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# South Africa's peacemaking strategy in southern Africa: The case of Lesotho 1998-2002

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# South Africa's Peacemaking Strategy in Southern Africa: The case of Lesotho 1998-2002

**by Simon Mmutle**

Thesis submitted to the Faculty of Arts,
University of the Witwatersrand, Johannesburg,
in partial fulfilment of the requirements for the degree of
Masters of Arts in International Relations

**Johannesburg 2007**

## Declaration

I, the undersigned, Simon Mmutle, do hereby make an oath that this thesis is my own unaided work. It is submitted for the degree of Masters of Arts at the University of the Witwatersrand, Johannesburg. It has not been submitted for any other degree before, or for examination at any other university**.**

**……..**

**Signature of Candidate**

**Signed this …….day of……2007**

## Abstract

Post apartheid South Africa emerged at a time when the region was experiencing violent conflicts that had the potential of spreading to other countries in the region. South Africa, which was partly isolated during the apartheid era, woke up to the reality of the fact that it was part of the Southern African region and could not remain impartial to the political instabilities experienced by its neighbours.

Since the region played a crucial part in the negotiated settlement of the dispute in South Africa in a peaceful manner, it was therefore in its interests to solve the political instabilities in the region peacefully. Tools of conflict resolution, especially peacemaking which encourages warring faction to negotiate, became the strategy South Africa used to solve the regional instabilities.

The purpose of this thesis is to evaluate the peacemaking efforts by South Africa in the Southern African region by examining instability in Lesotho as a case study. The aim of the thesis is to test the hypothesis that the South African peacemaking strategy in Southern Africa yielded positive results.

In investigating South Africa's peacemaking strategy, using Lesotho as a case study, the thesis examines the causes of the political instability in the country and how South Africa tried to solve it. The three main political parties in Lesotho, i.e. the Basotho National Party, the Lesotho Congress Party and the Marema Tlou Party, were the main parties that contested the elections in Lesotho. Thus they were the parties that were involved in the negotiating process spearheaded by South Africa.

South Africa, Botswana and Zimbabwe formed the South African Development Community Troika (SADC) Troika that played an important role in bringing about limited stability in Lesotho; the aim being to address the main causes of instability in the country.

# Dedication

I dedicate this thesis to my mother, Dorothy Mutle, and my aunt, Olita Mutle, both of whom have been pillars of strength and sources of courage during difficult times. I also wish to dedicate it to the foreign policy decision makers in South Africa.

## Acknowledgements

There were various individuals who contributed their time and money in helping me to finish this research report.

Firstly, I would like to express my gratitude to my supervisor, Mr David Monyae, who provided me with guidance and advice throughout this process. Secondly, I would like to thank the Centre for Africa's International Relations (CAIR) for their financial support during my need. Thirdly, I would like to thank Chris Landsberg and David Monyae for encouraging me to take a trip to Lesotho.

Further, I would like to thank all the people I interviewed, especially Professor Francis Makoa, who helped me both academically and socially during my stay in Lesotho.

Lastly, let me say thanks to all my friends for their support in all fronts. It would be ungracious not to pass my special thanks to the love of my life Tshidi Mogodi, Ambassador Yusuf Saoojee, Loefemia Saloojee, Kereng Kgotleng, Simon Motlhanke, Kenneth Mokhele and Nthabi Nkosi for their moral support.

Above all, I would like to thank the Almighty God for his blessings throughout my studies. I am highly indebted to everyone who has contributed to the success of my research.

## List of abbreviations

| | |
|---|---|
| BCP | Basotho Congress Party |
| BNP | Basotho National Party |
| DRC | Democratic Republic of Congo |
| FPTP | First Past the Post |
| IPA | Interim Political Authority |
| JBCC | Joint Bilateral Commission of Co-Operation |
| LCD | Lesotho Congress for Democracy |
| LCP | Lesotho Congress Party |
| LPP | Lesotho People's Party |
| MMP | Mix Member Proportional system |
| MTFP | Marematlou Freedom Party |
| OAU | Organisation of African Unity |
| OFS | Orange Free State |
| PR | Proportional representation |
| SADC | South African Development Community |
| SANDF | South African National Defence Force |
| UN | United Nations |
| USSR | Union Soviet Socialist Russia |

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# Chapter 1

## 1 Introduction

### 1.1 Background to the study

Africa is a continent that has various histories and geographical conditions. It is a continent that has been affected by interstate conflicts; mostly since the colonial powers departed. This might be attributed to the state in which the colonial powers left in the continent. When the colonists left, the African leaders that emerged were not knowledgeable on issues of governance; hence some of them exercised control over all the powers of the state and political pluralism was suppressed. The economic and political opportunities were available to those who were close to the leaders and those who supported them.

During the cold war, African leaders were vital to the United States of America and the Union Soviet Socialist Russia (USSR) for spearheading their ideological agendas. They did this by suppressing all the interest groups and opposition parties that had differing ideologies.

The cold war came to an end, and Africa lost her relevance; not only to the two super powers but also to Europe at large. The Soviet Union crumbled and the United States was focusing on the economic restructuring of her own economy and that of Europe.

The nature of conflict had changed on the continent, and while the cold war era was dominated by interstate conflict, the post cold war era was dominated by intrastate conflict.[1] Lesotho, like most African countries, was also faced with internal security problems that followed her independence from the colonial powers.

These conflicts were not only targeted at the armies, but also at innocent civilians.

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[1] Anyidoho H. Lessons Learned During Peacekeeping Operations in Africa. Available from: http://www.iss.co.za/Pubs/Monolgraphs/No10/Anyidoho.html . p1.

Thus, most people fled their home countries and took refuge in neighbouring countries. The United Nations (UN) was eager to play its part in peacekeeping operations in Africa. Although it was equipped to deal with interstate conflict, it was not equipped to handle intrastate conflicts. Most of the UN operations in intrastate conflicts in Africa were not successful. In Somali during 1992, the UN failed to resolve the conflict and this led to the further retreat of the international community from Africa.[2] This failure affected the UN morale in dealing with intrastate conflict. This meant that African countries had to find their own solutions to their problems.

The failure by the UN to resolve conflict in Africa left regional organisations and neighbouring countries as the ones that had to deal with conflict in their regions. Support and help from neighbouring states became crucial. This was done through consultation with regional organisations. Hence in 1992, the UN designated the role of keeping the peace to regional organisations. Regional organisations were to work in consultation with the Security Council. In Southern African conflict situations, the Southern African Development Community (SADC) handled the resolution of conflicts.

This was evident in Lesotho when South Africa, Zimbabwe and Botswana intervened in an attempt to solve the instability that plagued the tiny mountain kingdom.

The aim of this research is to evaluate the effectiveness of South Africa's peacemaking strategy and efforts in the Southern African region. The focus of this research will be on South Africa's involvement in Lesotho from 1998 to 2002. The research will also examine South Africa's foreign policy and its objectives in the region, and its commitment to peace as a pillar in Pretoria's policy towards the region as well as the continent. It will illustrate the complexities of formulating a coherent foreign policy for the new South African government. Furthermore, the research will investigate South Africa's willingness and capacity to work with the multilateral

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[2] Report of the Secretary-General: The causes of conflict and the promotion of durable peace and sustainable development in Africa. Available from: http://wwwnotes.reliefint/files/rwdomino.nsf/searchResults/EAB6C7BF0E86C1B852567920051FEDC?OpenDocument. p5.

organisations like SADC in dealing with security challenges in the sub region.

The path to multi-party democracy in Lesotho has been that of tension and instability since their independence in 1966. This occurred when the region was undergoing a process of transformation from colonial rule to self-independence. Independence caused Lesotho to be subjected to external intervention because of the instability that it experienced. The political instability in Lesotho occurred at the time Samuel Huntington referred to the third wave of democratisation, which covered the period 1970-1974. This was a time characterised by movements promoting democracy, and countries adopting a democratic government.[3] Most countries in the region were beginning to open up their societies, making way for political reforms.

Although Lesotho was a kingdom, there were political reforms that were introduced in the country during this era. The government was separated from the monarchy and various political parties were formed in these countries. The powers of the monarchy were no longer absolute.

Due to its close proximity to South Africa, Lesotho's instability was of great concern to Pretoria for the following reasons: Firstly, because Lesotho is within South Africa's borders, and also because solving conflicts peacefully in the sub region falls within Pretoria's foreign policy objectives. Secondly, South Africa's goal of attracting investors in the region could not be achieved if the region was still plagued by instability. Lastly, instability in Lesotho poses a threat to South Africa. Furthermore, the region was also looking to Pretoria to help it deal with some of the conflicts that persisted after the end of the cold war. This propelled Pretoria into introducing a foreign policy that would try to solve the challenges that the sub region was facing.

When Nelson Mandela came to power as president, high hopes were placed on him that he would resolve conflicts in the region. These hopes came after the peaceful settlement of conflict in South Africa itself. It was hoped that Pretoria would play a big role in encouraging the peaceful settlement of conflicts in the region and in Africa

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[3] Huntington SP. The Third Wave: Democratisation in the Late Twentieth Century. Norman and London: University of Oklahoma Press; 1991.p25

as a whole. Mandela seems to have contributed to these sentiments by making statements indicating that he was committed to the peaceful resolution of conflicts in the region and in the whole of Africa.

Thabo Mbeki, who became president after Nelson Mandela, seemed to be following in the footsteps of his predecessor when he declared that he wanted to solve conflicts in the region and on the continent in a peaceful manner using diplomatic means. Mbeki came to power with a new vision for the continent, which he referred to as the "African Renaissance". Foreign policy in South Africa during his term in office would be seen within the broader policy objectives of the African Renaissance vision.

Relations with African countries were conducted in a way that would enhance the vision. This was because the achievement of the vision would be a major boost to the continent and would solve most of the challenges that have been experienced in the region.

The tensions in Lesotho therefore gave Pretoria a direct test in solving conflicts peacefully in the region. The ability of the new South African government to deal with conflicts in the region would be tested. This was because Lesotho was within the belly of South Africa, and also because South Africa would have to start involving the Southern African region before facing more complex missions further afield.

## 1.2 Rationale

The 1994 political settlement in South Africa, which introduced democracy to the country, brought about expectations that the transition to democracy would be accompanied by significant changes in the foreign policy outlook. This expectation was brought about because of the role that international players like the United States, Russia, United Nations, various African states and other regional organisations played in securing a negotiated settlement in South Africa. This then presented South Africa with a challenge to play a constructive role in conflict resolution in Africa. The deputy minister of foreign affairs, Aziz Pahad, captured it well when he stated that:

> "We did not see ourselves as playing a leading role in the region, but now we have come to understand that there is an expectation from Africa and the rest of the world that we have a role to play, a role of contribution to peace and stability in our continent and the African economic renaissance".[4]

From this statement, one can realise that South Africa would try to play a vital role in securing peace and stability in the region. The point is that the strategy it adopted was largely diplomatic, not based entirely on military power. However, the use of diplomatic strategies did not rule out the possibility of the military being used to achieve diplomatic ends.

Lesotho presented a fitting case study to assess South Africa's peacemaking role in the region, specifically its attempt to get the government and the opposition parties in Lesotho to reach a negotiated settlement. Lesotho is a country that is geographically surrounded by South Africa and it is highly dependent on it economically.

As indicated above, Lesotho is a country that experienced instability because of leadership tussles within all major political parties since independence in 1966.[5] The instability in this country posed a challenge to South Africa in its attempts to secure peace in the sub region. It was a threat because South Africa would face an influx of refugees which it would be expected to protect, and also because tension in that country would drive investors away from the region. After coming into power in 1994, the new South African government adopted the policy of promoting peace in the region as part of its foreign policy goal. Pretoria had to respond to the challenges faced by Lesotho. Furthermore, Lesotho was of strategic importance to South Africa as the supply of water to Gauteng largely comes from Lesotho.

South Africa also had the challenge of preserving peace in Lesotho as part of regional integration and also as part of promoting peace in the region. As former

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[4] Address by Mr AGH Pahad, Deputy Minister of Foreign Affairs, to the South African Institute of International Affairs. Delivered on behalf of Mr AB Nzo, Minister of Foreign Affairs, 7th November 1996. Johannesburg.p2

[5] Nzo A. End of Year Report on Dept of Foreign Affairs, Ministry of Foreign Affairs. December 1996. p3.

foreign minister Alfred Nzo once said,

> "The vision of South African foreign policy is that of a state of peace and prosperity in the region which would allow South Africa to outgrow its destination as a developing country".[6]

Thus Pretoria had to enter into bilateral and multilateral agreements with countries in the region, and on the continent at large. South Africa was given the role of managing the finance and investment portfolios and attracting investors into the SADC region in 1994.[7] This has been difficult to achieve, with some countries in the region having experienced political instability. It was due to this experience that the country tried to solve the security problems affecting the region. Its policy in SADC is to build a stable and prosperous region that will attract investors.[8]

This led the government to involve itself in regional conflict resolution in countries like Lesotho in 1998. In its involvement in Lesotho during the intervention in 1998, South Africa sent troops to Lesotho in an operation which was highly criticised locally because of the lack of cooperation between the department of defence and department of foreign affairs, and also because of the lack of cooperation between South Africa and Botswana. After the intervention, South Africa changed its strategy and adopted a peacemaking strategy and encouraged actions associated with diplomacy and negotiations between the government and the opposition parties.

Most of the literature on South Africa's involvement in Lesotho focuses on peacekeeping with particular attention on the intervention in 1998. Not enough has been written about peacemaking in Lesotho, which covers the end of the intervention in 1998 until the election in May 2002. The lack of data regarding the post intervention strategy created a need for research on the topic.

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6 National Implementation of Agenda 21: Southern African Development Community. Available from: http://www.un.org./esa/earthsummit/sadc.cp.html. p 56.

7 Matlosa K. Political Turbulence Ahead of the 2002 General Election. South African Economist Vol 14, no 7, 2001. p2.

8 Baber, J. South Africa's Foreign Policy, in Albert Venter (ed.), Government and Politics in the New South Africa: An introductory reader to its institutions, processes and policies, Johannesburg, J.L. Van

## 1.3 Questions addressed by thesis

This research will address the following questions. What were Pretoria's foreign policy objectives in SADC? Why did Pretoria choose to use military intervention in Lesotho during 1998 while it refused to intervene in the Democratic Republic of Congo (DRC)? Why did the process of peacemaking last until the elections of May 2002? Was the Mandela and Mbeki administration successful in meeting their peacemaking objectives, and if not, why? What role did Pretoria play within the Troika? Was the African Renaissance a proper vehicle to solve the tensions in Lesotho during the Mbeki era? Is Pretoria's peacemaking sufficient to deal with future tensions in the region?

## 1.4 Theoretical framework

Many scholars writing on South Africa's involvement in Lesotho tend to regard South Africa as imposing itself on Lesotho's domestic affairs. They tend to focus more on the intervention of 22 September 1998. This was when South Africa and Botswana went into Lesotho to quell a *coup d'etat;* the aim being to restore law and order in that country.[9]

They also tend to focus more on peacekeeping that covers the period during the intervention in September 1998. Peacekeeping in this research paper is defined as the deployment of troops by the United Nations or a regional organisation in the field, with the consent of all the parties concerned. This study will take a different approach. It will focus more on the post intervention strategy, which saw South Africa playing the role of peacemaker.

The theoretical approach to be adopted by the study is conflict resolution and hegemonic stability theory. There are different definitions of conflict resolution, and for the purpose of this study one should examine the writings of John Burton. He defines conflict resolution as "… a facilitated analysis of underlying sources of

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Schaik. 1998. p 320.

[9] Van Nieuwerk, A. The Lesotho Crisis: Implications for South African Foreign Policy in Lambrechts, K (ed) Managing conflicts in Southern Africa; Foundation for Global Dialogue, Braamfontein. 1999. p13.

conflict".[10] This includes the process whereby institutional and policy options are discovered that meet the needs of the parties, thus establishing the basis for a resolution of the conflict.

One of the concrete aspects of conflict resolution that will be used in this study is peacemaking. According to Boutros Ghali, peacemaking is the action to bring hostile parties to agreement, essentially through such means.[11] This includes mediation and intervention undertaken by a state or individuals designated by a regional organisation or by the Security Council.

This theoretical approach will be used to explain what South Africa had been undertaking in Lesotho during the period covering the post intervention; i.e. the period from October 1998 until the elections in May 2002. While some critics focus on the intervention in September 1998, they do not adequately examine the political issues leading to the elections in 2002. They only serve to confuse issues around peacekeeping, which was prevalent during the intervention on 22 September 1998.

