form of government is characterised by a single political party. One-party systems may have two dimensions, namely (1) the banning of all parties, except the one in power and (2) recognition of other parties as long as they submit themselves to the party in power by functioning as no opposition. In the mid-twentieth century, one-party systems included, for example, communist states and most of the African states of the South of the Sahara.

In an election based on the first-past-the-post system, in 1993 the BCP secured all parliamentary seats, although it obtained only three-quarters of the vote. Although the election was judged as free and fair, the outcome was unfortunate. There was no parliamentary opposition to engage the government in dialogue. The extra-parliamentary opposition had little commitment to a democratic process which excluded them from representation. As a result, the main opposition party (BNP) had no interest in anything approximating to the role of 'Loyal Opposition'. It was however suspected of involvement in both the military revolt of January 1994 and the King's coup of August in the same year (ibid). In addition to these immediate issues, Ajulu (2002: 64-65) suggests that the most intense factor in Third World countries like Lesotho is the struggle of politicians for access to the wealth of the state. The peripheralisation of marginalised states and a declining resource base within the world economic system has redefined relations between rich and poor.

This is not the case in developed countries such as Britain and Germany where resources are fairly distributed to all citizens. So, Lesotho's weak economy is an obstacle to political freedom, democracy and a functioning opposition. This was proved by events between 1993 and 1998.

The implications of lack of parliamentary opposition in 1993, and the struggle of the politicians for access to the state as a means to accumulate resources, were evident in 1997 and again in 1998.

Mahao (1999: 17) suggests that, in 1997, a faction within the ruling BCP tried to depose Prime Minister Ntsu Mokhehle. Mokhehle defected from the BCP and formed LCD as the new ruling party. The BCP became a new parliamentary opposition. These events provided an opportunity for disgruntled elements within the BCP to link both with the BNP and the security forces in a plot that had been ongoing since mid-1997. Both BNP and BCP wanted to postpone the May 1998 election, and set up a government of national unity.

Surely, one would have expected that the BCP's split would occur since there was only opposition within the ruling party. There was no Loyal Opposition to counter the decisions of the BCP. Later, in the 1998 general election, the first-past-the-post yielded continuity of a dominant party system. The BNP however secured only one seat "out of the now 80 parliamentary seats" (Southall, 1999a: 22), introducing what might be referred to as 'One Man Opposition'. This new type of opposition had no impact in containing extra-parliamentary opposition; instead, it inflamed it. Agreeing with this, Matlosa (1999b) maintains that the BNP

challenged the election outcome, mobilised a number of opposition parties, monarchy and some elements in the army, created anarchy, and looted major towns in the country.

Following the resolution of the SADC Troika, which forms the regional body for politics, defence and security, the application of the German MMP in Lesotho abounds with an inclusive parliament that incorporates a number of parties. However, the dominant party system continues to rise rather than decline. This does not result in any improvement for opposition; like in 1998, the outcome of the 2002 general election gave only one opposition party (LPC) constituency seat in parliament.

Out of sympathy, the ruling LCD sacrificed all seats for proportional representation to opposition parties; otherwise, there would be few parliamentary opposition parties in Lesotho. Moreover, the Vote of No Confidence in the Prime Minister, one of the main key instruments of opposition, has only been within the ruling party as was the case with BCP in 1997 and LCD in 2001.

This point further substantiates the argument that despite electoral reforms, Lesotho is currently continuing to unfold a dominant party system. The more than 90% majority seats of the ruling party make it a

dominant and hegemonic party. Opposition parties therefore lack a significant impact in opposing any bill or motion to be passed, or in overrunning the proposals of the government.

CHAPTER 3

3. EMPIRICAL OPPOSITION PERSPECTIVES IN LESOTHO: FROM INDEPENDENCE TO CONTEMPORARY DEVELOPMENTS

The last chapter was an attempt to assess the main theoretical tenets of the thesis. These are the substance, methods, and the various approaches of Comparative Politics. This chapter explores Lesotho's empirical opposition from a comparative perspective. It traces opposition developments in the country from independence to the current democratic era by focusing on elections and party systems. Both these shape the kind of opposition a country enjoys. In Lesotho, these point to the decline of a two-party system and the rise of a dominant party system.

3.1 The 1965 general election and its aftermath: the King, BCP, and MFP in opposition

The 1965 election campaign was strongly contested between BNP and BCP. The campaign between these parties centred on their manifestos (Southall, 1999b: 145). The BCP canvassed against imperialism and exploitation, promising the electorate that it would reshape Basotho society by reviving pre-colonial egalitarian patterns (e.g. communal land tenure) and doing away with autocratic tendencies (e.g. the purchasing of land). The BCP argued that colonialism had corrupted the chiefs,

especially the Paramount Chief¹¹. The BCP's campaign also included the liberation of Africa, particularly Southern Africa¹². Here, the expectation was that the African would reclaim the return of his conquered land after a century of colonialism (Machobane, 2001). The BCP promised the electorate that it would engage the UN to negotiate with South Africa for the return of the "Conquered Land" – the Free State (one of the provinces in democratic South Africa). This campaign was portrayed in the party's slogan, *The Return of the Conquered Land* (Thamae, 2004).

The BNP, for its part, canvassed for preserving chieftainship and the churches against the BCP's radical secularism and its "communist" allies¹³. The BNP also campaigned for a stable Lesotho based on a good

¹¹ The BCP owes its heritage to Lekhotla la Bafo. This organisation adopted a dialectical view of societal change. It saw Chiefs as traitors of the common Mosotho man. The Lekhotla la Bafo contended that the Chiefs collaborated with the British colonialists in Lesotho to subvert the traditional democratic institutions of the country, and had forfeited the trust of the common man. It saw Christian missionaries along with the British colonialists as destroyers of the Basotho customs. It particularly criticised the Roman Catholic Church for accepting gifts of land from the Paramount Chief, Griffith Seeiso. This political strategy towards independence was adhered to by the BCP (Strom, 1978). For an elaborate study of Lekhotla la Bafo see Edgar (1986).

¹² During the Cold War, Southern Africa was a centre of fierce competition and strategising. It was conceptualised as one of the Zones of competition between the West and East (Tuathail, 1998: 51). Insurrection, wars of independence and black-white conflict posed new dangers and hence disease, poverty, and famine racked the whole region. This turbulence engulfed most of African countries in the wake of independence. Worth mentioning at this point is the fact that prior to the downfall of Portugal's dictatorship, in 1974, American and Western European policy was premised on Henry Kissinger's presupposition for Southern Africa that "white rule is there to stay". Against this claim, white rule not only collapsed in Angola and Mozambique, which were considered to have embraced Marxist ideology, but also shook apartheid South Africa and the entire Southern African region (Gavshon, 1981: 28).