Hegemonic stability theory assumes that stability in the international community requires a single dominant state to articulate and enforce the rules of interaction among the most important members of the system.[12] This theory will help analyse South Africa's involvement in Lesotho, as the involvement in Lesotho reflects South Africa's hegemonic status in the region.

South Africa, as a hegemonic power in the region, felt that it was in its best interests to preserve peace in Lesotho since peace in the region would help attract investors. This is because an unstable region will affect the region economically and technologically, and it will also undermine South Africa's position as a hegemony in the region.

Therefore the theoretical framework with conflict resolution and hegemonic stability

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[10] Burton, J. Resolving deep-conflict: A handbook. Lanhham, MD: University Press of America. 1987. p7.

[11] Boutros Boutros-Ghali. Op-cit. p4.

[12] Boutros Boutros-Ghali. Op-cit p10.

theory will help the researcher to achieve the set of objective of the study, which is to investigate the effectiveness of the South African strategy of peacemaking in Lesotho during the stated period.

## 1.5 Historical context of the thesis

### 1.5.1 The SADC Troika and the tensions in Lesotho

This study will examine the formation of the SADC Troika and its role in getting the opposition parties to negotiate in Lesotho. This section will analyse the involvement of South Africa, Botswana and Zimbabwe as members of the Troika with the Interim Political Authority. The section will also focus more on the South African efforts to help the Troika to bring the opposition parties back to the IPA, mostly when they disagreed.

### 1.5.2 South Africa's post election involvement in Lesotho

This section will analyse the end of the tension in Lesotho during 2002 and the post election involvement of South Africa in Lesotho. The post elections period witnessed more aid from South Africa to Lesotho. Firstly, Pretoria wanted to help Lesotho move from their status of being the least developed country in SADC.

This section will end by examining the contribution made by Presidents Mandela's and Mbeki's administration; most importantly, the contribution from the Department of Foreign Affairs in Lesotho.

## 1.6 Methodology

The methodology approach used in this research is the traditionalism or realist approach. This approach is relevant to this research as the researcher is examining the diplomatic relations between South Africa and Lesotho since the inception of democracy in South Africa. The history of the diplomatic relations between these two countries was necessary as it gives background information on what South Africa has been doing in Lesotho since the inception of the new democracy.

This research is qualitative, and primary and secondary sources have been used for

this research. Primary sources include official documents from the Department of Foreign Affairs and from the High Commissioner of Lesotho in Pretoria. Speeches from Foreign Ministers from the South African government and from the Lesotho government have also been used, as have speeches from the former South African presidents, the minister of home affairs Dr Mangosutho Buthelezi, and opposition leaders and government officials in Lesotho. Furthermore, the Internet sites of both governments were used. The researcher also managed to visit the South African High Commissioner in Lesotho where he was given governments articles on the topic.

Secondary sources include books, journals and newspaper articles from the South African Institute of International Affairs, while the Wits Library has journals and books on this topic which have also been sourced. Government libraries in Maseru, the Transformation Centre, the Africa Institute in Pretoria, the Centre for Policy Studies, and the African Centre for the Constructive Resolution of Dispute (ACCORD), as well as the Department of Foreign Affairs were consulted, and all provided the researcher with relevant secondary sources for this research.

### 1.7 Thesis outline

**Chapter 2:** The electoral tensions - This chapter provides a detailed background to the study from the pre-independence period to the election in 1993. The causes of the tensions between the major political parties and how the election contributed to the tension in Lesotho are examined. This chapter ends by examining South Africa's contribution to the tension in Lesotho.

**Chapter 3**: South Africa's foreign policy priorities in the region: The making of Lesotho policy - This chapter examines how South Africa made the maintenance of peace in the region one of its foreign policy objectives. The chapter deals with Pretoria's foreign policy objectives in the region and how these were implemented during the Lesotho crisis. It also examines Pretoria's security policy towards the region.

**Chapter 4:** A multilateral approach to Lesotho's crisis – This chapter examines the

role played by the SADC Troika in Lesotho and the exact role played by South Africa within the Troika. It will also explore issues like the inevitability of the intervention, and whether the intervention managed to obtain the objectives that it was formed to achieve.

**Chapter 5**: The African Renaissance era: Mapping the way through diplomacy – This chapter examines the African Renaissance vision and whether it was a proper vehicle to deal with the instability in Lesotho.

**Chapter 6**: Conclusion - This section of the thesis will test the validity of the hypothesis by examining whether South Africa's peacemaking strategy was successful in Lesotho.

# Chapter 2

## 2 Historical background to the source of Lesotho's instability

### 2.1 Introduction

This chapter discusses the historical background to the tensions in Lesotho which were caused by the elections in Lesotho during the period 1966 to 1994. The main focus of this chapter is to trace the historical background to the tensions in Lesotho, and how various regional powers, led by South Africa, responded. These tensions occurred between the various political parties that contested the elections in Lesotho since independence. As a historical background, the chapter will trace the tensions during the elections of 1965, 1970, 1986 and 1994. Although this chapter deals with the historical background, more emphasis will be placed on the 1994 period.

The first section of this chapter will analyse the period between the election of 1965 and the independence of 1966. This period covers the difficult times that evolved and examines how the Basotho National Party (BNP) had to face the challenges caused by the granting of independence by Britain. It will also outline the problems faced by various political parties that contested the election under the Westminster style of constitution which was adopted from the British colonists.

The second section of this chapter will look at the relations between apartheid South Africa and Lesotho. It will attempt to show how the South African government worked closely with the government of Lesotho and later how things changed after the *coup* of 1970 with South Africa wanting Lesotho's prime minister Leabua Jonathan to accept the results of the elections of 1970. These elections indicated that he had lost the election. This section will conclude by looking at the impact South Africa had on the tensions in Lesotho and the criticism the opposition parties voiced regarding apartheid South Africa's involvement in the country.

The third section examines how the political developments in Lesotho continued to worsen after the granting of independence. It shows how the tension increased in Lesotho as opposition parties wanted to topple the government, and how the

government responded to the raids by the opposition parties. The *coups* that followed the raids led to the eventual overthrow of the ruling party.

The last part of this report will discuss the multilateral approach developed by SADC in dealing with the tensions in Lesotho during the period 1993-1994. Solving disputes using the SADC body was part of South Africa's foreign policy. This approach was decisive in solving the palace *coup* of 1994. However, the tensions that plagued the tiny mountain kingdom existed even after the intervention by the SADC countries.

## 2.2 The period before independence

In 1868 Lesotho was colonised by Britain. The colonial power gave Lesotho her independence in 1964 when a Basotho delegation led by the king, heads of the political parties, and members of the constitutional commission went to London to make an appeal for independence. During the meeting it was agreed that parliament was going to have two houses, as recommended by the commission.

The two houses would compromise the Lower House, which would be elected by universal suffrage and would have 60 members. An agreement was then reached that independence would be granted after 12 months from the negotiations of 1964. Various political parties in Lesotho began their campaign for the elections but later began to withdraw their campaigns after realising that the BNP might end up winning the elections. The opposition parties and the king wanted Britain to stop giving independence to Lesotho. The king presented his position to Britain that his people could not be given independence while there were political problems in the country. The opposition parties, on the other hand, wanted the independence to be suspended; arguing that Lesotho could not be ruled by a minority government. Their arguments did not produce positive results since Britain had already prepared for the granting of independence to Lesotho.

The granting of independence came at a time when the winds of change were blowing through the continent and most African countries were canvassing for the liberation of Africa. Ideologies like Pan Africanism (which propagated an African

continent led by Africans) were becoming popular amongst African leaders and therefore independence for Lesotho was inevitable since it reflected the general mood for independence.

## 2.3 The electoral model and the election of 1965 in Lesotho

The origins of Lesotho's instability began with the elections of 1965. These elections were actively contested by the political parties. Their protests led to the tensions that have plagued Lesotho since independence. The results of the elections as such were not a problem; however, the problem was with the electoral model used in the country.

Britain introduced the Westminster-style First-Past-The-Post model of elections in Lesotho. The electoral model became part of the constitution of the country. This model allowed the dominant party to win almost all the votes cast, thereby giving it the opportunity to form a majority government. The constitution of Lesotho was changed to accommodate the electoral model which was introduced at independence.

The new constitution was known as the Westminster-style constitution.

Lesotho was divided into 80 constituencies, which were equal, and during the elections the constituencies were supposed to elect one person to represent them in the Assembly. This meant that the individual, and not the party, was the legal representative of the voter within the parliament. Political parties do not stand as candidates within the constituencies; they could only elect a person they would like to represent them within a given constituency. This system had advantages and disadvantages; some of which continue to be part of Lesotho's politics to date..

### 2.3.1 Advantages of the Westminster model

- It was a territory based system and ensured more accountability. The individual elected was accountable to the constituency within the parliament. However, he does not only represent the party that elected him in parliament. He represented the constituency at large and must account for their needs in parliament.

- The individual elected is from his party's manipulation; free from being used as a tool of his political party. As indicated above, he was only accountable to his constituency.

- It allowed for the individual to leave his party and join another party in the parliament and oppose his former party if the interests of his constituency were not properly addressed.

- It ensured strong government since it produced a single party leadership. The advantage of this was that there would not be a compromise when issues of policy were implemented.[13]

This model, however, was not immune from weaknesses; especially when introduced in small countries that still had a monarchy as the head of state.

### 2.3.2 Disadvantages of the Westminster model

- It tended to ensure an election contest between the two stronger parties, with the smaller parties likely to fall out.

- It did not produce a multi-party democracy.

- It gave the largest party the opportunity to form the government on its own and allowed it to dominate the second largest party.[14]

This model, as indicated above, was introduced in Lesotho by Britain. It had to run parallel with the old traditional system with the king in power. The two systems were inconsistent and could not operate in the same country without producing

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[13] Mahao NL. Why Lesotho Should Change its Electoral Model, Research paper presented at a special forum on Lesotho's 1998 General Election. Maseru Sun. 1998. p71.

[14] Mahao, NL. op-cit pp71-72.

discontentment. The Western system and the old traditional system did not complement each other. This was because the Basothos were used to the king as their sovereign ruler and not the government system, which was introduced at independence. Thus the preparations for hosting the elections in Lesotho were plagued with instability, not only between the political parties but also between the supporters of the king who wanted the king to be given more power in the running of the state.

They were not prepared to give power to the modern government system that was to take place in the country. Also, the people were not prepared to be ruled by a government which was not part of the monarchy; thus the very first elections were highly contested by the king and those who followed him.

On the 29th of April 1965, elections were held in Lesotho.[15] These elections were held under the new constitution, which was introduced by Britain.[16] The main political parties that took part in the elections were the Basotho National Party (BNP), which was more conservative and drew more support from chiefs and the Catholics led by Leabua Jonathan. The Basotho Congress Party (BCP) was more communist in outlook and was led by Ntsu Mokhehle who was once part of the Pan African Congress (PAC) when he stayed in South Africa. Lastly, the Marema Tlou Freedom Party was more traditionalist and in favour of the monarchy.[17] The BCP was regarded as the most organised party of the three parties and therefore expected to win the elections. It consisted of academics and professional people who helped in the organisation of the party. There were other smaller parties that were formed in Lesotho but their presence was overshadowed by the major parities mentioned above.[18]

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[15] Van Wyk AJ. Lesotho: A Political Study. African Institute of South Africa. Pretoria. 1967. p35.

[16] Spence JE. Lesotho: The Politics of Defense. Institute of Race Relations. Oxford University Press: London; 1968. p43.

[17] Makoa, FK. "Electoral Reform and Political Stability in Lesotho" Africa Journal of Conflict Resolution. Vol 4, no 2, 2004. p82.

18 Chiwandamira, L. Closure Report: Lesotho Parliamentary Reform Process. European Parliament for Africa. October 2004-2005. p7.

The results of the elections were that the BNP was the winner with 31 seats and 41.6% of the votes, the BCP won 25 seats (37.7%) and the Marema Tlou Freedom Party won the remaining 4 seats with 16.5% of the vote.[19] This meant that the BNP was the minority winner since they did not win 50% of the votes cast. The BNP's leader chief, Leabua Jonathan, was elected as prime minister in a by-election held on the 7th of July 1965.[20] The BCP did not accept the results, accusing the BNP of cheating in the elections. The opposition parties, led by the BCP and the Marematlo party could not allow a minority government in power. The tension emerged between the BNP and the opposition parties that were not willing to accept the government of Leabua Jonathan. This happened at a time when Lesotho was not doing well economically and the British government did not do anything to help the economy of Lesotho to grow. The economy was affected by a lack of aid from South Africa and also from international donors.

During the election campaign the BNP indicated that it preferred a peaceful coexistence with South Africa. It seems probable that the BNP won the elections because of the policy it was following.[21] Their policy was welcomed by the apartheid government, which helped it during the election campaign. The BCP, on the other hand, led by Ntsu Mokhehle, followed a policy that gave priority to the issue of independence, while the MTFP preferred friendly relations with South Africa in the economic sphere and a strengthened position of the paramount Chief.[22] The BNP policy enabled them to be on good terms with Pretoria; hence they were allowed to campaign in the mines.[23]

The relations between South Africa and Lesotho could have changed if the BCP had won the elections. This could have had an impact on the Basotho miners who were working in the mines in South Africa.

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19 Loc-cit.

20 Ibid.p7

21 Spence JA. op-cit p45.

22 Loc-cit.

23 Ibid p44.

## 2.4 The causes of the tension and the issue of independence

The results of the elections caused tension between the ruling party, the monarchy, and the opposition parties in Lesotho. Opposition parties did not want to accept the results, blaming the BNP for cheating. The big issue behind this was that the BCP, as mentioned before, was regarded as the most organised party and it was expected to win the elections.[24] They therefore accused Leabua Jonathan of cheating and forming a minority government since his party only won 41.73% of the votes cast.

They demanded a date for the new elections to be held.[25] Their argument was that the BNP could not rule the country with a minority government.[26] They decided to halt the issue of independence for as long as Jonathan was in power. The king supported this motion since he was not enjoying good relations with the prime minister. This was because the prime minister wanted to reduce the powers given to the monarchy. He proposed stopping the process of independence until the nation was united. However, his proposal failed since Britain rejected all the claims he brought before them, and gave Lesotho her independence in 1966, a few months after the elections of 1965.[27]

The problem of non-acceptance of the election results was not that the winning party had cheated during the voting as has been suggested by the opposition parties. The electoral model used had created problems of representation in the parliament. It excluded other parties from the parliament and allowed the winning party to form the government on its own and make policies without being questioned on policy choices.

### 2.4.1 South Africa-Lesotho relations

The relations between South Africa and Lesotho were moderate at the time of the

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[24] A J van Wyk op-cit. p36.

[25] Ibid p 37.

[26] Ibid p 39.

[27] Interview with the LCD spokes person Mr Kgotso Matla. Maseru, March 13 2003.

elections because the prime minister preferred coexistence with his dominant neighbour.[28] This attitude emerged when most countries were beginning to attack South Africa for its apartheid policy. The closer relationship between the two countries was understandable since Lesotho's geographical location makes it depend on its dominant neighbour economically.[29] The relations between South Africa and Lesotho were not only important to Lesotho but also to South Africa, since she wanted allies to fight against the liberation movements.

However, closer relations with South Africa were against the aspirations of the Basotho people, some of whom were subjected to the apartheid environment while working in the mines in South Africa, and those who were not happy with Pretoria's policy of separate development.[30] One strategic demand Pretoria brought forward was that Lesotho would not attack the apartheid government since this would jeopardise their relationship.[31]

The South African government was happy with the BNP's policy towards the republic. The moderate attitude displayed towards the country gave the prime minister the advantage of being the only one allowed to campaign in the mines. Pretoria endorsed its appreciation of Jonathan's policy by sending 100 000 bags of maize to Lesotho.[32] This was to encourage acceptance of Pretoria's domestic policy of apartheid. Pretoria was in need of Lesotho as an ally to prevent it from harbouring African National Congress (ANC) and Pan African Congress (PAC) refugees who were fleeing the country. Chief Jonathan saw Pretoria's offer as fulfilling his bread and butter strategy, which he had promised the Basothos during the elections in 1965. He did not realise that South Africa was appeasing him because of the support they wanted in fighting ANC refugees in Lesotho..

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[28] Thabisi H. South Africa's Relations with Lesotho 1966-1994: The Colonialisation of a State, Masters' paper submitted to the University of Witwatersrand. March 1999. p56.

[29] Van Wyk AJ. op-cit. p48.

[30] Ibid.p48

[31] Ibid p51.

[32] Hanlon, JH. Beggar You Neighbours: Apartheid Power in Southern Africa. London: Catholic Institution Internation Relations.p 30

Lesotho's natural resource is water, which derives from the mountain areas. This water was a resource that led to the creation of the Oxbow scheme, which proposed that a dam be constructed on the upper reaches of Orange River in Lesotho.

The project would provide water and power to South Africa.[33] Jonathan was slow to realise that his attitude towards Pretoria would not help keep him in power in Lesotho. This is because most Basothos were not happy with their neighbours interfering in their domestic affairs. This attitude towards South Africa was reflected in the elections of 1970.

### 2.4.2 The post independence elections and the cabinet *coup* of 1970

The first post independent elections in Lesotho were held in 1970, as it was stated in the constitution that after a period of five years there should be new elections. This was the time that was crucial for the opposition, certainly the BCP, because the ruling party was experiencing domestic difficulties. It was struggling; firstly with the monarchy which was not on good terms with the government, and also because the relationship with South Africa was not good since Pretoria was not happy with Jonathan's *coup*. The BCP by this time had normalised the relationship with the monarchy and this assured them of support from the king.[34] It was crucial for them to normalise relations with the king since he continued to command influence over the citizens of the country.

During the election campaign, the opposition parties accused Jonathan's government of selling out to South Africa. They were of the view that the relations between South Africa and Lesotho did not benefit Lesotho, like the chief had anticipated. To counter the opposition, Jonathon accused the BCP of being closer to the communist countries. He was not aware that the Basotho people were more concerned with the issue of incorporation by South Africa. They would prefer limited relations with South Africa and closer relations elsewhere. Jonathon was still adamant about the

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[33] Frank, L. " The Basotho National Party" BNP: Tradition Authority and Neocolonialism in Lesotho. Denver University Press. 1971.p5

[34] Interview with the LCD spokes person Mr Kgotso Matla. In Maseru March 13 2003.

relationship with South Africa. On January the 27th 1970, elections were held in Lesotho. The BNP did not perform well since it did not get financial support from South Africa and it also lost support because of its relations with South Africa.[35]

The election results were not released but media reports indicated that the BCP had won the elections. According to media reports the BCP won 36 seats, the BNP won 23 seats and the MFP won 1 seat.[36] Before the results were released, prime minister Jonathan and his cabinet sensed defeat. They decided to meet and take action to nullify the election. On Friday the 30th 1970, Chief Jonathan made an announcement on a radio station that he has been compelled to impose a state of emergency, dismiss the constitution, and that he had taken over power.[37] He accused the opposition parties of causing violence in the polling stations. He then arrested opposition leaders, including Mokhehle, and put the king under house arrest while all opposition publications were banned.[38] Jonathan's allegations of the opposition parties causing violence in the polling stations were contradicted by the radio and newspaper article announcements that the elections were peaceful.[39]

The government *coup* was neither accepted in Lesotho nor externally. South Africa did not support the *coup*; instead it preferred working with Mokhehle rather than with the prime minister whose government was illegitimate.[40] Supporting the *coup* would have brought more criticism against the apartheid government. The apartheid government's feeling towards Jonathan caused the relationship between these two countries to deteriorate further. Jonathan mistakenly thought that South Africa would support him since his government was on good terms with the republic. This was not the case, and the chief decided to change his attitude towards the republic. He

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[35] Hanlon JH. op-cit p108.

[36] Nkiwane, TC. "My Brothers Keeper: The Lesotho Crisis in Perspective" http://www.aaps.co.zw.Publicasions/Papers/vol 1 no 3, 97/p1-18/html. p11.

[37].Bardill JE, Cobbe JH. Government and Politics, Lesotho Dilemmas of Dependence in Southern Africa. Westview Press: London; 1984.p 130

[38] Ibid p130.

[39] Ibid p131.

[40] Weisfielder R. Lesotho and South Africa: Diverse Linkages. In Africa Today. Vol 18 no 2. 1971.p53

started to attack South Africa's apartheid policy, warning it of violent changes that would occur in the country.[41]

He also accused the apartheid government of interfering in Lesotho's domestic affairs and indicated his disapproval of its domestic policy. Pretoria would have responded to Jonathan; however the South African prime minister, John Vorster, did not respond immediately to Lesotho since his government did not have want a hostile country within its borders. This was because Lesotho was vital for Vorster's government if they wanted to capture the African National Congress refugees who had fled to Lesotho when the apartheid government came into power.

The British government also followed by withdrawing its diplomatic relations in Lesotho. The former colonial government could not have recognised the illegal government of the BNP.[42] It suspended the budget and development aid which was destined for Lesotho. This was a blow to the mountain kingdom since the British withdrawal would leave Lesotho at the mercy of South Africa. It was unlikely for the chief to get all the help he wanted from Pretoria since the relationship between the two countries was not good during this time. Furthermore, other countries would only respond after Britain responded.

Internal clashes emerged between the non-governmental supporters, the Police Mobile Unit, and the BNP youth league.[43] The government was successful in quelling all the demonstrators. However, there was a need to normalise the situation at the home front and this would require a negotiated settlement.

Chief Jonathan started a series of talks with the arrested opposition leaders. They all agreed to nullify the election results of 1970 and start new elections.[44] Jonathan promised that there would be a possibility of a National Government in the future. This did not happen. Instead, Jonathan announced that he was taking five years

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[41] Hoeane, T. op-cit p58.

[42] Hanlon, JH. op-cit p109.

[43] Weisfielder R. op-cit p54.

[44] Van Wyk AJ. Lesotho: A political Study. African Institute of South Africa: Pretoria; 1967. p131.

holiday from politics. Had the National Government been formed, Mokhehle could have demanded more representation in the parliament. This was something Jonathan could have rejected. Instead, he withdrew from the talks about the National Government because he was aware of their implications.

### 2.4.3 Opposition parties' response to the *coup* of 1970

The opposition parties were not happy with the self-imposed government of Jonathan. People were also not happy with the political situation in their country. Furthermore, South Africa was also not willing to work and support the unpopular government of Jonathan. All these sentiments led the opposition parties to attempt a *coup* in 1972. However, this was not successful as the government was effective in halting their action.[45] The government of Jonathan accused South Africa of supporting the opposition parties to launch a *coup* against the government. These allegations might have had grounds since South Africa was critical of the anti-apartheid speeches Jonathan used to utter.

Jonathan lambasted Pretoria in his speeches saying they must be careful about their domestic policy, which was oppressing the black masses. He did this because he believed that his party had lost the elections because of the close relations he had with the apartheid government and also because most countries were attacking South Africa during those days.[46]

The accusations come at a time when the apartheid government was facing various challenges within African and internationally. Such accusations were not well accepted by the apartheid government. They only served to worsen the relations between the two countries.

Lesotho's economy was not doing well because of the political situation, and the Chief decide to opt for a normalisation of the political situation at home. He then

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[45] Hoeane T. op-cit p59.

[46] Van Wyk AJ. op-cit p131.

decided to lift the state of emergency on the 25th of July 1973.[47] To normalise the situation at home he came forward with a proposal for the Interim National Assembly (INA) which would try to propose a new constitution in Lesotho.[48] The INA was to consist of 22 principal chiefs who had formally sat in the senate, nominees who had rendered national service, and nominees selected from lists provided by the major political parties in the spirit of National Reconciliation and National Unity.

The Assembly was to have 93 members.[49] The BCP rejected the Assembly with 93 members; they preferred an Assembly with 60 members, equally representative of all the parties. This rejection led to splits with the BCP itself, with Ramorebeli leading those who wanted to take part in the Assembly, and Mokhehle with those who rejected the Assembly.[50]

### 2.4.4 Pretoria and the military response to Lesotho

South Africa's relations with Lesotho continued souring from 1985 onwards, and now Pretoria was prepared to use military tactics to hit back against the government of Leabua Jonathan. This became part of the apartheid government's outward policy that was aimed at destabilising its neighbours; mostly those that were housing ANC refugees. Jonathan's changed attitude towards his neighbour was not well accepted by his party members. They decided to split away from the main party to form a faction led by Manyeli who preferred closer cooperation with Pretoria.[51]

These events made Jonathan realise that he needed to calm relations with Pretoria. A meeting was scheduled for the chief to meet with the South African Prime Minister in 1973, but this meeting did not take place. Instead the division between these two countries continued to widen.

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47 Hanlon JH. op-cit p109.

48 Hoeane T. op-cit p62.

49 ACR. Africa Contemporary Research. Various. Edition (1974) African publishing: New York and London. pp371-2.

50 Maroleng, C. Situational Report: Lesotho General Elections of 2002. Prospects for the Future.May 2002. http://www.iss.co.za/AF/current/lesothomay02.htm.p1

51 ACR. Africa Contemporary Research. Various. Edition (1979) African publishing: New York and

The Lesotho Liberation Army then started to take the advantage of the sour relations between these two countries. Led by Mokhehle, they started to launch attacks against the Lesotho government. The attacks by the LLA perpetuated Jonathon's accusation that Pretoria was obstructing economic development and interfering in its domestic affairs.[52] The LLA activity and the ANC refugees in Lesotho increased as Jonathan was attacking Pretoria. The apartheid government was pleased to see its hostile neighbour in turmoil. There were indications that the LLA was operating from South Africa.

This caused the opposition parties to take advantage of the political situation in the country and they launched a *coup* in 1974. Mokhehle and his faction in the BCP joined Catholics, Anglican and Evangelicals to demonstrate, asking the Chief to form a Government of National Unity representing all political parties.[53] Jonathon did not yield to their demands; instead he crushed all demonstrations in the country and forced the leaders of the opposition parties, including Ntsu Mokhehle who fled to South Africa where he continued the activities of the LLA. South Africa did not stop the LAA from launching attacks from within the country. Instead the government allowed these activities, thinking that it would give them more opportunities to attack the ANC refugees who were hiding in Lesotho.

The political developments in Lesotho deteriorated and this compelled Jonathon to initiate plans to form a new constitution which would solve the situation in the country. He indicated that the 1966 independence constitution would be abolished, the king would be a constitutional monarchy, the local government would be given more power, and all the criminals including Mokhehle would be banned; even their bodies would not be buried in Lesotho.[54]

To get the support to calm the situation at home, he went to meet the South African

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London. p704.

52 Ibid p707.

53 ACR. Africa Contemporary Research. Various. Edition (1974) African Publishing: New York and London. Pp373

54 ACR. Africa Contemporary Research. Various. Edition (1974) African publishing: New York and

foreign minister on the 8th of April 1974 on the Peka Bridge over the Caledon River.[55] It was not surprising that the meeting was followed by a relative decline in the activities of the LLA, suggesting that the South African government was supporting them. Jonathon's attack on the apartheid government was expected to be minimal. However, the most outstanding issue, which was not well addressed in the meeting, was the conquered territories which Lesotho was still claiming. Jonathan threatened to take the issue to the United Nations. This was an issue that was still threatening the relationship between the two countries, even after the meeting.

### 2.4.5 The end of the Jonathan era and the emergence of military government

The BNP was forced to arrange a date for new elections in 1985 since pressure was exerted upon the government internally and externally. The LLA was continuing its attacks on the government, and foreign donors decided to withdraw their funds from Lesotho. The elections were held in 1985.

This time only the BNP campaigned and won all the seats since the opposition parties did not campaign, complaining that the election procedure favoured the BNP.[56] This led to the overthrow of the government by the military in 1986, led by Major General Justin Lekhanya.

Many people welcomed the *coup* since they thought that the military government would restore democratic rule and encourage the creation of the government, which would bring about national reconciliation. The overthrowing of the government came at the right time for Pretoria since it meant that the hostile government was gone, and also that it might get an ally to expel ANC refugees from the kingdom.

The situation changed and did not reflect what the people were hoping. Political activities were not allowed and the government was not willing to introduce

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London. p374.

[55] Hanlon, JH. Op-cit.p109

[56] Loc-cit.

democracy in the country. King Moshoeshoe II was the only one who was well recognised by the military and had been given the chance to participate in the politics of the country.[57] This was a strategic decision by the military. They realised that they would needed the king, since he was the only person who could bring about reconciliation in the country, and also that the king was needed for the military government to be accepted by the people. He was given executive and legislative powers and also reinstated as the head of state. Lekhanya was the chair of the military, meaning that the king would not have the powers over the military.

The relations between the king and the military soon changed; with the supporters of the monarchy council wanting a government based on chieftaincy and absolute powers for the king, and the king accusing the military government of corruption and violations of human rights.[58]

The king was then stripped of all his powers and then sent into exile. He was replaced by his son, Letsie III. During that time the military was enjoying the powers that might have changed Lesotho into a military authoritarian government. However, the power of the military government led to discontent in Lesotho, which in its turn led to the increase in the armed forces against the government. The armed forces and the disappointment from the civilians made it difficult for the military government of Lekhanya to rule the country effectively.

To restore order in the society, Lekhanya promised that there would be a democratically elected government in Lesotho under a revised constitution.[59] This could have created the base for democracy in the country. However, he did not stay long as Major General Elias Ramaema ousted him. This general was said to continue with the democratisation programme, which Lekhanya had started.

King Moshoeshoe II came back from exile and took over the throne from his son.

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[57] ACR. Africa Contemporary Research. Various. Edition (1974) African publishing: New York and London.p372

[58] Ibid.p373

[59] Loc-cit

The political situation was calmed with the new military government restoring political activity in the country and also encouraging multi-party democracy. There were preparations for the elections, which would bring an end to the military government and bring back the civilian government in Lesotho. The date for the election was initially November 1992, but it was postponed to January 1993, and then finally postponed to March 1993.

### 2.4.6 The election of 1993 and the emergence of the SADC Troika: the beginning of a multilateral approach to Lesotho's politics.

Elections were held in Lesotho and were considered to be free and fair by local and international monitors. The constitution of 1966 was revised but not completely changed. The election results announced the BCP as the winner with 75% of the votes. This meant that they won 65 seats in the parliament. The BNP won 20% and no seats in parliament, and neither did any other opposition party win a seat.[60]

This victory indicated what has been argued above, that the problem with the elections in Lesotho was with the model that was being used. The model was not well implemented in the country. It was not only disadvantaging the opposition parties but it was also in constant friction with the monarchists. This period marked the very end of the BNP power in Lesotho. Ntsu Mokhehle was elected as the prime minister and democracy was then introduced in Lesotho. The problem that the BCP had to face by then was that most civil servants were from the opposition parties and some were from the supporters of the monarchy. This meant that government of the day was in power but to lacked support from the police and military which are the two important sectors that the government need to work with.

The opposition parties led by the BNP were not happy of the defeat. They decided to contest the results of the elections. Their contest was facilitated by the fact that the civil servants did not support the government. They demanded the king dismiss the government on the grounds that it was incapable of ruling the country. The king, in August 1994, followed their demands by announcing on radio that he had seized

power and dismissed the constitution; thus bringing the process of democracy to a halt. This happened when the political environment in the region had changed. This time, SADC was prepared to take a multilateral approach to intervene in Lesotho. Three countries, namely Botswana, South Africa and Zimbabwe were tasked with the duty of seeking peace and bringing back a democratically elected government in Lesotho.

### 2.4.7 South Africa and the 1993 elections in Lesotho

In the period 1993, South Africa was undergoing a process of transition from apartheid to democracy and focused more on its domestic affairs. However, the developments in Lesotho could not be ignored. The apartheid government was not prepared to send its troops to Lesotho since this might have brought more criticism against them. The African National Congress had abandoned the armed struggle and was in favour of a negotiated settlement in Lesotho. Thus in 1994, de Klerk and Mandela, together with Robert Mugabe of Zimbabwe and Ketumile Masire, President of Botswana, urged the conflicting parties in Lesotho to negotiate.

## 2.5 Conclusion

The democratic process in Lesotho was difficult to achieve. This difficulty can be traced back to the electoral model, which was used in the country. The Westminster constitution, which was introduced in Lesotho by Britain, did not suit the tiny mountain kingdom. Instead it was a source of controversy and tension. This was clearly seen during the elections of 1965 and also 1993. The parties that were thought to have won the elections were the losers and this created tension in the country. This tension became part of Lesotho's politics since independence.

South Africa, with regional power, could not ignore the political tension that plagued their neighbouring countries. They had to respond to quell the tension. Solving conflicts in the region falls within the New South Africa's foreign policy. Its involvement in Lesotho should be seen within the broader framework of regional

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60 Van Wyk AJ. op-cit p131.

policy. However, solving the political tension in Lesotho was the most challenging policy in the new South Africa.