¹³ The BCP had relations with communist China. It was funded by China. "The Party's atheistic attitude and its attacks on the Roman Catholic Church, not only alarmed the voters but resulted in active hostility on the part of the churches...Archbishop of Lesotho, the Rev. Emmanuel Mabathoana...described [BCP] as an enemy of the Church which had openly declared its intention of fighting against the church" (Van Wyk, 1967: 38).

and close relationship with South Africa. It was, however, opposed to South Africa's policy of apartheid. The BNP leader, Leabua Jonathan, urged that the electorate should "think of their stomachs" as a reminder of their close links with South Africa (Spence, 1968: 44). The BNP's campaign therefore avoided confrontation with South Africa, arguing that it would be suicidal for Lesotho to confront South Africa. For example, South Africa controlled Lesotho's imports and provided more than 100 000 jobs for Lesotho's citizens (Machobane, 2001: 215). This campaign was summarised in the party's slogan, *Defeat of Problems* (Thamae, 2004).

As is clear, the BCP and BNP campaigns revolved around South Africa's future influence in independent Lesotho. Three factors made South Africa the subject of concern within both the BCP and BNP. First, Lesotho is inevitably circumscribed by its economic dependence on South Africa. Secondly, independent pan-African states such as Ghana were hostile towards South Africa's policy of apartheid. Thirdly, South Africa wanted to incorporate Lesotho into its territory. As a result, the BCP and BNP saw South Africa as a point of departure for their campaigns (Spence, 1968).

Kotsoane (1969: 135) points out that in the 1960s, the BNP based its relationship with South Africa on a policy of pragmatism. This policy was premised on the assumption that, given Lesotho's economic and geographical position, it would be futile for the country to adopt an aggressive and hostile attitude towards South Africa. Lesotho's survival as a sovereign state depended on its ability to maintain cordial relations with its neighbour, and to actively pursue a stable environment for imports.

There was nothing wrong with the pragmatic element of maintaining cordial relations with South Africa (Machobane, 2001). "Lesotho's reluctance to adopt a hostile stance towards South Africa is a matter of survival and not a condonation of apartheid" (Kotsoane, 1969: 135). What was naïve about this policy, however, was its implicit assumption that South Africa would actively help Lesotho to develop. The formulators of this policy seriously misread South Africa's intentions and the true nature of the dependency relationship between the two states. The paramount aim of South Africa has been always to incorporate Lesotho, and to use the British colonialists, missionaries, and chiefs to attain this target (Spence, 1968).

In order to fulfil its supposed objective, South Africa supported the BNP's campaign. This support was no surprise to the BCP. The BNP's social basis was dominated by conservative groups, which included the Roman Catholic Church and the Chiefs, especially the Paramount Chief. South Africa welcomed this attitude, eventually forging ties with the BNP's leader, Leabua Jonathan. Pretoria offered him electoral support in the 1965 election. South Africa allowed the BNP to be the only party permitted to canvass support in South African mines, where most Basotho men and hence the largest proportion of the employed electorate worked. In addition, South Africa's then Prime Minister, H.F. Verwoerd, provided material aid in the form of a helicopter and Land Rovers to Jonathan in order for him to access remote mountain villages in his election campaign, and grain to distribute among the BNP members (Khaketla, 1971: 31).

This support disadvantaged the BCP. Its anti-colonialist and African leanings gained it hostility from established authority; especially subordinate chiefs, missionaries, and neighbouring South Africa. An outspoken clerical enemy of the BCP was the Oblate of Mary Immaculate (OMI), an order of the Catholic Church which was well known for its criticism of communism (ibid: 46). The BCP however had never been communist, as the conservative thinking in the 1960s alleged.

Independent Pan-African states and African nationalist movements were equated with communism. This communist branding and image of the BCP continued even after the party's leader, Ntsu Mokhehle, broke ranks with the African National Congress (ANC), and shared solidarity with the Pan-African Congress (PAC) in 1959. One of the problems the BCP had with the ANC was its ties to communists. As Mokhehle put it: "...the South African Communist Party [SACP] was out to cripple African nationalism" (cited in Leeman, 1985: 105).

The BCP also strongly opposed Lesotho's incorporation into South Africa. The second section of the 1952 BCP Manifesto denounced the South African plan of incorporation, then listed the most objectionable features of Union society, and finally criticised the administration's intentions towards Malan's demand (ibid: 71). This document gained widespread popularity when it sharply criticised South Africa's intentions. It helped the BCP to gain power in the 1950s. This was demonstrated by its overwhelming victory in the local government election of 1960, which was the first step leading to the country's independence (Weisfelder, 1972: 14-21).

However, the conservative support for the BNP's campaign led to the BCP defeat in the 1965 general election (Van Wyk, 1967: 38-39). The BNP's victory however encountered fundamental problems. Among the BNP's major problems, the main one – as we have seen – was the support of opposition parties (BCP and MFP) for the King to be accorded executive powers.

Authors such as Weisfelder (1974: 404-421), Sanders (2000: 108-111) and Machobane (2001: 9-17) have suggested that King Moshoeshoe II and opposition parties (BCP and MFP) strongly opposed Britain's decision to lead the country to independence under the BNP, which had won the 1965 pre-independence election with a small minority.

The monarchy's opposition to political independence was motivated by Royalist politics. King Moshoeshoe II demanded that the executive role should be vested in him due to his traditional background (Machobane, 2001: 12-13). The demand entailed no political risk to himself. He did not propose to stand for election, though he wanted the executive powers to be under his control. Given the moment, his claim was unreasonable. He was demanding a very powerful role which, in effect, would make him a de facto ruler of Lesotho. The BCP and MFP might have been

aware of this point. However, both parties ignored it. They regarded the monarchy as a political game for their own interests.

The BCP, especially in the 1950s and early 1960s, was opposed to chiefs, particularly the institution of the Paramount Chief. It argued that the institution was outdated and that it had been collaborationist during the colonial rule. Both B. M. Khaketla of MFP and Ntsu Mokhehle of BCP were members of the Constitutional Review Commission of the early 1960s, and both had emphasised that the public had supported a purely constitutional and ceremonial role for the King¹⁴ (Weisfelder, 1972: 67).

After independence, when the King wanted an executive role, the BCP and MFP moved to support him. Both parties defied a government ban on a meeting at Thaba-Bosiu which was to be addressed by Moshoeshe II. But when police fired on the crowd and subsequent events led to violence, opposition leaders, and King Moshoeshe II, mobilised their supporters for a political campaign. Eventually, the King was forced to submit to the government, understanding that his role was to be only constitutional and ceremonial. For their part, the BCP and MFP

¹⁴ Royal affiliation marks the most distinctive feature of the MFP. This party agitates for the carving of an executive role of the monarchy in an independent Lesotho (Weisfelder, 1999: 47). But surprisingly, the MFP changed its policy of supporting the struggle of the monarchy for executive power to a purely ceremonial role. It might have been that the MFP was convinced that the BCP would win the 1965 election. Unfortunately, the BCP failed to win the election because of the conservative groups' vigilant support for the BNP. "From its inception, the BNP..[had support for]..informational and organisational resources..[from the Catholic Church]" (Weisfelder, 1972: 61).

continued to work within the established constitutional limits. This position provided a legal defence for their leaders against charges of incitement to public violence and allowed them to intensify parliamentary resistance to the BNP's policies¹⁵. The BCP and MFP regarded charges against their leaders as unconstitutional because, the opposition leaders were promoting the legitimate right of the monarchy to exercise executive powers (Machobane, 2001: 12-17).

This reversal of the pre-independence position can be regarded as political posturing and rank opportunism on an important issue in the political life of the country. Its long term effects however divided the nation.

Weisfelder (1974) utilises a comparative frame to contrast Botswana and Lesotho on the monarchy's political problem prior to independence. In Botswana, when its monarch married a white woman and disagreements

¹⁵ The BNP was faced with a new experience of government and its opposition. It felt embarrassed when opposition criticised its policies. It made clear that it would not tolerate any possibility of compromise with the opposition. Guided by this policy, the government panicked and initiated policies which were detrimental to development in the country. One of the first detrimental effects was the abolition of development councils at the District level in 1967. The government doubted their allegiance to the BCP and, instead of seeing them as vehicles through which development could be fostered, it judged them as part of its enemy (Gill, 1993: 219). Thus a negative development was engrained in Lesotho's politics by the BNP's abolishment of grass roots political participation. This created a vacuum to development at the local government. There was no proper distinction between political party allegiance and government. To digress a little, this pure disregard of the local government institution and the implicit reasoning that it could be set up and abolished at will if it does not serve the ruling party's interests is damning. It is a dangerous trend in the polity, manifesting lack of respect for political institutions, and hence in 1970 the government had no qualms in suspending the Constitution, disregarding the judiciary, shutting the Parliament, and announcing that it had started dictatorial rule.

arose between the traditionalists and the King's supporters, the matter was amicably handled. Sir Seretse Khama backed down to satisfy the traditionalists and relinquished his birth right. He entered the political arena directly, and eventually became president. In Lesotho, the position of the monarchy has never been resolved however. As a result, politicians use the institution when it suits them. Not surprisingly, this basic lack of national unity on matters of constitutional importance to the orderly running of the country was to have serious implications for democratic reforms in the 1990s.

3.2 The 1993 general election: extra-parliamentary opposition and the King

As in the 1965 general election, party competition for the 1993 general election was still between BCP and BNP (Southall, 1999b: 145). While each party's campaign in 1965 was largely about South Africa's political and economic influence in Lesotho, in 1993 the campaign was clouded by an atmosphere of revenge and defence.

The BCP's campaign looked advantageous. It judged the BNP on the basis of popular discontent for Lesotho's unhappy history since independence (ibid). Eventually, the BCP contented that the BNP's policies had the disastrous effects of making Lesotho more dependent,

subservient, and vulnerable to South Africa; they failed to provide commensurable long-term benefits for Lesotho (Thamae, 2004). The BCP also believed that the BNP had stolen the 1970 election. In addition, it identified the BNP with the excesses of military rule. It further criticised the election of Retsilisitsoe Sekhonyana as the BNP leader; succeeding Leabua Jonathan, who had died in 1986. Sekhonyana was implicated in the misappropriation of funds under Major General Metsing Lekhanya's military rule (1986-1990). Although he succeeded to avoid a defamation case, much mud stuck to the BNP. Lekhanya's public appearance as a BNP candidate in the Thaba-Moea constituency did not improve the party's image (Southall, 1999b: 145-149). Indeed, even members of the BNP were not satisfied with Lekhanya as an active BNP card-carrying member; they argued that he toppled a BNP government in 1986. However, Lekhanya's close friendship with Sekhonyana gave him connections to the party's Executive Committee, eventually becoming the BNP candidate in the Thaba-Moea constituency. Lekhanya also became the BNP leader in 1999 as a result of the death of Retsilisitsoe in 1998 (Thamae, 2004).

While these issues suggested that the BNP was on the defensive in its campaign, they did provide the opportunity for the electorate to pass its verdict on the BNP at the polls. When the election date (27th March,

1993) arrived, the majority of voters imposed a heavy punishment on the BNP for having subjected the country to authoritarianism. The BCP won all 65 parliamentary seats (Southall, 1999b: 145-149). However, the BCP was again confronted with the authoritarian tendencies of the BNP. The BNP used the forces¹⁶ it had recruited and trained during its authoritarian rule to destabilise a democratically elected BCP government. It also questioned the legitimacy of the electoral process and the elected BCP government (Ajulu, 2001: 54).

The poll produced a stunning and astonishing victory: the BCP obtained 75% of votes cast; the other contestants secured a total of 25% of votes, and not a single parliamentary seat. Even the BNP, which had obtained a total of 23% of votes cast, was denied representation in parliament by the first-past-the-post system (Matlosa, 2001: 11). The BNP carried its protest against the election outcome to the Courts of Law, but failed to prove that the election was unconstitutional (Sekatle, 1995).

These efforts were misdirected however since the problem was not fraud or rigging, but the exclusionist tendency of the first-past-the-post system. So, the BNP should have focused its dissatisfaction on the electoral

¹⁶ “The BCP inherited a civil service, an army, a police and intelligence services which had been recruited and trained by the BNP” (Ajulu, 2001: 54).

system. Unfortunately, it chose to resort to extra-parliamentary practices (Matlosa, 2001: 11).

The BNP justified its support for the Royal Lesotho Defense Force (RLDF) by claiming that the BCP military wing, Lesotho Liberation Army (LLA), was a threat to the stability of the defense force. It hinted that the BCP government might be maintaining the LLA as a possible counter-force loyal to the ruling party. Despite Prime Minister Ntsu Mokhehle's assurance that the BCP had disbanded its military wing, the BNP went on to claim that the government was transferring LLA cadres to a private company, Security Lesotho. The BNP intensified this propaganda during a public rally in Maseru on 13th November, 1993 (Matlosa, 1995: 122). The BNP leader, Retsilisitsoe Sekhonyana, made the following announcement:

It is surprising that the Prime Minister Dr Ntsu Mokhehle earlier announced publicly that 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 teeth, government just watches with folded arms. If the RLDF is afraid of LLA we, the BNP members, will fight until we are all killed if need be...(cited in Matlosa, 1995: 122).

Matlosa (1995: 123) observes that the BCP government response to the BNP's propaganda was effectively carried out by the Information Minister, Mpho Malie. This Minister had cautioned the BNP:

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 is mainly to instil fear on Basotho in order to disrupt peace...These people, we know, were bitter with the BCP landslide victory during the elections and were defeated in court while contesting the elections outcomes. Government, therefore appeals to Basotho people to stay calm and disassociate themselves from instigation by opportunities (Cited in Matlosa, 1995: 123).