# Chapter 3

## 3 South Africa's foreign policy priorities in the region: The making of Lesotho policy

*"As South Africans we are proud of our achievements but we do also recognise that the challenges that lie before us are no different to those faced by the region and indeed Africa as a whole. Common needs and interdependence dictate a common interest in regional integration and reconstruction" (Nelson Mandela)*[61]

### 3.1 Introduction

South Africa underwent a process of transition to democracy, which started with the introduction of democracy in the country in 1994, and Nelson Mandela's release from prison in 1990. This process came into being because of the pressure exerted on the apartheid government. The outcome of these engagements led to a negotiated settlement and elections being held in South Africa. The African National Congress (ANC) won the elections and Nelson Mandela became the new democratically elected president of South Africa. The ANC government had been accusing the apartheid government of abusing human rights, and now that they were in power, it was henceforth expected that they would come up with a different domestic and foreign policy; one which was contrary to that used to oppose them.

Most African countries were hoping that the new South Africa would move quickly to do away with the outward policy of destabilising her neighbours. The apartheid government, in pursuit of ANC members in neighbouring countries, had introduced the policy of destabilisation. The new South Africa had to face the challenge of doing away with the policy, as expected by her neighbouring countries. As the late Foreign Affairs minister Alfred Nzo noted:

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[61] Nelson Mandela Address to a Joint Sitting of both Houses of the Parliament of Lesotho. Maseru. Office of the President. 12 July 1995. p2.

> "The liberation of South Africa and South Africa's destabilisation brought great possibilities for the development of our sub region. We must translate these hopes into realities".[62]

The transition to democracy also brought hope that it would be characterised by improvements in the area of foreign policy. James Barber pointed out, rightly, that there was an expectation that the new South Africa would play a sound role in the world politics and also in spreading democracy in the region.[63] This expectation was understandable given the role that the international community played in securing a negotiated settlement in South Africa. In the area of conflict, particularly in Africa, Pretoria was perceived as one country that was likely to prefer negotiated settlements as opposed to military settlements. It was also expected that the new South African government would play a pivotal role in spreading democracy in Africa.

Mandela's government was seen as the one that could lead these initiatives because of the country's economic strength. It is therefore understandable for South Africa to prioritise on her region in terms of foreign policy, given the role that the region played during the liberation struggle and then in Africa and elsewhere in the world. This chapter examines South Africa's foreign policy in perspective. The first part of this chapter examines South Africa's policy in general; this will be followed by the policy towards SADC and Africa. The second part examines security concerns with Pretoria, and the last part examines South Africa's policy towards Lesotho. This includes Pretoria's involvement in Lesotho's politics since the palace *coup* of 1994. This analysis helps position Pretoria's policy with regard to Lesotho.

## 3.2 South Africa's foreign policy in perspective: The search for a moral dimension

The new South African government came into power when the international events

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[62] Alfred Nzo Statement in general debate of the Fifth session of the General Assembly of the United Nations, 6 October 1995.www.gov.za/research97cgi/s97. p2.

[63] Baber J. South Africa's Foreign Policy, in Albert Venter (ed.), Government and Politics in the New South Africa: An introductory reader to its institutions, processes and policies. J.L. Van Schaik: Johannesburg; 1998. p320.

were changing. One can quickly quote the demise of the Soviet Union and the end of the cold war in 1989. This historic event contributed significantly to the settlement that took place in South Africa. The end of the cold war meant that the importance of African countries declined on the world stage. The United States in particular was now focusing on its economy and the post cold war economies of Europe and the Middle East. This was a time when most African countries were not doing well economically. Instead the remnants of the cold war conflict were still prevalent as most countries in Africa were caught up in civil war. Some of these civil wars were results of the cold war conflict. In Angola the government of Dos Santos, which was supported by the Soviet Union, was in conflict with the UNITA rebels led by Savimbi, who were once supported by America and the apartheid government during the cold war. These wars continued in Africa, even when the cold war had ended.

Democratisation and the protection of human rights were attached to aid, mostly from Western donors. The new South Africa emerged in that context and had to comply with the changing environment of the day. This placed a huge burden on Pretoria since it had to change its policies. As Alfred Nzo noted:

> "The events in 1994 in South Africa marked the break with the past, as well as a commitment to the future, placing a heavy burden on us. As a young democracy we are ready to meet the challenge. South Africa will meet this challenge with firm commitment".[64]

The realities faced by African countries and the changing international settings then influenced Pretoria's foreign policy. Thus in 1994 the ANC government devised a set of moral principles in its foreign policy, which were as follows:

- The promotion of democracy and human rights, which was based on the assumption that solutions to humankind's problems would come through democracy and human rights.

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[64] Nzo, A. op-cit p2.

- The promotion of international peace as a goal to which all nations must strive.

- A commitment to the development of the African continent and Southern African region in particular.

- A belief that South Africa's economic development depends on growing regional and international economic cooperation in an interdependent world.

- That international relations must mirror our deep commitment to the consolidation of democratic South Africa.

- Underpinning all this is South Africa's anti-imperial, anti-colonial and anti-neocolonial commitments in international relations.

- Development of a just and equitable world order in which tackling the problems facing South Africa, Africa, and indeed the whole of the south, is at the top of the international agenda.[65]

These policies were indicative of a moral stance the ANC government was taking towards international relations. It was, however, understandable for the ANC government to put these moral principles forward in its foreign policy. The experience of oppression during the apartheid era contributed to a moral approach in the ANC government's foreign policy.

### 3.3 South Africa's African policy

One thing that the new South Africa realised was that it had to integrate itself with African countries and also with the Southern African region in particular. This commitment to join the region came with the realisation that South Africa was being

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[65] Developing Strategic Perspective on South African Foreign Policy. Available from: http://www.anc.org.za/ancdocs/discussion/foreign.html. p2.

regarded as a Western country within an African continent. Moreover, African countries had to start trusting Pretoria and start working with them. This was something the president of South Africa, Nelson Mandela was cognisant of. There was a need to start working together with the neighbouring countries and also with the continent.

Nelson Mandela noted that:

> "We are part of the region of Southern Africa and of the continent of Africa. As members of the Southern African Development Community and the Organisation of African Unity (OAU), and an equal partner with other member states, we will play our role in the struggle of these organisations to build a continent and a region that will help to create for ourselves and all humanity a common world of peace and prosperity".[66]

The Southern African region and Africa were a priority in Pretoria's foreign policy. However, it must be noted than its foreign policy towards Africa differs greatly with its foreign policy in general as it seeks to promote human rights, to spread democracy and to maintain peace and stability in the African continent. James Barber indicated that four things motivated South Africa's African policy:

- The obligation to repay a debt to those who supported and suffered in the liberation struggle.

- To seek opportunities for revival and the African Renaissance.

- To seek to employ its moral authority.

- A belief in a stable and prosperous continent that serves its own interests.[67]

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[66] Mandela, N. op-cit p3.

[67] Barber, J. op-cit. p333.

This came with the realisation that South Africa is part of the African continent and the problems of the continent will affect South Africa as well. It could not escape the challenges that the continent was facing. Also, as a country that was helped by the African continent to reach a negotiated settlement, there was a need to re-invest into the continent.

Southern Africa featured at the heart of South Africa's foreign policy. The policy towards the region does not differ from the African policy in general. In his attempts to indicate his government policy towards Southern Africa, Mandela visited Mozambique and Namibia in 1994. These visits were to strengthen ties and to indicate Pretoria's commitment to the Southern African region.

### 3.4 Security challenges to South African foreign policy: The quest to maintain regional stability

South Africa joined the region that has been plagued by a variety of security threats. Security in this paper will be used in a more broader sense to include human security, and not in a realist way of defining security in a militaristic sense. The realists associate the concept of security with military and the protection of a state. This paper will look at other things that impact on security issues.

When the Berlin wall crumbled, which symbolised the end of the cold war, the definition of security changed, with scholars arguing that security threats of the 20$^{th}$ century included other issues like human security, water security, food security, health and military. The new definition included political, economic, social, cultural and personal security. This new paradigm came with the realisation that post cold war conflicts were more intrastate conflicts as compared to interstate conflicts. Such conflicts had plagued the South African region, mostly after the cold war ended.

These security threats range from the tensions between different political parties in the country, the flight of refugees, disease, food security and environmental degradation. One thing which must be noted about refugees is that they can also be a burden to the hosting countries, and they have the potential of bringing diseases which they contacted while running away from their country of origin. Combating

such threats in the region would require Pretoria to act constructively in dealing with the causes of such threats since this would indicate success in South Africa's foreign policy goals.

The White Paper on Defence in a Democracy states that a common approach to security in South Africa is necessary for a number of reasons. Firstly, many of the domestic threats to individual states are shared problems and impact negatively on the stability of neighbouring states. Secondly, it is possible that interstate disputes could emerge in relation to refugees, trade, foreign investment, natural resources and previously suppressed territorial claims. Thirdly, since the subcontinent is politically volatile and its national and regional institutions are relatively weak, internal conflicts could give rise to cross-border tensions and hostilities.[68] This weakness also makes the region vulnerable to foreign interference and intervention from land, sea and air.

These security challenges posed a challenge to Pretoria if it was serious about achieving its foreign policy objectives in the region. Security challenges from the DRC, Angola and Lesotho were also of concern to Pretoria.[69] The tensions that plagued these countries caused SADC to be regarded as the most war prone region in the world. On joining SADC on the 3rd of August 1994, South Africa was given the difficult task of attracting investors into the region; difficult to achieve in a region that was plagued by security threats. Investors were less likely to invest in a region that was facing security challenges. This left Pretoria in a situation where it had to maintain security in the region in order to fulfil its task.

South Africa expected to play a pivotal role since it was seen as hegemony in the Southern Africa region. Its hegemonic image was, however, rejected by countries in the region that were sceptical of South Africa's actions. The government of former president Nelson Mandela, realising this rejection, refrained from declaring the country a hegemony in the region. However, judging from its economic and political

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[68] White paper on Defence in Democracy for the Republic of South Africa. http://www.info.gov.za/whitepapers/1996/defencewp.htm.p21

[69] Venter D. South African Foreign Policy Decision Making in African Context in Gilbert M, Khadiagala & Terrence Lyons (ed) African Foreign Policy: Power and Process. Lynne Rienner Publishers. Inc:

strength, it was obvious that South Africa was a hegemony in the region. As a regional hegemony, South Africa had to maintain peace in the region. Thus the government indicated that the Southern African region was the priority in its foreign policy and the maintenance of peace was its objective. The late Minister of Foreign Affairs, Alfred Nzo, noted that:

> "South Africa's main objective is to play a constructive role in bringing about peace and stability in the region. We are totally committed to the utilisation of preventive diplomacy, peacemaking and peace-keeping, through the use of regional and multilateral mechanisms".[70]

The battle to preserve peace in the region would be difficult to achieve unless South Africa was prepared to aid those countries experiencing a lack of economic growth. It was clear that the region was experiencing security challenges that would require Pretoria to respond with economic aid. Countries such as Mozambique, the DRC and Lesotho rely on economic aid from South Africa if they are to minimise the security challenges they are facing. It is in South Africa's interest to see peace being maintained in these countries. Most countries in the region are experiencing internal conflicts because of the scarce resources.

In 1994 Lesotho experienced a political turmoil because the political parties were fighting for access to state resources. The tensions had been caused by the election; however, when looking at the elections themselves it is clear that they were fighting for access to state resources. The Basotho National party felt they had been cut off from the state resources that they had enjoyed for a long period of time. In this context it would have been a positive move for South Africa to help Lesotho economically.

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Colorade. London; 2001.p162

[70] Nzo A. op-cit p3.

## 3.5 The formulation of Lesotho's policy: The test for regional hegemony

Lesotho provided a particular test of South Africa's efforts to maintain security in the region. This was because Lesotho was within South Africa's borders and also because of the history between the ANC government and Lesotho. During the apartheid era, most ANC refugees went to Lesotho to seek political asylum. They were well fed by the then Lesotho government. This kind of engagement forms the basis for South Africa's relations with Lesotho. In order to understand Pretoria's policy towards Lesotho it would be vital to look at the 1994 crisis in Lesotho and how South Africa responded to that crisis. This will help one contextualise Pretoria's policy towards the kingdom.

The process of democracy in Lesotho, as indicated in the previous chapter, started in 1993 with the hosting of elections. These elections announced the BCP as the winner with a landslide victory. The government was incapable of ruling properly since it did not get the support of the civil servants.

The lack of support caused the government to experience difficulties in ruling properly.[71]

## 3.6 The causes of the tensions

The political turmoil that plagued Lesotho followed the election results of 1994. The opposition parties were not happy with the results and were willing to challenge the government. However, they did not have an appropriate platform on which to base their claims since the elections were declared free and fair by domestic and international election observers.

Certain events took place in the country that gave them the opportunity to protest against the BCP led government. Firstly, the soldiers launched a demonstration

[71] Interview with Mr Kgotso Matle, spokesperson of the Lesotho Congress for Democracy. March11. Lesotho parliament. Maseru.

demanding that their wages be increased.[72] Once their demands were met, the Royal Mounted Police also decided to demand an increase in their wages. Their demonstration led to an increase in corruption, crime and lawlessness in the country.[73] Secondly, the king wanted his father, King Moshoeshoe II be reinstated in power. The military government of Lekhanya in 1991 exiled him after they realised that he was involved in the politics of the country. Lastly, the lack of support the government received from the civil servants also gave the opposition parties the opportunity to demonstrate against the government.

The opposition parties then marched to the palace, demanding that the king dissolve the government since it was incapable of ruling the country. The BNP had the support of the king, chiefs and most people who were loyal to the king. Furthermore, the military was also loyal to the king and was willing to follow his orders.

This complicated the situation because it meant that the government was left with the police as its main security umbrella, since the military was no longer loyal. Thus when in August the king unconstitutionally suspended the parliament and elected a new interim council headed by justice to rule over the country,[74] the military contributed by being loyal to the king.

The king's actions were followed by a period of strikes from the followers of the government. Most supporters of the government indicated that they were not happy with the king's actions.[75] The pro government demonstrators went to the palace demanding to talk to the king. They fought with the republican guard who were protecting the palace. During this confrontation four people, all of which were government supporters, were killed by the security forces.[76] The king went on to ban all public meetings and sent the troops to take the prime minister's equipment and

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[72] Khabale M. Lesotho and the Role of External Forces, in Africa Insight. Vol24. No4 1994 p226.

[73] Loc-cit.

[74] Mandela and Mugabe stress peaceful settlement in Lesotho. AFP 191608 GMT August 1994.p1.

[75] Interview with Mr Kgotso Matle, spokesperson of the Lesotho Congress for Democracy. March11. Lesotho parliament. Maseru

[76] Mandela and Mugabe stress peaceful settlement in Lesotho. AFP 191608 GMT August 1994.p2.

also the cabinet's equipment.[77] The king's spokesperson noted that His Majesty dismissed the constitution because prime minister Ntsu Mokhehle was becoming dictatorial.

These reports did not reflect what was happening on the ground. The prime minister was not in a position to become a dictator since he was not given the proper support of the civil servants to attempt such a role. Being a dictator would have required the government to have the full support of the military, something that he did not enjoy. It was, however, required for the king's spokesperson to shield his Majesty.

### 3.7 South Africa's response to the crisis in Lesotho

The 1994 crisis in Lesotho happened at a time when South Africa was trying to consolidate her democracy. It was the time when the ANC government was part of the region and was prepared to play an active role in the region. The stability of the region was of crucial concern to the new South African government as part of their strategy to attract investors and to spread democracy in the region. Any instability would have had an impact on the Southern African region as whole. Lesotho, which was geographically in South Africa, posed a threat to South Africa and to the region as a whole. The then president of South Africa Nelson Mandela noted that:

> "Current developments in Lesotho are of major concern to us. Needless to say, these developments have a bearing on the stability in our own country, and they do have an impact on the principled question of democracy in Southern Africa".[78]

Mandela, recognising the impact the crisis would have in the region, decided to hold talks with the Zimbabwean president, Robert Mugabe, who happened to be in South Africa on a state visit for four days. The two presidents indicated that they would prefer a negotiated settlement in Lesotho. However, the use of the military was not totally ruled out as the two presidents indicated that the outcome of such would

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[77] Ibid p3.

[78] Ibid p4.

determine future engagements. These two presidents were currently playing an important role in the region, with South Africa being a hegemony due to its economic strength and Zimbabwe also being a dominant country in the region.