This reply was followed by a meeting between soldiers of Ratjomose and Makoanyane Barracks on the night of 10th January, 1994. The soldiers demanded a 100% pay rise and grants for other allowances. The army chief Makhula Mosakeng submitted these demands to the Prime Minister Ntsu Mokhehle an unsigned letter from the RLDF. Prime Minister Mokhehle rejected the army's request. He argued that salary reviews for all public servants, including the army, would be carried out at the appropriate time (Matlosa, 1995: 124).

This tense situation suggests how difficult government and opposition could be placed after a general election. Things deteriorated shortly when factions of the RLDF turned on each other. This lasted for a week. Beside the fact that the main issue was a 100% pay rise, the confrontation also

reflected disagreements within the armed forces as to whether to accept, or to reject, the legitimacy of the BCP government. These events precipitated external intervention by the Commonwealth, Organisation of African Union (OAU), and Southern African Coordination Conference (SADCC). The result was a Task Force composed of Foreign Ministers from Botswana, South Africa, and Zimbabwe. The role of this Task Force was to monitor, investigate, and suggest possible solutions to the situation in the country by reporting its findings to the Presidents of Botswana, South Africa, and Zimbabwe during a scheduled visit to Lesotho on 11th – 12th February, 1994. The Task Force came to the conclusion that LDF needed to be restructured into “a single, united, and disciplined force” (Matlosa and Pule, 2002: 10). This recommendation was however followed by a wild-military response.

On 14th April, 1994, the Deputy Prime Minister and Minister of Finance, Selometsi Baholo was assassinated. Hours later, four Cabinet Ministers (Kelebone Maope, Professor Pakalitha Mosisili, Monyane Moleleki, and Shakhane Mokhehle) were abducted, held briefly, and released. In an attempt to calm the situation, the government addressed the issue of pay increase for soldiers. The army received a 66% increase; the police 42%, and other allowances were also improved. A Commission of Inquiry was established to investigate events that took place between 1993 and April

1994. The Commission was expected to give a report on 1st October, 1994, but it failed to do so because of the events which ensued in the next four months (ibid: 10-11).

Despite the BNP's extra-parliamentary actions against the BCP, which were also championed by the army, Pherudi and Barnard (2001: 80) point out that the BCP faced the issue of whether or not to reinstate King Moshoeshoe II to his position as Head of Government¹⁷. Prime Minister Mokhehle's government reacted by instituting a Commission of Inquiry into the activities of the King prior to his exile.

The King responded by challenging the authority of the Commission as null and void. The former military ruler, Major General Metsing Lekhanya, who had deposed the King, refused to appear before the Commission. The ruling monarch, King Letsie III, also showed his dissatisfaction with the government's decision by writing a letter to the Prime Minister in which, he disassociated himself from the Commission, and protested that he had not been consulted (Matlosa, 1995: 132).

¹⁷ In 1990 King Moshoeshoe II was deposed into exile in Britain after a struggle for executive power with the military (Machobane, 2001: 112-123).

With the opposition's expectation of the establishment of the Commission to investigate King Moshoeshoe II, the Royalist cause was now openly championed by both the Principal Chiefs and MFP. Eventually, King Letsie III went beyond his earlier statements by calling for the reinstatement of his father as the ruling Monarch. The BNP also supported these demands of King Letsie III. On 15th August, 1994, Sekhonyana and Lekhanya joined the Principal Chiefs and led a procession of some three thousand followers to the Royal Palace, where they presented a petition to King Letsie III. This called for the reinstatement of King Moshoeshoe II; the dissolution of the BCP's government; and asked for a government of national unity which would prepare for a fresh election (ibid). Consequently, King Letsie III overthrew the government on 17th August, 1994 (Ajulu, 2001: 54).

Two factors made the 1994 Royal coup confusing. First, Pherudi and Barnard (2001: 81) argue that the Lesotho civil society protested at the Royal Palace against the King's coup. They denounced and condemned the coup, arguing that they had decided through the 1993 election that the BCP should rule them. They also maintained that no one had the right to nullify their decision other than through another general election (ibid). Secondly, the Constitution of Lesotho protects the King from any legal suit against him:

Article 50. (1) Whilst any person holds the office of King, he shall be entitled to immunity from suit and legal process in any civil cause in respect of all things done or omitted to be done by him in his private capacity and to immunity from criminal proceedings in respect of all things done or omitted to be done by him either in his official capacity or in his private capacity (The Constitution of Lesotho, 1993: 33).

The popular protest against the King's coup was legal, according to the following provision:

Article 1. (1) Lesotho shall be a sovereign democratic kingdom (ibid: 1).

The people's protest was consistent with the Constitution. They were right to claim that the King was wrong to overthrow the democratically elected BCP government. Obviously, the King also remains immune from any civil cause or criminal proceedings. He cannot be charged. This weakness of the Constitution of Lesotho resembles that of Britain. In both countries, the Monarch is immune from criminal proceedings. The difference between the two countries is that, the British Monarchy has not yet committed a coup. The Lesotho case, on the other hand, reveals a legislative confusion; it covers the legislative rights of the King – e.g.

immunity from criminal proceedings, and the rights of the electorate – e.g. to protest against unconstitutional overthrow of a democratic government. These problems are substantiated by another provision:

Article 2. This Constitution is the supreme law of Lesotho and if any other law is inconsistent with this Constitution, that other law shall, to the extent of the inconsistency, be void (ibid:1).

The Constitution of Lesotho does not specify the conditions in which another law may be inconsistent with it, and therefore be judged as void. These Articles of the Constitution and their subsections are ambiguous. It is difficult to come to a conclusion that the peoples' protest against the King's coup was legislatively illegal, or that the King's coup was constitutional. The people have the right to protest for democratic rule. However, the King also remains immune from criminal proceedings either in his personal or official capacity.

Given these loopholes within the Constitution of Lesotho, "The US, EU, and the former regional organisation, SADCC, had to interfere. They suggested a review of the Constitution and also threatened the King's de facto government with sanctions" (Thamae, 2004). As a result, King Letsie III reinstated the BCP government on 14th September, 1994. (Engel, 1999: 496). Thereafter, he relinquished his position as Head of

State. This was followed by the reinstatement of his father, King Moshoeshoe II as Head of State (Matlosa, 1995). However, King Moshoeshoe II died in a car accident in 1996. His son, King Letsie III, took the position of the Head of State (Thamae, 2004). These events were followed by the BCP's split which resulted in the formation of a new party.

3.3 Legislative factions within the BCP: the birth of LCD

In 1997 the BCP was divided by a struggle for succession to the ailing Prime Minister Ntsu Mokhehle. The party split into two legislative factions: the *Maporesha* (Pressure Group) supported Molapo Qhobela, the deputy leader of the party, and the *Majelathoko* (Conservatives) backed the Prime Minister's brother, Shakhane Mokhehle (Southall and Fox, 1999: 675). A study of this split requires a retrospective understanding of factionalism within the BCP, which culminated with the establishment of LCD.