They met with the king and gave him a week to restore the democratically elected government of Ntsu Mokhehle. The problem was not solved at that stage. It still needed more consultation with diplomats from Botswana, South Africa and Zimbabwe. The foreign ministers from these three countries then called upon King Letsie III to attend a meeting with Prime Minister Ntsu Mokhehle in Pretoria. The outcome of this meeting seemed to be a success as the three foreign ministers stated that:

> "We are happy the situation in Lesotho shows signs of hope. The king has indicated to us that he will act to preserve the peace, stability, unity and understanding of the people of Lesotho".[79]

Throughout the negotiations Mandela was adamant that the democratically elected government of Mokhehle should be reinstated. This commitment seemed to be influenced by his foreign policy goals of promoting democracy in the region. The government of Ntsu Mokhehle was reinstated; however, the causes of the tensions in Lesotho were not solved. Mandela was only concerned with restoring the democratically elected government without looking at the causes of the tensions.

Thus the government was restored and had to govern in a hostile environment. The electoral system used was still in place and was still to be used in the next election. This model caused more tension which needed the intervention of the SADC Troika again. In this intervention the issue of the electoral model had to be solved or the tensions would continue. These issues will be explored in detail in the next chapter.

### 3.8 Conclusion

The new South African government came into power when the region was

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[79] Loc-cit.

experiencing political insecurity. This prompted the government to move quickly to do away with the apartheid foreign policy of destabilising neighbouring countries. The focus of the new South African government was with the Southern African region. This had something to do with the role the region played during the apartheid era. Nevertheless, the challenge for the new government was to develop a coherent foreign policy which would help it deal with security issues in Africa and also attract investors from the West.

The Lesotho crisis presented South Africa with the first challenge of her new foreign policy. The crisis that emerged in 1994 saw Mandela cooperating with neighbouring countries towards solving the crisis in Lesotho. South Africa could not isolate itself from the security challenges that were prevalent in the region. However, these challenges required South Africa to work with other countries in the region and not to go it alone.

# Chapter 4

## 4 South Africa's multilateral approach to Lesotho's crisis

*"South Africa's main objective is to play a constructive role in bringing about peace and stability in the region. We are totally committed to the utilisation of preventive diplomacy, peacemaking and peace-keeping, through the use of regional and multilateral mechanisms".*[80]

### 4.1 Introduction

Southern Africa is a region that has witnessed deadly conflict caused by civil wars and political instability. Towards the turn of the century, the region was regarded as the most war torn region. Unfortunately the United Nations was incapable of solving the civil wars that were experienced in the region. Instead, the role of conflict resolution in Africa was given to regional organisations.

The United States was also not willing to participate in conflict resolution in Africa. This is because of the bad performance of their troops in Somalia in 1992. Europe was occupied with the Balkan crisis and had no time to focus on conflicts in Africa. Also, after the end of the cold war, Africa could no longer offer the West and East strategic support. Therefore solving conflicts in Africa had to depend on Africans themselves. In this context, South Africa was seen as the one country in the region that could play a pivotal role in conflict resolution in the 1998 political crisis in Lesotho.

Southern Africa faced few conflicts that affected stability in the region. In 1997, rebel leader, Laurent Kabila, overthrew Sese Seko Mobutu, the then Zairian leader. Mandela attempted to get the two leaders to negotiate but his attempts failed. Much was expected from Kabila's government; i.e. that it would solve the political crisis that plagued the country ever since independence. However, this did not materialise as

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[80] Nzo A op-cit p 2

the rebels, who were supported by Rwanda and Uganda, were fighting against Kabila's government. Also, the decade long civil war in Angola was a serious concern to the stability of the region. These conflicts exacerbated the lack of security in the Southern African region, thereby posing a threat to South Africa's foreign policy.

Lesotho in 1998 also contributed to insecurity in the region because of tension between different political parties. This tension followed the announcement of the election results, which indicated that the LCD had won. The opposition parties were not willing to be led by a government they thought had lost the elections. This created security problems that needed external intervention since the parties at home could not solve them. The United Nations was not in a position to send its peacekeeping forces since it expected regional organisations, in this case SADC, to solve the problems. Also, a popular dictum; i.e. "African solutions to an African problem" was used as justification for not taking part in conflict resolution activities in Africa.

South Africa, along with Zimbabwe and Botswana, were then tasked with the burden of solving the crisis in Lesotho. This task started in 1994 when the king dissolved the constitution after the government of Ntsu Mokhehle for been unable to govern. This kind of involvement continued until the elections of 1998. During these elections, South Africa, together with Botswana, sent troops to Lesotho in an operation that was known as Operation Boleas.

The main objective of this operation was to restore peace and democracy in the country. Although the two counties were decisive in bringing about peace in Lesotho, they did not managed to reconcile the nation and therefore, the tensions were still intact. South Africa's intervention in Lesotho was guided by its foreign policy commitment of maintaining peace in the region. This intervention was crucial to Pretoria as part of contributing to peace in the region.

The maintenance of peace in the region is vital to South Africa in order to attract investors and also as part of fulfilling its foreign policy goals of spreading human rights and democracy in the region. The focus of this chapter will be on South

Africa's strategy of promoting peace in Lesotho and settling the disputes peacefully. The chapter will answer the following research questions: What were Pretoria's objectives within the SADC Troika? Why did South Africa choose to go to Lesotho while it refused to go to the DRC? Why did Pretoria change its strategy from military intervention in Lesotho during September 1998 to one of peacemaking after the intervention until the elections in 2002? Was military intervention inevitable? Was the intervention beneficial to the people of Lesotho and did South Africa leave a coherent conflict resolution plan that the Basotho people could use when South Africa had left?

The chapter will also examine South Africa's negotiation efforts in Lesotho after the intervention. These post intervention efforts were decisive in helping the country to host the elections in 2002.

## 4.2 The period before the 1998 elections in Lesotho

Before the elections, the government of the Basotho Congress Party was experiencing internal difficulties with some factions within the party no longer happy with the leadership of Prime Minister Ntsu Mokhehle. This led to a split that saw the prime minister moving away with a faction that he called the Lesotho Congress for Democracy (LCD).[81] This party had the majority in the parliament and therefore continued to rule. The Basotho Congress Party (BCP) was then relegated to the ranks of opposition. This caused the opposition parties to assume that they would win the elections since the ruling party was still trying to establish itself in Lesotho. By joining the opposition, the BCP increased tensions towards the government. Most opposition parties were happy with the split because they thought it had affected the LCD and might have an impact on the elections to be held in a year's time.

The date for the second democratic elections in Lesotho was to be announced. However, before it was announced, different political parties were holding meetings

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[81] Matlosa K. The Lesotho Conflict: Major Causes and Management, in Kato Lambrechts (ed). Crisis in Lesotho: The Challenge of Managing Conflict in Southern Africa . Foundation for Global Dialogue African Dialogue Series. No 2. Braamfontein. Foundation for Global. March 1999. p22.

to rally support for themselves. The Basotho National Party (BNP) held its meetings at a place called Mmanthabiseng; the Basotho Congress Party at Hasofo, and the LPP at Lepereng.[82] During these meetings the BNP had the most number of people attending.

However, sources within the government informed the researcher that the majority of the people who attended the BNP meeting were young people, some of whom were not qualified to vote. This was going to have an impact on the polls themselves. The BNP did not consider the age disadvantage of the people who came to the meeting; the numbers gave them an impression that they were going to win the elections. Because Lesotho is a small country, it was easy for some members of these different political parties to witness the attendance of other political parties.

The BNP was convinced that they would win because their meetings attracted large crowds. Furthermore, the split within the BNP gave the them the impression that the LCD would not be properly prepared to contest the elections, which were only a few months away.

When the results indicated that the BNP had lost, tensions emerged. Pretoria tried to solve the tension through peaceful means, and when these did not prove fruitful, it went for military intervention together with Botswana. They intervened in an attempt to solve the tension that plagued the small mountain kingdom. The military intervention in Lesotho has been heavily documented, but the diplomatic intervention before the military intervention did not receive much attention.

### 4.3 The 1998 elections in Lesotho: The Lesotho Congress Party in an unconvincing victory

Elections in Lesotho were held on 13th May 1998, and the LCD won all 79 seats except one. Domestic and international observers declared them to be free and fair. The announcement of the elections left the opposition parties complaining that the elections had been rigged. This was the sort of controversy that has plagued the

[82] Interviewed with the Chairperson of the Auplas constituency. March 09 2003, Maseru.

elections in Lesotho since independence. The Westminster model, as indicated elsewhere in this thesis, was not properly implemented to function in concert with the monarchical system. It always produced tension between the opposition parties and the government. It always left the opposition parties feeling that the elections had been rigged. The winning party was most likely to win with a big margin. Even though parties looked balanced before the elections, the results produced were always controversial.

The BCP, BNP, MTFP and other opposition parties were not prepared to accept the election results. They formed an alliance to contest the results, and as time went on other smaller parties decided to join them in protesting the results of the elections.[83] They went to the palace and demanded the king dismiss the government as he did in 1994. Demonstrators stayed at the palace and did not come back within the timeframe given to them to disperse. [84] The soldiers at the palace did not dismiss them, and this gave the government the impression that the soldiers were on the side of the demonstrators. Their stay at the palace also encouraged the LCD supporters who also wanted to confront the demonstrators. This could have worsened the tension that already existed. The soldiers who were guarding the palace prevented this from happening by not allowing the LCD supporters to gain access.

According to Mamello Morison, an official within the opposition, demonstrations at the palace were peaceful. However, certain sources within the police indicated that there were sporadic gun fights between the demonstrators and the police. Although this was the case, two things should be noted: firstly their stay at the palace was illegal since they stayed even when the time allocated to them had expired, and secondly, the military contributed to the crisis by not dispersing them.

As the demonstrators continued to stay at the palace, the situation in the country was deteriorating and South Africa in this context felt that the tension might spill over to the Orange Free State (OFS) province. This was because of the possibility of

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[83] Interview with the Chair person of Auplas constituence. 09 March 2003, Maseru

[84] Matla K, government spokesperson. Interview outside the Parliament in Lesotho. 80-03 2003.

Basotho refugees running to the OFS province and inviting attack. Mandela's government decided to mediate in an attempt to encourage a negotiated settlement.

## 4.4 South Africa's diplomatic efforts before the military intervention: Worthy attempts lacked proper execution

South Africa felt the need to deal with the crisis in Lesotho since it might have serious implications for her own political situation at home. The refugees who might flee to the OFS might need support from the government, which would be costly for the government. Also, their plight might affect the Basothos who were working in the mines in South Africa. Thus Pretoria's response was to prevent the crisis from spilling over to the OFS. The first response to the crisis was diplomatic. This was part of the foreign policy objective that South Africa was committed to, namely peaceful resolution of conflicts in Africa and elsewhere in the world.

SADC diplomats, led by the then South African safety and security minister Sydney Mafumadi, went to Lesotho in August 1998 to encourage a negotiated settlement. This team had to try and convince the government and the opposition parties to negotiate. Pretoria's strategy was applauded by many scholars. However, for these negotiations to be successful, South Africa needed to solve the tensions that had evolved, and also encourage the creation of a new electoral model that would incorporate all the parties in the country.

The opposition parties would only negotiate if the issue of the elections was solved, since it was the root cause of the tensions in the country. Following these claims, the South African government decided to appoint a commission led by Judge Pius Langa to investigate whether there were irregularities during the elections. Prime minister Phakhathi Mosisili gave a statement that:

> "If the commission proves that the elections consisted [of] elements of fraud he will resign".[85]

This statement was confusing because it meant that the commission could report anything; as long as the word "fraud" did not appear, the prime minister would not resign. It also put the commission in a situation where they needed to decide

whether or not to use the word. The word itself was loaded with huge political ramifications. The commission had to decide on the kind of words to use to define the results of the elections.

The commission completed their investigation and when it was finished, the report was handed over to the then deputy president Thabo Mbeki, who was to present it to the various parties in Lesotho. He did not present it as required; instead he indicated that it would be presented at the SADC summit in Mauritius. The refusal to present the report caused the opposition parties to start losing faith in South Africa's efforts to negotiate a settlement of the tension in Lesotho.

Two explanations were given to explain Mbeki's refusal to hand in the report to the authorities in Lesotho: On the one hand, there was information that the report was "explosive" and could not be released because it could worsen the tensions in the country. On the other hand, Botswana and Zimbabwe stopped Mbeki from presenting the report, and instead suggested that it should be presented at the summit in Mauritius.[86] The opposition parties were convinced that Mbeki did not present the report because the contents were highly explosive. This could have been the case since the Troika could not have stopped him from presenting the report if there were no problems with it. Unfortunately, the opposition could not be allowed to be part of the SADC summit since only government representatives were welcomed.[87] This also caused the opposition parties to lose faith in South Africa's mediation efforts. The report itself would have changed the situation in the country. The government might have been forced to set another date for the elections.

The government of Lesotho was told that it could be present when the report was to be presented at the SADC summit in Mauritius. Instead of being presented at the summit, the then president of South Africa, Nelson Mandela, refused, and said the report could not be presented at a summit level; it should be presented before the

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[85] Interview with Mr Kgotso Matla, spokesperson of the Lesotho Democratic Party. Maseru

[86] Boot W. The two Versions of the Langa's Report, in Mail & Guardian. Sep 25-Oct1 1998 p 4.

[87] Interview with Professor Makoa Francis. Lecturer at Roma University. Interview on 10th March 2002.

authorities in Lesotho.[88] South Africa's refusal to present the report caused the opposition parties to complain, stating that they did not approve of the delay. During the delay there were suggestions that the report had been doctored.[89] The Basotho people were growing impatient with the delay and were becoming more critical of South Africa's unwillingness to present the report. South Africa was applying a delaying tactic to prepare the Basotho people to accept the findings of the commission.

The report could not be delayed for much longer, as the Basothos were getting impatient. Thus, Mafumadi finally presented the report on the 17th of September.[90] It did not exclude the possibility of irregularities during the elections, and one of its findings reported that about 95% of the sealed white bags in which the ballot papers were kept, had been unsealed and attempts were made to reseal them.[91] Despite these irregularities, the report concluded that the will of the people was reflected in the polls. This was said in order to avoid further political conflicts erupting in the country. If there were indications that the bags were unsealed and resealed later then the ballots must have been tampered with and therefore the results did not necessary reflect the will of the people.

Also, the commission avoided the use of the word "fraud" as it could have meant the prime minister would need to resign from office. South Africa could not afford to see the government of Pakhathi Mosisili resigning as it is regarded him as democratically elected. This indicates that the commission itself was not credible in delivering a reliable report, which would have been trusted by both the opposition parties and the government. It was only favourable to the government and not the opposition parties.

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88 Ibid. Interview with Professor Makoa Francis. Lecturer at Roma University. Interview on 10th March 2002.

89 Thai B. Lesotho to hold re-elections within 15-18 months, Lesotho News Online (8)-10/04/98. Available from: http://www.sas.upenn.edu/Africa Studies/newsletter/lsno8.html. p3

90 Thai B. Lesotho to hold re-elections within 15-18 months, Lesotho News Online (8)-10/04/98. Available from: http://www.sas.upenn.edu/Africa Studies/newsletter/lsno8.html. p2

91 Boot W. op-cit pg4-5.

The situation went out of control and diminished the government's capability to rule. The country was ungovernable. South Africa's efforts to arrange for a negotiated settlement lacked proper vision. It was clear that the situation could have escalated as the Mandela government was not doing enough as a regional hegemony to help suppress the tensions in Lesotho. The failure is attributed to the fact that South Africa, as a hegemony, was not prepared to commit its finances to the crisis in the country and was also not able to command proper support from the region to maintain the operation.

Instead, South Africa blundered by not handing over the Langa report to the authorities in Lesotho. The then deputy president of South Africa, Thabo Mbeki, went to Lesotho and refused to present the report. It was unfortunate that he flew to Lesotho and then refused to hand over the report to the authorities. Furthermore, Nelson Mandela, as chair of SADC, did the people a disfavour by not allowing the report to be presented during the summit, which contradicted the statement made by his deputy Thabo Mbeki that the report would be presented during the summit in Mauritius. This also angered the opposition parties who thought the president was buying time. They thought he wanted to change the content of the report first. The opposition parties' willingness to debate was hammered by Pretoria's failure to handle the Langa report correctly. This led to the breakdown of the negotiations process and the beginning of the crisis. Demonstrations increased and the opposition parties were no longer willing to negotiate.

### 4.5 Operation Boleas: South Africa resorts to military action

The process of negotiations was exhausted and had not produced results. Instead it seemed as if the outcome of the negotiations dismayed South Africa. The Mandela government's strategy to negotiate seemed fruitless at that point. The attempts to negotiate were good; however they lacked the proper execution strategy. There was therefore a need to intervene militarily to quell the demonstrations. It should be noted that the military intervention was the last option and came as a result of Pretoria's failure to diplomatically manage the negotiations. As noted below by the ANC Daily News:

> "The military intervention follows unsuccessful attempts by a South African Development Community team to mediate a negotiated settlement to a crisis sparked by opposition party claims that the Lesotho's May 23 elections were rigged".[92]

The followers of the opposition parties, led by the BNP, BCP and the Marematlou Freedom Party (MTFP), confiscated government vehicles, rendering it difficult to govern the country. They received news that SADC might intervene in their country. This led their leaders to mobilise support in the townships to counteract the possible intervention by South Africa. More stay aways were organised and the civil servants did not report to work. The government was no longer in control of the country. It looked like the opposition parties were leading a *coup*.

The prime minister and some government officials were no longer in control of the country. Instead they were living in fear that the demonstrators might attack them.[93] This prompted the prime minister to write a letter calling for SADC to intervene. He then wrote a letter to SADC requesting military assistance to solve the tensions that were rendering the country difficult to rule. In a letter written to a regional head of state for military assistance he stated:

> "In my capacity as Prime Minister and head of the government of the kingdom of Lesotho, I wish to urgently request your excellencies, heads of states of Botswana, Mozambique, South Africa and Zimbabwe, to come to the rescue of the government and the people of Lesotho".[94]

He further said:

> "I will appreciate your excellencies' timely intervention before it is too late".[95]

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[92] SADC Soldiers take over two Lesotho military bases, ANC daily news briefing. Pretoria. Available from: http://www.anc/newsbrief/1998/news0923.5

[93] Interview with Mr Kgotso Matla, spokesperson of the Lesotho Democratic Party. Maseru

[94] Transcript of Lesotho Request for SADC Intervention, ANC Daily News Briefing. ANC Information Service Dept of Information & Publicity. Cape Town 1998. p38.

[95] Ibid p39.

This request came after a calculated decision by the prime minister that his life and the lives of his fellow government officials were in danger. However, it must be recognised at this point that although the prime minister called upon SADC to intervene because he felt insecure, he should, however, have consulted the king first. The constitution of Lesotho requires the prime minister to inform the king about the happenings in the country. It states that:

> "The King shall have the right to be consulted by the Prime Minister and the other ministers on all matters relating to the government of Lesotho and the Prime Minister shall keep him fully informed concerning the general conduct of the government of Lesotho and shall furnish him with such information as he may request in respect of any particular matter relating to the government.[96]

The South African military, later joined by Botswana, went to Lesotho on the 22nd of September in what has popularly been called Operation Boleas. Mangosuthu Buthelezi, who was acting president while Mandela was away in the United States (deputy president Thabo Mbeki was also away in Finland and foreign minister Alfred Nzo and his deputy Aziz Pahad were at the United Nations), authorised the intervention in Lesotho.

This operation happened at a time when the SADC region was divided. The conflict in the DRC occupied the attention of most SADC states. The then DRC president Laurent Kabila called upon a few countries, including South Africa, to help him fight the rebels. Mandela refused to intervene, citing that he preferred a negotiated settlement. Zimbabwe, Angola and Namibia responded to the call.[97] The response of the three countries was seen as a defiance of South Africa's hegemonic status in the region. The intervention in Lesotho left many scholars arguing that South Africa did not have a coherent foreign policy. They saw Pretoria as contradicting its own foreign policy by refusing to intervene in the DRC where they have been legitimately

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[96] The constitution of Lesotho. Available from: http://www.lesotho.gov.ls/constitute/gconstitute.htm.p60

[97] Smith AD. South Africa's Foreign Disaster, in Mail & Guardian. Sep 2 5 -Oct 1 1998.p5

invited to intervene, but involving themselves in Lesotho where their invitation did not meet constitutional requirements.

Furthermore, the intervention itself came at a time when South Africa was restructuring her military forces. Forces from Umkhonto we Sizwe and the Pan Africanist Movement had been incorporated into the South African Defence Force. The combined military force was called South African National Defence Force. They were not in a position to undertake any peacekeeping operations. However, the LCD government was happy with the SADC intervention. They regarded it as a timeous intervention; if it had been delayed for a few weeks then the situation could have been far worse.

The intervention was not without its mistakes. Firstly, there was not sufficient time to call upon the SADC Organ of Defence, and the security services did not have the time to discuss the situation in Lesotho.[98] Article 5 of the protocol on defence and security, signed in 1996, states that intervention in a foreign state can take place where there is large-scale violence between sections of the population, if there is a threat to the legitimate authority of the government, or if there is any crisis that could threaten the peace and security of the region.[99] The intervention itself was not properly executed. The conditions laid down in the protocol were prevalent in Lesotho, and this was because the Zimbabwean president, Robert Mugabe, was not available and the Mozambican president, Joachim Chissano, was away in Brazil. The intervention was then more of a consultation between Botswana and South Africa.

Secondly, the South African troops were told not to expect any form of resistance.[100] This made them relaxed, hoping that the mission will be easily executed. Things did not turn out that way. What was supposed to be a peacemaking operation now turned out to be a fight between the SANDF and Lesotho's Mounted Forces. The

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[98] Ibid p5.

[99] Ibid p5.

[100] Barrel H. Defense Force Reputation in Tatters, in Mail & Guardian October 2-8 1998 p3.

intervening forces were met with looting at Maseru, Mafekeng and other parts of Lesotho. They had to fight troops at the Makonyane Barracks, and that led to the killing of a few soldiers.[101]

The intervention itself managed to get the police and the military forces to comply with the government. However, the country was still divided. Opposition parties were still not willing to comply with the government of Phakhathi Mosisili. Instead, they wanted a government of National Unity, which would be representative of all the parties in Lesotho. The prime minister was not willing to give in to the opposition's demands. This fuelled tension between the government and the opposition. Also, it was not a calculated move by South Africa to go to Lesotho to reinstate a government, which was regarded by the opposition to have won the election only by cheating. This only served to create a sense of hatred towards South Africa. While these sentiments were growing, the South African government was happy to have ended the demonstration which led to the beginning of peace in the mountain kingdom. As the then minister of foreign affairs noted:

> "South Africa is proud to have played its part, as a member of SADC, in successfully restoring peace and stability to Lesotho. The prosperity of Southern Africa is one of our utmost priorities and having struggled for so long to establish democracy at home we could not ignore our closest neighbour's call when its democracy was under threat."[102]

One crucial thing was still missing; the reconciliation between the opposition and the government. This was something South Africa was not capable of effecting. The possibilities for conflict were still there. Thus Mandela decided to increase the number of SANDF troops in Maseru to deal with potential threats that might occur. The sending of more troops was aimed at quelling the armed forces and to give the opposing parties a chance to negotiate the future of the country.

### 4.6 The post intervention engagements: Paving the way for a

[101] Nzo A. Op-cit.p3

[102] Loc-cit

**negotiated settlement**

The military intervention was not as effective as it was expected to be. The SANDF's efforts were not followed by proper policy guidelines. However, it should be noted that the operation was successful in getting the LDF to return to their bases, and the country experienced a relative time of peace. Promoting peace in Lesotho was one objective the SANDF was not in a position to achieve. Nevertheless, one thing that the foreign troops celebrated was that they managed to calm the tensions that had plagued Lesotho since the release of the elections results. They did not realise that the root cause of the tension in Lesotho was not the conflicting parties as such, but the electoral model used. The intervening parties did not solve this problem.[103] In December the government and the opposition parties finally met to discuss the future of Lesotho. They came to an agreement on the electoral issues in the country. The agreement included four important stipulations:

- The parties agreed to hold new elections within a timeframe of 15-18 months.

- The parties agreed on the restructuring of the Independent Electoral Commission to ensure it was able to effectively discharge its mandate.

- They agreed to formulate a code of conduct for political parties, which would ensure *inter alia* the creation of a climate conducive for free political activity and further agreed to immediately desist from making inflammatory statements.

- Lastly, they agreed to work together to restore stability in the country and desist from actions that could compromise the professionalism of the security forces.

Credit should be given to the LCD government for agreeing on a date for the new elections; even if their term in office was over. This indicated their initial willingness

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[103] Interview with Professor Makoa Francis. Lecturer at Roma University. Interview on 10th March 2002.

to solve the problems affecting Lesotho. Also, it indicated that they were still confident that even if a new election was held, they could still win.

South Africa then came with a CODESA style idea to get the government and the opposition parties to negotiate. The government and opposition parties then came to an agreement that a structure would be put into place which would make preparations for the elections in Lesotho, and this structure would also seek to promote conditions conducive to the holding of free and fair elections.[104] The agreement reached had the following critical outcomes: it led to the creation of the Interim Political Authority (IPA), a body that was to pave the way for the hosting of the next election in eighteen months consisting of two members from each party in Lesotho. This did not mean that it had powers like the government had; it was only an inclusive body that was created to pave a way for the hosting of elections.

As highlighted elsewhere in this report the problem with Lesotho's tensions was with the electoral system used. The Westminster model needed to be amended or changed for the tensions to end. For democracy in Lesotho to last, there was a need to change the electoral system. With the creation of the IPA it was hoped that the problem would be solved. However, this problem was not properly solved; it was partially solved with the government signing an agreement with the IPA. The agreement listed a few stipulations, one of which was that a new member ratio would be included in the system to be used.

As indicated in the agreement, the parties unreservedly accepted the award of the Arbitration Tribunal appointment in terms of Section 16 of the Interim Political Authority Act 1998 on the electoral model to be adopted for the forthcoming and subsequent elections. According to the award delivered on 15 October 1999, for the 2000 election only, the mix ratio of constituency seats (FPTP) to Proportional Representation (PR) would be 80/40. Thereafter the mix ratio of FPTP and PR

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104 Further Agreement Reached By the Political Parties in Lesotho. Government Documents. Maseru. October 1998.p1

would be 50% each for the seats in the National Assembly.[105]

This agreement did not solve the problems. One cannot go through the new system in great detail but it should be noted that it also included some elements of the Westminster First-Past-The-Post system. The 80% ratio, which was given to the PR system, meant that the party that could win all those seats would automatically form the government, and the other parties would have to share the remaining 40%..[106]

During this period South Africa was not playing her part well as a peacemaker. Firstly, the members of the IPA were going to be paid for taking part in the body. The government of Lesotho did not have funds to finance it. South Africa did not come up with any substantial funds to help in the running of the IPA. Part of the reason that the LCD government was not capable of financing the IPA was because it had to pay South Africa back for the military intervention.

The agreement between the government of Lesotho and the government of South Africa noted that the receiving party would be liable to the sending party for all real expenses and costs incurred by the sending party, with regard to the provision of military assistance to the receiving party. Upon receipt of an account from the sending party, the receiving party would have to pay the expenses and costs within a period of 30 days. Interim accounts could be lodged by the sending party, and upon conclusion of the military assistance, a final account would be lodged.[107]

The poor mountain kingdom had to settle the amount as indicated in the agreement. The country was in more in need of funds than South Africa, yet ended up having to pay its dominant neighbour. This left many scholars saying South Africa was bullying its way in Lesotho by making the country pay for the debt. One can also argue that the intervention by the South African Defence force crippled the poor mountain kingdom of Lesotho. The country was faced with the economic burden of

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105 Report on the 2002 General Election held on 25 May 2002 for the National Assembly of the Kingdom of Lesotho. p3.

106 Ibid.p3

107 Agreement between the Republic of South Africa and the Kingdom of Lesotho concerning the status of armed forces in the Kingdom of Lesotho for providing military assistance. 86.p

restructuring the economic infrastructure destroyed by the demonstrators when the SADC forces arrived in Lesotho and also having to settle the cost of military intervention.

The economic problems Lesotho was facing could not be separated from the economic problems faced by other African countries at large. Thus Thabo Mbeki, who became the president of South Africa in late 1999, came up with a vision of the Africa Recovery. He introduced a new vision called the African Renaissance. The political problems facing Lesotho could not be properly addressed without dealing with the economic problems. The following chapter will examine Thabo Mbeki's vision of the African Renaissance and how it will help Lesotho move out of the economic problem it was facing.

## 4.7 Conclusion

South Africa's military intervention in Lesotho left many problems that needed to be solved. Although the intervention seems to have been decisive in restoring peace and paved the way for negotiations, it was not decisive in reconciling the nation. Hostilities existed between the government and the opposition parties, and there was also no conflict resolution mechanism that could be used when the intervening forces had left. This goes back to the poor planning of the intervention itself and also the lack of coordination between South Africa and Botswana.

The negotiations prior to the elections were not successful. The Langa commission was the proper vehicle Pretoria could have used to deal with the tensions in the country. This commission was also not properly guided by the South African government. Some scholars tend to congratulate Pretoria's efforts to facilitate peace in Lesotho. These scholars tend to focus on the intervention to stop the crisis from escalating. Their analysis fails to account for South Africa's role during the negotiation process. It does not help one understand why tension still existed between the government and the parties in Lesotho. One can therefore argue that the situation in Lesotho required South Africa's active involvement, even during the negotiation phase.

# Chapter 5

## 5 African Renaissance: The test case

*"Those who have eyes let them see. The African Renaissance is upon us, as we peer through the looking glass darkly, this may not be obvious. But it is upon us. What we have been talking about is the establishment of genuine and stable democracies in Africa, in which the systems of governance will flourish because they derive their authority and legitimacy from the will of the people.*[108]

### 5.1 Introduction

Towards the end of the millennium Lesotho was one country in the region that was not performing well economically. The reason was that the tensions of 1998 had left the country with poor economic growth prospects and a poor business infrastructure. On the economic front, the tiny mountain kingdom was classified as one of the least developed countries. On the political front, the country was still searching for a proper model to be used during the elections in 2002.

These economic and political problems occurred at a time when there was a popular vision called the African Renaissance which was dominating debates in Africa. This was known as the Renaissance era in Africa. This vision was Thabo Mbeki's who promoted the concept while he was still deputy president (since 1994). He became the president of the Republic of South Africa in 1999. His popular foreign policy vision of the African Renaissance was then expected to have an impact in his foreign policy, particularly during his term as president of South Africa. The vision is Africa as a continent that will wake up and take control of her own affairs. The political and economic problems in Lesotho were of great concern to South Africa during the Mbeki Renaissance era. Solving these problems should be seen within the broader vision on the African Renaissance.

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[108] Van Nieuwkerk A. South Africa's emerging Africa policy, in Garth le Pere, Anthony van Nieuwkerk and Kato Lambrechts. (ed) South Africa and Africa: Reflections on the African Renaissance. FGD

This chapter aims to investigate the probability of solving the Lesotho crisis within the African Renaissance vision. It will examine the attempts by the Mbeki government to solve the problems in Lesotho. It will also examine the bilateral relations South Africa signed with Lesotho as a basis for helping Lesotho to move from being a least developed nation.

## 5.2 The African Renaissance

The vision of an African Renaissance is not a policy but a dream that will come about in the future. It is Thabo Mbeki's dream of an African continent that is in the process of revival and re-awakening to take control of its own affairs. He rightly specified that:

> "As all us know, the word "renaissance" means rebirth, renewal, springing up new. Therefore, when we speak of an African Renaissance, we speak of the rebirth and renewal of our continent.[109]

In this vision Mbeki is calling upon all African countries to participate in the renewal process. He was quick to realise that African countries would not join if the Renaissance was a South African project; this is because of the general fear that South Africa might want to dominate the continent. Mbeki indicated that there are certain conditions which should be met before the dream is realised. These conditions are:

- The establishment of democratic systems to ensure the accomplishment of the goal that the people shall govern.

- Establishing the institution and procedures to enable the continent to deal collectively with questions of democracy, peace and stability.

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Occasional papers no 17. The Foundation for Global Dialogue. Braamfontein. October 1998. p43.

[109] Thabo Mbeki - Speech at the Launch of the African Renaissance Institute. Pretoria October 11 1999. Available from: http://www.anc.org.za/ancdocs/history/mbeki. p5.

- Achieving sustainable economic development that results in the continuous improvements of the living standard of the people.

- Changing Africa's place in the world economy to that of one free from debt, and no longer being a supplier of raw material and an importer of manufactured goods.

- Ensuring the emancipation of women.

- Confronting the HIV/AIDS pandemic.

- Rediscovering Africa's creative past, encouraging artistic creativity, and restoring popular involvement in accessing and advancing science and technology.