The roots of the BCP's factionalism is composed of, among others, S. S. Matete and B. M. Khaketla, who formed MFP in the late 1950s, and in the early 1960s "Charles Dube Mofeli...[who established]...United Democratic Party – UDP..." (Sekatle, 1997: 80).

In the 1970s there were also factions and power struggles within the BCP. After G. Ramoreboli and P. Chaolana joined Prime Minister Leabua Jonathan's Interim National Assembly in 1973, while in exile in Botswana in 1974, Tsiliso Makhakhe became a member of the Executive Committee to replace Ramoreboli. In 1976 the struggle for power within the exiled BCP factions led to a split. The pro-Makhakhe group claimed to have expelled Ntsu Mokhehle from the position of party leader, and appointed Makhakhe as a new leader of the BCP. However, after the fall of the BNP government in 1986, attempts were made prior to the 1993 general election to reconcile the different factions. A truce was made between the former exiled factions (the pro-Makhakhe and pro-Mokhehle) and the Ramoreboli faction. However, Ramoreboli, Chaolana, and Khasu walked out of the BCP Annual Conference of January 1992. The Ramoreboli faction filed an application to the High Court, charging that the Conference proceedings should be declared null and void, because the delegations from South Africa's Provinces (Orange Free State and Transvaal) were unconstitutional. Their application failed and, they left the BCP and formed Hareeng Basotho Party (HBP), which was dissolved into BCP in 1997 after the latter's split (ibid: 80-81).

As the 1993 election date drew closer, divisions within the BCP intensified. At this stage, it was clear that succession was the root of the problem. Confrontation emerged between Maporesha and Majelathoko. The former group announced that its role was to act as a think tank for the party; being responsible for consolidating the BCP Manifesto. The Maporesha was however viewed with suspicion by the Majelathoko. It was seen as sceptical because it did not work within the established party's structures (ibid). The Maporesha's mission statement declared:

We believe our role should be clearly stated to avoid misunderstanding and misrepresentation. We do not form part of the party structures as outlined by the party constitution, but we are a pressure group or an arm of the executive committee through which the said committee can propose ideas, analyse them and disseminate information to the general populace. The life of the group should be limited to the point where the party is revived and is in motion... (cited in Pule, 1999: 5).

In the midst of these factions within the BCP, Prime Minister Mokhehle censored the Maporesha group. He wrote a letter to all constituencies about the need to have a Deputy Prime Minister in government. Molapo Qhobela, Mokhehle's deputy in the BCP, was expected to fill the portfolio of Deputy Prime Minister. But this expectation was flawed. Selometsi Baholo became the Deputy Prime Minister (Sekatle, 1997: 81-82). Unfortunately, as we have noted, Baholo was killed by military personnel in 1994. Sekatle (ibid) maintains that Baholo was replaced by

Pakalitha Mosisili and not by Qhobela, who only continued to hold the position of deputy leader in the party. These changes were followed by an increased continuity of the BCP factions.

During the BCP Annual Conference of December 1993, a pro-Maporesha group Executive Committee was elected. Among others, it included Molapo Qhobela, Tsiliso Makhakhe, Ntsukunyane Mphanya, and Sekoala Toloane. It replaced the Majelathoko Executive Committee which was led by Shakhane Mokhehle. However, in the Annual Conference of March 1996, the Majelathoko group was elected into the Executive Committee of the BCP. Also included in the new Executive Committee was the Deputy Prime Minister Pakalitha Mosisili (*ibid*), who had now emerged as head of the Majelathoko faction (Southall and Fox, 1999: 675).

These events were followed by the expulsion from Cabinet of four of the Maporesha leaders – Qhobela, Makhakhe, Mphanya, and Toloane – and the resignation of two other Ministers – Khauhelo Ralitapole and Moeketsi Senaoana. The Prime Minister, Ntsu Mokhehle, then announced to the members of the BCP that they should distance themselves from the ousted Cabinet Ministers. Despite their expulsion from the Cabinet, the Maporesha group instituted legal proceedings in the

High Court, charging the BCP Annual Conference of March 1996 as being null and void (Pule, 1999: 6).

Following many court rulings between these factions, Prime Minister Mokhehle opted for the unconventional option of leaving the BCP. He broke from the BCP with a majority in parliament and formed a new party, LCD. He told his supporters that he would soon retire from politics on account of his ill-health. Mosisili soon succeeded him as a party leader. “However, in order to secure the succession, Mokhehle remained as prime minister in order to lead the LCD into the general election he called for May 1998” (Southall and Fox, 1999: 675).

The establishment of the LCD sent shock waves and confusion among its opponents. The BCP and some opposition parties¹⁸ formed an alliance to oppose the ruling LCD. The anti-LCD’s alliance was formed to force the Prime Minister to resign. It staged a march on 16th June, 1997, imploring the King to dismiss the Prime Minister and dissolve parliament and organise a new election. The protest failed to materialise; the people of Lesotho ignored the call and continued with their business as usual (Sekatle, 1997: 69-70).

¹⁸ These parties were BNP, MFP, UDP, HBP, LP, LEP, and SDP (Sekatle, 1997: 70). In 1998 these parties formed the Setlamo Alliance.

The anti-Mokhehle alliance misconstrued the formation of the LCD. Prime Minister Mokhehle formed the LCD under parliamentary democracy. Representation under Lesotho's parliamentary democracy depends on neither a trustee theory nor a delegate theory. The trustee is free to ignore the voter's views; he/she does so at his/her peril. The delegate, on the other hand, is bound to reflect the wishes of those who elected him/her (ibid: 71-72).

The establishment of the LCD was implemented under a constituency system. All candidates under this system are free to vote against the proposals that have been made by their own political parties, or to vote with a different party. This is done through the practice of Crossing of the Floor. Prime Minister Mokhehle's support for the establishment of the LCD as a ruling party became real when 40 of the 65 members of the parliament passed a motion of confidence in him (ibid: 75). The establishment of the LCD as a ruling party was in accordance with the Constitution of Lesotho. Prorogation and dissolution of Parliament after the Crossing of the Floor is done by the King in collaboration with the Prime Minister provided that:

Section 83 (4) (a) if the Prime Minister recommends a dissolution and the King considers that the Government of Lesotho can be

carried on without a dissolution and that a dissolution would not be in the interests of Lesotho, he may, acting in accordance with the advice of the Council of State, refuse to dissolve Parliament;

(b) if the National Assembly passes a resolution of no confidence in the Government of Lesotho and the Prime Minister does not within three days thereafter either resign or advise a dissolution the King may, acting in accordance with the advice of the Council of State, dissolve Parliament; and

(c) if the office of the Prime Minister is vacant and the King considers that there is no prospect of his being able within a reasonable time to find a person who is the leader of a political party or a coalition of political parties that will command the support of a majority of the members of the National Assembly, he may, acting in accordance with the advice of the Council of State, dissolve Parliament (The Constitution of Lesotho, 1993: 51).