- Lastly, strengthening the genuine independence of African countries and continent in their relations with major powers and enhancing their role in the determination of global systems of governance in all fields.[110]

Some scholars have criticised the vision as an empty vision. They argue that the proposed vision holds nothing for Africa; prominent are those who say South Africa should focus on its own economic affairs rather than on the continental recovery. Some go to the extent of arguing that South Africa should focus on its relationship with North America and Europe and let the African countries solve their own problems. What seems to be lacking from these scholars is the realisation that South Africa's destiny is intractably intertwined with that of Africa. The country cannot prosper if the countries in the African continent are not prospering.

Although highly criticised, the vision has two most important elements which are central to Africa; political stability and economic growth. Before unpacking these

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[110] Ibid p7-8.

elements it is necessary for one to highlight the objectives of the Renaissance Africa. On the political front there should be democratisation and good governance in the continent, as the deputy president pointed out:

> "One of the main ingredients, however, has to be good political systems in all countries that uphold the principle of democratic at all costs. We therefore we need conditions to promote good values and promote dignity of the people. In the absence of these, it is easy to thwart development, intellectual thinking or any other forms of thinking. It is therefore obvious that delaying the democratisation of Africa also delays the African Renaissance."[111]

On the economic front Mbeki foresees an African continent that will recover economically and take up its place in the global economy. Mbeki argues that:

> "These economic objectives, which must result in the elimination of poverty, the establishment of modern multi-sector economies, and the growth of Africa's share of world economic activity, are an essential part of the African Renaissance."[112]

Both the economic and political reforms should take place to pave the way for the realisation of the dream. However, this does not mean South Africa has to be a big brother in steering the way to the African Renaissance; the country should be prepared to take part in peace missions on the African continent. In these peace missions the military could be used for backup purposes.[113]

The vision seemed to be incorporating the foreign policy vision Mbeki was promoting in Africa. However, as indicated above, South Africa should work with other

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[111] Zuma J. The African Renaissance: From Vision to Reality. Available from: http://www.africacenter.org.uk/renaissance.htm. p2

[112] Mbeki, T. "The Africa Renaissance, South Africa and the World". Available from http://www.unu.edu/unupress/mbeki.htm p10

[113] Landsberg C, Kornegay F. The African Renaissance: a quest for Pax Africana and Pan Africanism, in Darth le Pere and Athoni van Nieuwkerk. South Africa and Africa: Reflections on the African Renaissance. Foundation for Global Dialogue .Braamfontein.October 1998.p27

countries if they were to be realised. Also, it should be emphasised that the renewal of Africa was not to be achieved within a few years. It needs time for the vision to come to reality. The conflicts that are still prevalent on the continent have a direct impact on the renewal dream. The tensions in Lesotho and the conflict in the DRC are amongst many conflicts that pose a threat to the renewal vision. Addressing these problems falls within the African Renaissance vision. This does not mean that other parts of the continent are not important in the Renaissance vision. The two countries listed are important because they form part of the SADC region, which is a priority for Pretoria when it comes to foreign policy making.

Since it is close to Pretoria, Lesotho poses a direct test for the renewal vision if it is to be realised. The economic and political problems in this mountain kingdom need a response from South Africa. Stability and economic growth form the pillars of the renewal project.

### 5.3 The renewal project and the political tension in Lesotho

Stability in the region is one element of the renewal vision that is critical and can have serious implications for the vision. One can boldly argue that without political stability in Africa there will be no African Renaissance. As professor Paul-Henri Bischoff puts it:

> "The need to achieve stability holds the key to a new Africa vision, as does the recognition that there have to be many ways of achieving stability".[114]

Furthermore, the deputy president also noted:

> "We will know that the African Renaissance has been achieved once war and destruction are a mere chapter of in our history, rather than a daily reality for many Africans."[115]

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[114] Bischoff P. "A foreign policy for all? South Africa and the call for an African Renaissance". In Conflict Trends no.2 1999 p4.

[115] Matthews S. The African Renaissance and Conflict Resolution, in Conflict Trends no 1 2002.

It is against this background that the renewal of Africa contributes towards resolving conflicts in the continent. However, it should be noted that resolving conflicts in African would not demand the military way since this will only exacerbate the conflict. There should be a peaceful way of resolving conflict with minimum usage of the military; mostly for logistics and technical support. The political security and economic development of Lesotho pose a test of the South African ability to achieve the African Renaissance.

The situation in Lesotho did not improve as the government and political parties were not on good terms. There was still a lack of proper communication between the government and the opposition parties, and suspicions were still prevalent between the two parties. Dealing with this tension required more involvement by the South African government. This engagement would require South Africa to work constructively with the IPA since it was a forum where the opposition parties and the government could negotiating issues relating to the elections.

### 5.4 South Africa and the Interim Political Authority

The idea of a negotiating forum in Lesotho came from South Africa. This was created to allow the opposition parties and the government to negotiate. This forum, as indicated before, was created to deal with the issue of an electoral model and to facilitate and promote the preparations for holding new elections.[116] The negotiations forum was called the Interim Political Authority (IPA). The success of this forum would be an advantage to the African Renaissance vision. The forum thus wanted to achieve the following:

- To create and promote conditions conducive to the holding of free and fair elections.

- To level the playing field for all political parties and candidates that want to participate in the elections.

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[116] Entering Political Authority ACT 1998. ACT No 16. Enacted by Parliament of Lesotho. p2.

- To eliminate any impediments to legitimate political activity.

- To ensure that no person is victimised on account of his political beliefs.

- To eliminate any form of intimidation that has a bearing on the election.

- To ensure that all political parties and candidates are free to canvas support and voters, and to organise and hold meetings; and for that purpose to have access to all voters.

- To eliminate political patronage of any kind.

- To ensure equal treatment of all political parties and candidates by all government institutions, and in particular by all government-owned media, prior to and during the elections.[117]

This act was binding and obligatory among participants. Section 14 and 15 of this Act states that the executive, meaning the government, shall be obliged to implement all decisions of the Authority, and the decision of the Authority shall be binding on all parties and candidates who will participate in the next general elections. These two clauses form the core of the authority. If they are not implemented then the Authority could not survive.

The parties in Lesotho met on December 3rd 1999 to map out an agreement on the recommendations of the IPA. They agreed on the electoral model that was going to be used during the elections in December. It was agreed that the mix ratio of constituency to Proportional Representation (PR) should be 80/50 and the mix ratio of the First-Past-The-Post (FPTP) and PR should be 50% each of seats in the

[117] Ibid p2.

National Assembly.[118] The IPA then submitted the model before the parliament as a Bill. The National Assembly did not accept the Bill as it was. Instead the government made some amendments to the Bill; this caused the opposition parties to lose hope in the government's willingness to solve the crisis in the country. The National Assembly's act of amending the Bill had negative ramifications for the elections that were to be held in 2000.

Within this confusion the Senate then intervened and restored the Bill to its original form.[119] At this point it was expected that South Africa would intervene and mediate between the conflicting parties. This did not materialise and the opposition parties were no longer happy about the negotiating forum.

The amendments had serious implications for the political developments within the country. The opposition parties were on the brink of leaving the forum. This could have meant that the IPA, which had been established to facilitate and prepare the holding of elections in Lesotho, would be disbanded and the election issue dropped. Since the National Assembly always amended the IPA's recommendations, it was inevitable that the negotiations might break down. Also, the Bill proposed the appointment of a new electoral Commissioner, which was also delayed.[120] Consequently the election of 2000 had to be postponed. The government and the opposition parties were locked in a stalemate. The amendments which the government introduced meant that:

- The envisaged elections would not take place.

- The principle of inclusivity was severely undermined.

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[118] Memorandum of Agreement between the Government of Lesotho and the Interim Political Authority. Maseru. December 1999.p1

[119] Statement by Honorable Kelebone A. Maope, Deputy prime minister and minister of finance and development. At a meeting with representatives of development partners.Maseru Sun Cabanas. 19 September 2000. p5.

[120] Implications of Unilateral Amendments by Members of Parliament to the IPA, negotiated Amendments to the constitution of Lesotho. Available from: http://ila.org.ls/side/ele4th-implications.htm p1.

- The Mixed Member Parliament Electoral system would be dropped and the country would be presented with a model in which the IPA was not a player.

- The existence of the IPA was at stake.

- The Basotho electorate had been looking to the IPA and indicated frustrations for the coming elections; this would lead to undesirable developments.[121]

Furthermore, the government also compromised on the thorniest issue, which had plagued the kingdom for decades. The issue related to the changing of the electoral model. The problem was that changing the model would need certain sections of the constitution to change, since the model was enshrined in the constitution. The problem emanated when the government preferred to go through the way of a referendum in which the Basotho people would decide whether or not they needed the model to be changed.[122] This was not part of the agreement and was delaying the process for the elections which were supposed to be held the same year.

The IPA noted that the government kept to the agreement signed in December 1999. One line in that agreement stated that the agreement signed was binding among all parties and therefore the government should enforce it. The LCD agreed and signed almost all proposals that came from the IPA. The signing of the agreement gave the impression that the LCD was not happy with what was proposed during the negotiations. The problems only came into being when the LCD came with a motion to amend the bill; this was a surprise to most opposition parties that were part of the authority. The situation only deteriorated with opposition parties wanting to move out of the parliament. They criticised the government and were backed by the IPA, who issued the following statement:

> "As the IPA, we have a problem of working with a dishonest partner, which is the government; they want to hold elections in their own terms and they have

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[121] Taking Points for meeting with SADC Troika Delegations, 29th February –1 March. P 1.

forgotten that we are the negotiating forum".[123]

This was causing confusion and frustration within the IPA structures. However, it should be noted that the LCD's refusal to participate was based on the fact that it won the elections in 1998 and was entitled to be in office for five years. The presence of SADC was crucial, as it helped to marginalise the monarchy, the chiefs and the competing parties.

The contentious issue, which was the electoral model, was then put on hold while the elections, which were supposed to be held within 15-18 months, were also postponed. Political parties were locked in debate about the model and South Africa did not intervene to help them solve the problems they were facing. Instead, Pretoria advised the political parties in Lesotho to sort out their own problems. Even the South African delegation, led by deputy foreign minister Aziz Pahad, did not say anything to help the IPA to break the stalemate.

South Africa's abstinence was a weakness. Its contribution during the negotiation was highly needed, while its failure to mediate during the negotiations process delayed the parties from reaching a consensus. Thus the controversy went to the extent where most opposition parties were thinking about pulling out of the Authority. Hence there were no elections held in the year 2000 as agreed. SADC should have helped to facilitate the way to elections.

South Africa should have intervened when there were problems between the IPA and the government. Their stay away from the forum, which they created, was not good for the developments in Lesotho and might have had serious implications for the African Renaissance vision, which Thabo Mbeki was preaching. Achieving this dream in Lesotho would have required South Africa to actively involve itself in the negotiation process rather than to remain as an audience when a stalemate between the government and the IPA delayed the elections from being held in 2000. Pretoria

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[122] Ibid p2.

[123] Skhonyaya B. Government not prepared to Elections, Mopheme/ The Survivor. November 2000. p1.

therefore failed to follow up its diplomatic and military intervention with more constructive efforts to make the IPA work properly; this despite the fact that they were capable of mediating the conflict between the government and the opposition parties.[124]

## 5.5 The uneasy way to the elections: Lesotho maps her own path to the elections

Lesotho's path to a political solution seemed to rely on the people of Lesotho themselves. The IPA, together with the government, had to find a way to deal with the outstanding issue of the electoral model without depending on South Africa. There was a general realisation that South Africa would not help deliver democracy in the mountain kingdom. The future now depended on the Lesotho government and the IPA.

Political parties in Lesotho decided to hold a meeting, which was heeded by Bishop Paul Khoarai at the prime minister's office. Present at this meeting were the leaders of political parties registered with the new Independent Electoral Commission who continued to negotiate the amendments made by the National Assembly.[125] The meeting was fruitful since all leaders agreed that the PR seats in the parliament would be reduced to 40 and the timetable for the elections was then negotiated. Credit should therefore be given to the political parties in Lesotho for reaching an agreement that would see the elections being held in the country. However, Lesotho was not doing well economically and needed help from her dominant neighbour and from elsewhere.

Fortunately, South Africa was committed to helping its poor neighbour move out of this economic stagnation. This led to the signing of the Joint Bilateral Commission of Co-operation (JBCC) between Lesotho and South Africa. This forum was to help Lesotho move from being a least developed country. The details and objectives of

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[124] Southall R. Uncertain progress in Lesotho, Conflict Trends. No 3/1999.p4

[125] The way forward on the electoral model decisions of the forum of political party leaders. Available from: http://wwwipa.org.ls/side/electoralmodel-4th%20way%20forward.htm. p1.

this commission will be explored in detail in the next section.

### 5.6 South Africa and economic renaissance in Lesotho

Lesotho's economy was not doing well due to the tensions that had plagued the country since the SADC intervention. The looting that followed the presence of the SANDF troops in Maseru devastated the economic infrastructure. The country was therefore left with no economic activity that could encourage economic growth in peace times. This situation had an impact on the vision of African Renaissance envisaged by Thabo Mbeki. Lesotho's economy had to be boosted in order to attract investors in the country and also in the region. Moreover, the political developments in the country needed an economic boost in order to encourage a suitable move towards democracy. This necessity fell within the mandate of the JBCC which South Africa and Lesotho then signed.[126]

The signing of this document was crucial as it indicated South Africa's commitment towards economic recovery in Lesotho, and it also sent a message to the region and the continent that Pretoria was committed to the economic recovery of Africa. Lesotho was hence a test case for Pretoria's commitment to the African Renaissance vision. The economic and political problems in Lesotho could not be separated. Solving the political crisis would require a stable economic growth. Thus there was a need to sign a bilateral commission between Lesotho and South Africa in order to help Lesotho move out of the economic difficulties she was experiencing.

The were a series of meetings held between the two countries in 2001, and on April 19th 2001 the JBCC was signed by the South African president Thabo Mbeki and Lesotho's prime minister Phakathi Mosisili.[127] This commission was aimed at helping Lesotho move from being a least developed country.[128]

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[126]Interview with Janet Kotze. Assistant Director: Botswana, Lesotho and Swaziland at the department of foreign Affairs. November 12 2002.

[127] Agreement between the government of the republic of South Africa and the government of the Kingdom of Lesotho on the establishment of a Joint Bilateral Commission of Cooperation.p11

[128] Kotze J. op-cit.p3

The objectives of this commission were to:

- Guide the strategic partnership between the parties.

- Promote mutually beneficial economic integration between the two countries with the aim of closing the existing economic disparities.

- Promote cooperation in the field of science and technology with the aim of bridging the technological divide which existed between two countries.

- Cultivate and promote good governance, beneficial social, culture, humanitarian and political cooperation and facilitate contact between the public and private sectors of the parties.

- Maintain peace and security between the two countries and general stability in the Southern African region through collective action based on the respect for democratic institutions, human rights and the rule of law.

- Cooperate and harmonise the position of the parties in addressing multilateral issues of common interest.

- Facilitate movement of people, goods and services between their two countries, taking into consideration the unique geographic position of Lesotho.[129]

### 5.6.1 The election of 2002 and the South African input

The date for the new election was postponed to May 2002 and the parties finally agreed that the National Assembly would consist of 120 seats, 80 of which would be

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[129] Agreement between the government of the Republic of South Africa and the government of the Kingdom of Lesotho on the establishment of a Joint Bilateral Commission of Cooperation.pp2-3

constituency seats and the other, 40 party seats. This arrangement has not moved away from the First-Past-The-Post system, which was used ever since independence. As noted elsewhere in this paper, the party that would win the majority of the 80 seats under the new Mix Member Proportional system would automatically form the government and thus elect the prime minister. The system has only helped to make sure that the other parties are represented in the parliament.

Nevertheless, the election was in May 2003 and many people came to vote. The day was calm and no violence was reported during the elections. Instead, most observers were happy with the way the elections were held. The Organisation of African Unity observers indicated that:

> "In general, the elections were held in a transparent and credible environment, which enabled the Basotho to exercise their democratic rights in dignity."

The SADC Parliament noted the following:

> "A culture of political maturity and tolerance was witnessed among the nineteenth political parties contesting the elections."

The overall elections were peaceful and most observers were happy and declared the elections to be free and fair. The LCD won 77 of the 80 seats in the constituency and the Lesotho People's Party (LPP) 1 seat. There were failed elections in the other two constituencies. In the other 40 seats allocated to parties, the BNP won 21. This automatically meant that the LCD would form the government. Since the MMP still has some elements of First-Past-The-Post, the BNP felt that they were cheated and launched a complaint in the courts.