The King did not dissolve the National Assembly because Prime Minister Ntsu Mokhehle had the majority of MPs who showed confidence in him. A similar incident resembling the BCP's Crossing of the Floor occurred in Britain under Ramsay MacDonald's Labour Government.

In 1931 King George V was involved in a constitutional and political crisis following the fall of the MacDonald's Labour Government and the establishment of the National Government. The Labour Government was unable to come up with proposals for measures to be taken in dealing with the economic crisis. As a result, MacDonald took the government's resignation to the King. There was no party which had an overall majority in House of Commons – there was no clear alternative party to form a government. Meanwhile, a dissolution seemed impossible because of the economic crisis. The King summoned the party leaders (MacDonald, Baldwin, and Lord Samuel). These leaders mandated MacDonald to form a National Government. MacDonald had the support of the Conservatives and some Liberals and only three former Labour Ministers and a handful of Labour MPs followed him (Punnett, 1987: 294-295).

MacDonald and other members of the Labour Party who supported the National Government were expelled from the party following the decision. He responded to his expulsion from the Labour Party by forming a new party, NLP. As a result, a motion of confidence in MacDonald was exercised. MPs had to show their confidence in MacDonald or not. MacDonald gained the support of 471 Conservative MPs as against a mere 52 Labour MPs. Further, 35 National or Simuelite

Liberals also showed confidence in MacDonald. MacDonald was also supported by the Tories 202 seats, mostly from the Labour Party, which lost 215 seats, 182 to the Conservatives. MacDonald's NLP formed a coalition government with the parties that supported him (Lenman, 1992: 134-139).

The above case is similar to Prime Minister Ntsu Mokhehle's decision to form a new political party and cross the floor with a majority of the MPs. The advice of opposition parties to the King that he should have dissolved the parliament and formed an interim government and call a new general election was incorrect. "...Lesotho's case is not unique, nor is it a hybrid as the anti-Mokhehle coalition wants us to believe. It has its parallels...Britain's case is of paramount importance since the argument made by the coalition [Setlamo Alliance] attempts to show that the Lesotho case deviates from the Westminster model" (Sekatle, 1997: 80).

3.4 The LCD's victory in the 1998 general election, and Setlamo Alliance's rejection of the election outcome: consequences of 'One Man Opposition'

Following the LCD's victory in the 1998 general election¹⁹, the Setlamo Alliance mobilised the monarchy and some military groups. It alleged

¹⁹ Matlosa (1999a: 71) cites the number of votes and gain in parliamentary seats obtained in the 1998 general election as follows: LCD, 60.7% (79 seats); BNP, 24.5% (1 seat); BCP, 10.5% (0); MFP, 1.3% (0) and others, 2.9% (0).

that the election was rigged (Engel, 1999: 494-497), and launched protest at the Royal Palace from 4th August – 22nd September, 1998. The protest was accompanied by propaganda campaigns and pressure on the King to dismiss the supposedly undemocratically elected LCD government (Ajulu, 2001: 54).

From 11th August, 1994, hundreds of opposition supporters began to congregate at the gates of the Royal Palace. In anticipation of the protest at the palace, the police commissioner ordered the removal of roadblocks, and that protesters should turn back to their homes. But the protesters refused; the BNP youth were mobilised throughout the country to march to the palace, where they were given food and sustenance. Then, that very same night, army chief Makhula Mosakeng, ordered the crowd to disperse, but the protesters ignored the order. Teargas was used by the soldiers to disperse them. However, a second contingent of troops aimed their weapons at their colleagues, who then backed off (ibid). Consequently, violent clashes emerged between Setlamo Alliance and government supporters. Some people lost their lives, while others were injured and lost their property through arson (Mothibe, 1999: 56).

The complexity of the protest inflamed the tension within the military. It created the possibility of an outbreak of conflict between the various factions. There were rumours that these factions were divided in their support for the government or opposition. This uprising engineered more complex divisions; there had been hostilities between soldiers of Ratjomose and Makoanyane barracks during the months leading to King Letsie III's coup of August 1994. It was clear that the sustained opposition protest might work to inflame the pre-existing tensions within the army to an extent that it could lead to a more general crisis (Southall and Fox, 1999: 680). Consequently, this deteriorating instability in Lesotho attracted regional concern. South Africa's Deputy-President, Thabo Mbeki, accompanied by his Foreign Minister, Alfred Nzo, and Defence Minister, Joe Modise, mediated Lesotho's conflict on behalf of SADC (Mothibe, 1999: 56). SADC appointed a Commission of Inquiry to examine the conduct of the election and to adjudicate upon the validity of the result. Eventually, the Commission began its mandate to investigate the alleged election rigging. It was headed by South African Judge, Pius Langa (Southall and Fox, 1999: 680-691).

In the meantime, the LCD's government totally lost control over the domestic situation. Gun-wielding opposition supporters effectively took over the capital of Lesotho, Maseru, preventing civil servants from going

to work, closing Radio Lesotho, and hijacking government vehicles. Then, on 11th September, 1998, a group of junior army officers arrested army chief Makhula Mosakeng. They forced him to read a message over Radio Lesotho, in which he first dismissed some twenty-eight senior officers from the army, and then himself. Meanwhile, the LCD cabinet denied that it was under house arrest, but it was evident that the opposition and undisciplined elements in the army were working together to paralyse the functioning of the government. On the other hand, there were rumours from the media that the Report of the Commission condemned the LCD government and that South Africa's Deputy President, Mbeki, had to refer it back to the Troika heads of state. These suspicions helped the opposition to increase demonstrations against the government. The Langa Commission Report was finally made available to Lesotho political parties on 17th September, 1998 (ibid). The report stated that there were irregularities and administrative flaws in the electoral process. Despite sufficient irregularities and discrepancies, it was unable to state that the election was rigged. The Report concluded that the election outcome reflected the will of the Lesotho electorate (Mothibe, 1999: 56). This was followed by the opposition's extra-parliamentary practices.

Opposition gangs went about confiscating vehicles, looting shops, and burning business and private houses in major towns (Maseru, Mafeteng, Mohale's Hoek, and Botha-Bothe) in the lowlands. Following this anarchy, the government of Lesotho sought stability in the country through SADC military intervention which was led by South Africa and Botswana troops. On 22nd September, 1994, these troops entered Lesotho and contained undisciplined elements in both the Lesotho military and the armed offensive of Setlamo Alliance (Matlosa, 1999b).

As was the case with the embarrassing defeat of the opposition parties in 1993 general election, there was no opposition attempt in 1998 general election to challenge the exclusionist tendency of the electoral system and its implication to Lesotho's dominant party which produced only one seat for the opposition. The Setlamo Alliance should have suggested prior to the 1998 election that the electoral system be changed to a system of proportional representation or be supplemented with it. Instead, Setlamo leaders wasted their energies by challenging the legitimacy of both the BCP and LCD governments. They resorted to violence and threatened the political and economic stability of the country. With no thought for national interests, members of the Setlamo Alliance looted and destroyed some people's and government properties.

These problems bring one to a critical exposition of the present nature of the state in Africa, especially in impoverished countries such as Lesotho. Commentators (Ajulu, 2001: 52; Landsberg, 2002: 1; Mahao, 1999: 17) argue that the state in Lesotho is used as a means to control resources. Political parties do not necessarily contest the elections to sustain and strengthen democracy, but as a means to achieve economic survival. The moment the election outcome reveals that some political parties have been defeated, politicians who lost the election begin to mobilise their supporters in order to destabilise or to overthrow the government. Such politicians want to enjoy the monopoly of parliamentary power sharing, because it is the only means through which they can have access to state wealth.

On the basis of the weakness of political leadership and fierce struggle for access to state resources, a dominant party system embedded in a single-member constituency system proved problematic in Lesotho. It fragmented opposition parties to operate outside parliament, subjecting them to extra-parliamentary practices. This lack of parliamentary opposition was not only linked to a constituency-based electoral system, it was also about the fact that the electorate punished all opposition parties for their failure to participate in the liberation struggle against the BNP's dictatorship. Agreeing with this, Sekatle contends:

I do not agree that the electoral system [first-past-the-post] 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 (cited in Kadima, 1999: 77-78).

Fortunately, electoral reforms were made after the 1998 political crisis to accommodate minority parties into the National Assembly. These reforms are explored in the next section.

3.5 The post-1998 political instability, and reforms for the accommodation of minority parties into the National Assembly

Following SADC resolution to deploy South Africa and Botswana troops to keep peace in Lesotho, LCD continued to control and administer the country. The LCD and opposition parties agreed to the establishment of Interim Political Authority (IPA), which was sworn in on 9th December, 1998. The IPA consisted of two members from each of the 12 Lesotho political parties (Homan and Happel, 1999: 74) at the time.

The IPA task was to appoint a new independent electoral authority to prepare for a new election. It also had the authority to review the electoral structure. Moreover, it had to recommend changes to the Constitution of Lesotho. Among its achievements, the IPA modified the first-past-the-post electoral system with proportional representation. It did not decrease the 80 seats meant for the first-past-the-post, but strengthened them by mixing it with 40 seats for proportional representation (ibid). In other words, IPA adopted the German MPP. The parliamentary seats, then, amounted to a total of 120. The IPA agreed that the party/coalition that won the majority for the first-past-the-post representation would form a government. However, such party/coalition is not entitled to share the seats for proportional representation. Unlike German party/coalition, which is entitled to the allocation of proportional seats if a party secures at least 5% of the total vote, or three constituency seats, the Lesotho party/coalition which secures at least 5% of the total vote is entitled to proportional seats, but a party/coalition with a majority of constituency seats is not entitled to proportional seats.

German opposition operates through a plurality of parties. Some of them form a coalition government. But Lesotho's case is different. The model has not changed continuity of parliamentary opposition based within the ruling party. It has been argued in both Chapter 1 and 2 that, since the

collapse of a two-party system after 16 years of the BNP's dictatorship, the return of democracy in Lesotho has produced a dominant party system despite the introduction of the MMP. However, this unfolding weakness of the MMP does not mean that the model is without advantage.

The successful attempt of political parties to establish the MMP system opened a chance for inclusive political participation. Maloka (2001: 227-228) argues that democracy is best consolidated when it is able to withstand pressures or shocks without abandoning electoral or the political freedoms, including dissent and opposition on which it depends. The relationship between political parties has implications for consolidation, not least because they can delegitimise the new democracy, but because they can act as agents for reconciliation and development.

Similarly, Lesotho political parties have consolidated democracy by not abandoning elections after the 1998 political instability. They formed IPA to entrench democracy in the country. Rather than being a political institution based on extreme differences, the IPA created cooperation between the parties for key aspects of the democratisation process. With the establishment of the IPA, the maintenance of law, transparency,

tolerance and compromise between the government and its opposition improved. Today, opposition parties do, to a certain extent, understand the theories of representation and their empirical constitutional embodiment. The rationale behind this claim is proved by another incident of floor crossing which occurred in 2001.

On 12th October, 2001, some ruling LCD members who included Deputy Prime Minister Kelebone Maope crossed the floor and formed a new party, Lesotho People's Congress (LPC). The result was as follows: LCD, 46; LPC, 27 and BNP, 1. The National Assembly Speaker, Ms N. Motsamai, announced that the LCD was still the ruling party, and the LPC, the main opposition party, while the BNP remains the minor opposition party in parliament (Mosisili, 2001). After this floor crossing, the Prime Minister Mosisili, raised three crucial points:

Firstly, democracy is freedom of choice. Some of the former parliament members of the LCD have made their own choice to form LPC. Hence the wind blows in its own direction. Secondly, political opposition in any parliament is a symbol of democratic consolidation. The LCD will now be very sensitive and intensify measures to improve delivery of services for improvement of the country and the people. Thirdly, it is important for honourable members to be aware that they are in parliament because they have been elected into it by the people and whatever stand they take, they should do so taking into account the people in their constituencies. Lesotho needs men and women who are trustworthy and who practice truth. The honourable members must contribute towards building peace and stability in the country (ibid).

Lesotho's democracy is replete with incidents of floor crossing. Unlike 1997, in 2001 opposition parties never dared to question the confidence that the majority of MPs gave to the Prime Minister. The leaders of opposition parties are gradually understanding and appreciating Lesotho's legislative provisions for the dissolution of government. Even the BNP, which has been disputing the election outcome since 1993, has abandoned its extra-parliamentary practices. The BNP has changed from being irresponsible to being robust. It follows constitutional means to challenge the legitimacy of the ruling LCD; rather than resorting to violence and mobilising the military and monarchy to challenge the 2002 general election outcome,²⁰ as it did so in 1993 and 1998, the BNP took its case to the High Court. What is it that makes opposition in Lesotho to resort to robust politics after the 2002 election?

The answer should be sought not necessarily from changes in the electoral system, but from the opposition leaders' access to parliamentary representation as a means to access the wealth of the state. Having achieved the goal of modifying the constituency system with proportional representation, opposition leaders have withdrawn from mobilising their

²⁰ In 2002 general election the LCD won all the first-past-the-post parliamentary seats except one, which was won by the LPC leader, Kelebone Maope. The BNP won 21 seats for proportional representation, while the other nine political parties shared the remaining 19 seats. Among a total of 18 Lesotho political parties, only 10 succeeded to be represented in parliament (Summary of Events in Lesotho, 2002: 19-22).

supporters for political instability. Their supporters have been relegated because they were only mobilised for the interests of the political elites – for economic power through parliamentary representation. This opportunistic tendency of opposition leaders is possibly a major problem that provokes government to distrust it.

The problem of the opposition's legacy of authoritarianism, and the struggle for access to state resources, complicates any proposal for the establishment of a government of national unity. Thakalekoala (2003) argues that the ruling LCD rejected outright the BNP's proposal for a government of national unity. It rejected the BNP's proposal that it would withdraw its cases in the High Court if the government agreed to appoint two ministers from the BNP to serve in the portfolios of Law and Constitutional Affairs. Prime Minister Pakalitha Mosisili warned that the proposal for a coalition government and institution of proceedings in the courts of law by the BNP was only meant to undermine the rule of law. The LCD Government was elected in a free and fair election. The government would like to advise the BNP to go ahead with its court cases so that it might find true solutions to its problems for the benefit of the entire nation.

CHAPTER 4

4. CONCLUSION

This last chapter presents the findings of the thesis. It discusses them together with the argument which was built in the previous chapters. The thesis has relied on the British and German opposition models, with particular focus on opposition in Lesotho.

The thesis has used the methodology of *systematic comparison between countries* by examining opposition as a unit of study. The theoretical framework, on the other hand, has been informed by *neo-institutionalism*. The thesis has employed this theoretical framework to analyse opposition as an institutional unit, and how this unit in both the British and German models unfolds in Lesotho. Although Lesotho depicts the British and German theoretical opposition models, in practice, the Mountain Kingdom deviates from both Western models. This has been shown by developments which emerged from 1965 until today.

Lesotho's opposition just five years after independence showed that it resembled a two-party system. Parliamentary competitiveness only existed between the BNP and BCP. However, one of the complexities that accompanied this system was the involvement of the monarchy in the political arena. Opposition parties (BCP and MFP) backed the King, yet

all political parties had agreed prior to independence on constitutional monarchy modelled on the British system. Surprisingly, the moment the BNP obtained victory in the 1965 election with a minority vote, the King demanded executive powers. The rationale behind the King's change from ceremonial to executive role was motivated by both the BCP and MFP.

The reservation of the BCP, MFP, and King Moshoeshoe II that Lesotho should not be granted independence on the sole basis that Prime Minister Leabua Jonathan's BNP had a minor majority was problematic. There was no prior agreement between political parties that should a minority government emerge from the election, another round of election would be necessary before independence could be granted. Despite the fact that the BNP was a minority government, in the interest of the broader national good, opposition parties were supposed to respect the election outcome, and recognised legitimacy of the BNP government. If the BCP and MFP constitutionally wanted to overthrow the ruling BNP, they should have formed an alliance, and exercised a Vote of No Confidence in the BNP's government. They had 29 MPs, while BNP had 31. They should have lobbied for 3 more seats to overcome the slim majority of the BNP. But their failure to launch proper policies of what they should expect in an independent Lesotho had pervasive and subtle consequences which led

the monarchy into the political affairs of the country. This problem reached alarming proportions and promoted the BNP's rise to authoritarian rule.

The BNP did not tolerate opposition parties from as early as 1966. For example, the BNP abolished local government structures in 1967. This undemocratic policy of the BNP was meant to ward off the BCP's dominance at the grassroots level. The BNP mistakenly saw the BCP as unfit for nation-building. Ironically, it obstructed national structures for development in the name of party politics. This authoritarian rule of the BNP led to the 1970 coup. It also created legacies that inhibited democratic reforms in the 1990s.

It was therefore no surprise that after the BCP's victory in the 1993 election, the BNP and other minor parties joined some undisciplined elements in the army and monarchy to unseat the democratically elected BCP government. The main factor behind the BNP's destabilisation against the ruling BCP was that the first-past-the-post electoral system had excluded opposition parties from parliament. The BNP refused to recognise the BCP's legitimacy of a dominant party system. Instead of challenging the first-past-the-post electoral system, which unlike in 1965

and 1970 produced a two-party system, and in 1993 produced a dominant party system, the BNP adopted extra-parliamentary practices.

The BNP's extra-parliamentary behaviour was championed by other opposition parties, such as MFP, as well as undisciplined elements in the army and the monarchy. These problems aided the King's long struggle since independence to exercise executive powers. Consequently, King Letsie III overthrew the BCP government in August, 1994. However, in September of the same year, the pressure of the international community forced King Letsie III to reinstate the BCP government. In 1998 the Setlamo Alliance, which included the BNP and other opposition parties, destabilised the ruling LCD. The Setlamo Alliance did not recognise the legitimacy of the democratically elected LCD government. Instead of challenging the 1998 election outcome which was conducted through the first-past-the-post electoral system and which also produced a 'One Man Opposition', the Setlamo Alliance adopted extra-parliamentary practices to challenge the election result. Its extra-parliamentary behaviour was aided by both undisciplined groups in the army and the King. Setlamo Alliance encouraged undisciplined military groups to support anarchy, while King Letsie III allowed his Palace to be used by Setlamo Alliance to depose a democratically elected LCD government. He assumed that he would acquire executive powers once the LCD government was deposed.

In conclusion, the return of democracy in Lesotho was problematic. In 1993, the majority of the citizens of Lesotho thought that the triumph of democracy in their country was real. Unfortunately, political events that emerged between 1993 and 1998 ultimately showed that their expectation was premature. The monarchy continued its 1966 struggle for control over executive powers. As a result, the majority of the citizens of Lesotho had to rise until the end of the 1990s in the struggle against the enemies of democracy.

Today, the people have won the struggle for democracy. Democracy has finally come after a long struggle. There is therefore no doubt for those who were in the liberation struggle that the freedom democracy offers is real. Unlike in the past, today there is tolerance for pluralism. The minority leaders have gained access to the National Assembly through the MMP electoral system, and by extension, to a decent employment.

Thanks to the LCD government for compromising to supplement the first-past-the-post system with proportional representation. Although there is today a viable plurality of expression in the National Assembly, the ruling LCD continues to consolidate its dominance. Parliamentary decisions are largely made by the LCD, though opposition parties can raise their voices against the abuses of government. Opposition parties

however cannot overrule the decisions of LCD. This point marks a significant difference between the British and German oppositions and opposition in Lesotho. In both Britain and Germany, opposition parties have the possibility of ousting the government if they exercise a Motion of No Confidence in the Prime Minister or Chancellor. In Lesotho, a constitutional challenge to the government exists mostly within the ruling party itself. Apart from this, the legislative position of the King should be clearly clarified.

The role of the Monarch should be clearly stipulated in order to avoid the repetition of events which occurred between 1965 and 1998. The current Constitution of Lesotho is flawed in terms of the King's immunity from criminal offences. It protects the King from any legal action against him. This should be revised and amended with some clauses which should hold the King accountable for any criminal action he may commit. He should be treated like any citizen of Lesotho. He should not be judged as being above the Law. It is only through such amendments that the boundaries of the King shall be stated clearly – forbidding him to commit any criminal action.

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