Although peaceful elections seemed to be a success in terms of the African Renaissance dream propounded by Thabo Mbeki, problems still existed in Lesotho which South Africa could not solve. Though the country is at peace, there still exists mutual suspicion between the political parties in the National Assembly. Relations between the government and the opposition parties are still tense. The South African

High Commissioner in Lesotho explained this when he stated:

> "The relations between the government and opposition parties are still tense; all LCD members of parliament are addressed as 'Honourable' and the rest as 'Mr'."

The political situation in Lesotho will require South Africa to marshal the process of national reconciliation. This will help the country to be politically stable.

## 5.7 Conclusion

The situation in Lesotho will need more help from South Africa if the dream of the African Renaissance is to be realised. Peaceful elections in Lesotho are a good sign for the realisation of the dream. However, South Africa cannot afford to stay away from the negotiating forum as it did in Lesotho during the IPA negotiations. The tiny mountain kingdom has not yet reached a state of peace.

Also, more economic help will be needed to bolster the country to move out of poverty. The JBCC, which was signed between South Africa and Lesotho, was a positive move in that direction. However, there is a need for more help to be given to Lesotho for economic growth.

# Chapter 6

## 6 Lessons learnt and recommendations

The purpose of this thesis was to provide an analysis of the South African peacemaking strategy in Lesotho from 1998 to 2002. In doing this, the thesis examined the historical background to the crisis. What was then discovered was that the British colonists introduced a new electoral system called the Westminster system in Lesotho. This system was based on First-Past-The-Post electoral system. It led to tensions that have plagued the mountain kingdom of Lesotho since independence.

Chief Jonathan Leabua became the first prime minister of Lesotho in 1965 and his era lasted until 1986 when he was ousted by the military. Although his party lost the elections of 1970, he did not relinquish power as the opposition parties expected him to seize power. He then stayed for 16 more years.

In 1994 tensions developed in Lesotho and escalated to an extent that the king intervened in an attempt to solve the political crisis that emerged. He then decided to dismiss the government of Ntsu Mokhehle arguing that is was unfit to govern. This act occurred at a time when the process of democracy was sweeping the region. South Africa was moving from apartheid to democracy and could not allow a relapse to anarchy in Lesotho. Thus the president of South Africa, Nelson Mandela; Botswana's Ketumile Masire; and Zimbabwe's Robert Mugabe intervened in the mountain kingdom to request the king to reinstate the democratically elected government of Mokhehle.

Their diplomatic intervention ended with the king reinstating the democratic government. Although democracy was reinstated, the roots of the crisis were still prevalent. The electoral model was never changed and this created the basis for the tensions that erupted in 1998.

In 1998, elections were held in Lesotho and the electoral model continued to produce a controversial winner. The Basotho National Party won the elections. This was a

breakaway party from the LCD. The BCP won all the seats in the parliament and the opposition parties were not prepared to accept the results. They marched to the king's palace and demonstrated against the results. They stayed for a long time at the palace than what was allocated to them and this attracted the support of the BCP who joined them at the palace. This led to a clash between the supporters of the opposition parties and the supporters of the BCP who wanted to understand why the soldiers were not dispersing the demonstrators as the time allocated to them had expired. The confrontation between the opposition parties and the BCP increased as time wet on and led to a political instability in the country.

The crisis that emerged prompted the SADC countries South Africa and Botswana to intervene in an attempt to maintain order in the country. The intervention was not welcomed by the protestors who thought South Africa was intervening in the domestic affairs in their country. They went on a looting and burning spree of South African business in the country.

South Africa should have consulted properly with the SADC countries and received the go ahead of all the countries in the region. Also, it would have been advisable to consider the early warning system before intervening in a domestic crisis. There should be an agreed plan on how to intervene, and when is it the right time to intervene in an international conflict. Furthermore, Pretoria has learnt that its hegemonic image will not always be accepted in the region. The Basotho people were prepared to risk their lives in fighting against the South African National Defence Force.

What lessons does the Lesotho crisis and mediation process offer in resolving conflicts in the region in the near future and beyond? There are five lessons that can be learnt from Lesotho.

First, the process of peacemaking and peace building should always strive to locate the root causes of the conflict. Although there were many dynamics in Lesotho's instability, the electoral model introduced by Britain at independence seem to have contributed to the instability that lasted for decades in Lesotho. The electoral model produced a winner take all system and peace could not be built on a basis of one

party victory over the other.

Secondly, the process of peacemaking should be inclusive and all the parties should be involved in the process. When to Langa report was finalised, the then deputy president Thabo Mbeki wanted to present in at the SADC summit where only government were invited. It took the intervention of the former president Nelson Mandela to halt the report from being presented at the summit and suggested that it should be presented in Lesotho in the presence of all the political parties in the country. In this way the opposition parties felt that they were part of the peacemaking structure in their own country.

Third, the peace process should create institutions locally, which would handle issues of negotiations and discussions between the government and the opposition parties. There would not be a lasting peace if the government and the opposition parties are not communicating to each other. The plat for negotiation managed by the locals is therefore necessary for a lasting peace.

Fourth, external intervention should try not to use military means to fostering peace. In Lesotho, South Africa and Botswana intervened militarily in response to the crisis that emerged after the 1998 elections. The local saw this as an invention of their country and went on a looting spree to voice their dislike of t he presence of foreign troops in their own country. The military should only be used to back up negotiations that are already in place.

Fifth, peace efforts would always take time and therefore it is important to maintain patience at all time. Negotiators should not expect a quick response and immediate results in a crisis situation.

In summary, the Lesotho crisis indicated a need for peacemaking initiatives to fully understand the root causes of the crisis they are dealing with. Negotiations included all the stake holders in the country and how states resources should be distributed.

# Annexures

**Annexure A**

TRANSFORMATION RESOURCE
P.O. BOX 1988
MASERU - 100

PRESIDENT'S MINUTE NO

WHEREAS I have received a request from the Prime Minister of the Kingdom of Lesotho to provide Military assistance for the purposes of restoring stability to the said Kingdom,

AND WHEREAS I have agreed to provide such assistance in response to such request and with due regard to the Republic of South Africa's obligations arising out of agreements reached in the South African Development Community (SADC),

I HEREBY and by virtue of the powers vested in me in terms of section 82(4)(b)(ii) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993, which continues in force in terms of Item 24 of Schedule 6 to the Constitution of the Republic of South Africa, 1996 [Act No. 108 of 1996]), read with section 201(2)(c) of the said Constitution of 1996, I hereby, in terms of section 227(1)(b) of the said Constitution of 1993, authorise the employment of members of the South African National Defence Force for the purposes of assisting the lawful government of the Kingdom of Lesotho to restore stability to that Kingdom.

AND, FURTHER, I authorise such employment as from 16 September 1998.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town on this 16th day of September One thousand Nine hundred and Ninety-eight.

ACTING PRESIDENT

MINISTER OF DEFENCE

# AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

AND

# THE KINGDOM OF LESOTHO

CONCERNING THE STATUS OF ARMED FORCES IN THE KINGDOM OF LESOTHO PROVIDING MILITARY ASSISTANCE

(1) The Government of the Republic of South Africa and the Kingdom of Lesotho, hereinafter referred to as 'the Parties' and separately as the 'Sending Party' and the 'Receiving Party' respectively,

(2) recognising and re-affirming the principles of strict respect for sovereignty, sovereign equality, territorial integrity, political independence and mutual inter-dependence,

(3) seeking to promote peace, and stability and realizing their responsibilities as role players in the effecting of regional peace, stability and harmony in concurrence with the Southern African Development Community, and

(4) convinced that close co-operation, mutual understanding and collaboration in matters of security will be to their mutual benefit,

(5) hereby agree as follows:

## ARTICLE 1

## DEFINITIONS

Unless the context indicates otherwise-

(1) "Agreement" means this Agreement;

(2) "Member or Members" means every person who is a member of the South African National Defence Force (hereinafter called the SANDF) or who is a civilian participating in or is associated with the said Force, including supporting staff;

(3) "Civil Power" means the Lesotho Police Service, Lesotho Immigration and Customs, any other law enforcement agency and/or appropriate Lesotho Government official in support of the *de facto* Government;

## ARTICLE 2

## PURPOSE OF THE AGREEMENT AND POWERS OF THE SENDING PARTY

(1) The Sending Party hereby agrees to provide and send Members to the Kingdom of Lesotho for the provision of military assistance to the said Kingdom for the purpose of restoring stability in the Kingdom, including, *inter alia*:

(a) The disarming and containing all armed groups that threaten the *de facto* Government and the security and stability of the Kingdom of Lesotho;

(b) The taking control of military and other strategic installations; and

(c) The protection of the territorial integrity of the Kingdom of Lesotho.

(2) The Receiving Party hereby agrees to host the Members of the Sending Party and facilitate the achievement of the abovementioned purposes. The Receiving Party agrees to receive and accept the Members of the Sending Party in the Kingdom of Lesotho.

(3) In the achievement of the purposes of this agreement, the Members of the Sending Party shall have all the rights and powers bestowed, and the responsibilities charged upon them by South African law and they shall exercise their rights, powers and responsibilities under the same conditions as required by South African law.

ARTICLE 3

APPLICATION OF THE PRESENT AGREEMENT

Unless specifically provided otherwise, the provisions of this Agreement and any obligation undertaken by the authorities or any privilege, immunity, facility or concession granted to the Sending Party or any Member thereof apply only within the borders of the Kingdom of Lesotho.

STATUS OF THE SENDING PARTY AND ITS MEMBERS FOR THE DURATION OF MILITARY ASSISTANCE

ARTICLE 4

OBLIGATIONS

(1) The Sending Party and its Members shall refrain from any action or activity incompatible with the spirit of the present agreement.

(2) Unless otherwise provided for, the Sending Party and its Members shall respect local laws and customs.

(3) The Officer Commanding of the Members of the Sending party shall take appropriate measures to ensure the observance of these obligations.

ARTICLE 5

COMMAND AND CONTROL

(1) The Members of the Sending Party shall form a Military Unit subject only to the laws and regulations governing the RSA/SANDF.

(2) The Members of the Sending Party will remain under the direct command and control of the Officers of the Sending Party.

(3) All aspects of command and control during the military assistance will be dealt with by the Officer Commanding of the Members of the Sending Party.

## ARTICLE 6

## ARMS, EQUIPMENT AND UNIFORM

(1) The Members of the Sending Party will wear the uniform, display rank insignia, use equipment and posses and carry the arms and ammunition of the SANDF during the military assistance.

(2) The wearing of civilian dress by Members of the Sending Party may be authorised by the Officer Commanding of the Members of the Sending Party.

## ARTICLE 7

## ENTRY, RESIDENCE AND DEPARTURE

(1) The Receiving Party undertakes to facilitate the entry into and departure from the Kingdom of Lesotho by Members of the Sending Party. Special facilities will be granted by the Receiving Party for speedy entry and exit formalities for the Members of the Sending Party.

(2) Members of the Sending Party shall whenever so required for the purpose of the military assistance, have the right to enter into, reside in and depart from the Kingdom of Lesotho.

(3) The Members of the Sending Party shall be exempt from passport and visa regulations on entering into or departing from the Kingdom of Lesotho.

(4) The Members of the Sending Party shall be exempt from any regulations governing the residence of aliens in the Kingdom of Lesotho (including registration), but shall not be considered as acquiring any right to permanent residence or domicile in The Kingdom of Lesotho.

(5) For the purpose of entry or departure, Members of the Sending Party shall be required to be in possession of:

(a) an individual or collective movement order issued by or under the authority of the Sending Party, and

(b) a personal military identity card issued by the Sending Party, or any other identification document.

(6) Members of the Sending Party travelling in The Kingdom of Lesotho, where such travel is not part of the provision of military assistance, shall be required to carry their passports and to adhere to the provisions of article 7(7).

(7) Members of the Sending Party shall be required to present, but not to surrender, their identity cards and/or passport as stipulated in article 7(6) to a Civil Power upon demand.

## ARTICLE 8

## PRIVILEGES AND IMMUNITIES

(1) Members of the Sending Party shall have the right to import free of duty their personal effects in connection with their arrival in The Kingdom of Lesotho. These provisions will also apply to the export of personal effects and gifts insofar it be deemed reasonable.

(2) Members of the Sending Party shall not be allowed to import any personal firearms or ammunition to The Kingdom of Lesotho.

(3) Upon departure from The Kingdom of Lesotho, Members of the Sending Party may take with them such funds received as pay or emoluments from the Sending Party.

(4) Members of the Sending Party may import and export free of duty and taxes equipment, provisions, supplies and other goods destined for use during the provision of the military assistance.

## ARTICLE 9

## PERMITS AND LICENSE

(1) The Receiving Party agrees to accept as valid, without tax or fee, a permit or license, issued to Members of the Sending Party by the Sending Party, for the operation of any transport or communication equipment and for the practice of any profession or occupation in connection with their functioning as Members of the Sending Party for the provision of military assistance.

(2) Provisions of article 9(1) will apply to the use of military vehicles belonging to the Receiving Party.

(3) The Receiving Party agrees to accept as valid, without tax or fee, any civilian driver's license, issued to Members of the Sending Party by the Sending Party, for the operation of any civilian-vehicles.

## ARTICLE 10

## ARREST, TRANSFER OF CUSTODY AND MUTUAL ASSISTANCE

(1) The Civil Power of the Receiving Party or a duly authorised Member, may take into custody any Member of the Sending Party when;

(a) requested to do so by the Commanding Officer of the Sending Party, or

(b) a Member of the Sending Party is discovered in the commission or attempted commission of any serious offences (in flagranto delicto) or,

(c) a Member of the Sending Party is discovered in the commission or attempted commission of any offence under the provisions of the Rules, Regulations and laws governing the SANDF:

(2) Members of the Sending Party taken into custody under article 10(1), must be handed over to the Sending Party's authorities, together with weapons or items seized, as soon as reasonably possible for deportation or disciplinary measures.

## ARTICLE 11

## CRIMINAL JURISDICTION

(1) Members of the Sending Party are subject to the exclusive jurisdiction of the Sending Party in respect of any military or civilian criminal offences which may be committed by them in The Kingdom of Lesotho.

(2) Members of the Sending Party shall be immune from any legal process of the Receiving Party in respect of any criminal offences, with regards to any words spoken or written and all acts performed by them in their official capacity.

(3) Should the Receiving Party consider that any Member of the Sending Party has committed a criminal offence, the Receiving Party shall promptly inform the Commanding Officer of the Sending Party and present to him any evidence available.

## ARTICLE 12

## CIVIL JURISDICTION

(1) If any civil proceedings are instituted against a Member of the Sending Party before any court of the Receiving Party, the Commanding Officer of the Sending Party shall be notified immediately, and he shall certify to the court whether or not the proceedings are related to the official duties of the Member, and:

(a) if the Commanding Officer certifies that the proceeding is related to the official duties of the Member, such proceedings shall be discontinued and the provisions of article 13 shall apply.

(b) if the Commanding Officer certifies that the proceeding is not related to the official duties of the Member the proceeding may continue.

(2) If any action is instituted against the Sending Party by any institution or person, for services rendered or the supply of any goods or equipment during or in respect of the provision of military assistance, the provisions in article 12(1) shall apply.

(3) If the Commanding Officer certifies that a Member of the Sending Party is unable to protect his interests in the proceedings because of official duties or authorised absence, the court shall at the defendant's request suspend the proceedings until the elimination of the disability, but for not more than ninety (90) days at a time.

(4) Property of a Member of the Sending Party and/or the Sending Party shall be free from seizure to the satisfaction of a judgement, decisions or court order.

(5) The personal liberty of a Member of the Sending Party shall be free from seizure to the satisfaction of a judgement, decisions or court order.

(6) The personal liberty of a Member of the Sending Party shall not be restricted in a civil proceeding, whether to enforce a judgement, decision or court order or to compel an oath for any other reason.

(7) All claims against the Sending Party or a Member of the Sending Party must be instituted within three years from the incident which gave rise to the claim. All claims not instituted within three years from the incident will prescribe after this period.

ARTICLE 13

SETTLEMENT OF DEBTS

(1) The Parties agree that the Receiving Party shall be liable to the Sending Party for all real exspenses and costs incurred by the Sending Party, with regard to the provision of military assistance to the Receiving Party. Upon receipt of an account from the Sending Party, the Receiving Party shall pay the expenses and costs whithin a period of 30 (thirty) days. Interim accounts may be lodged by the Sending Party, and upon conclusion of the military assistance a final account shall be lodged.

(2) The Receiving Party shall be liable to the Sending Party for any losses or damages suffered by the Sending Party, resulting from the provision of the military assistance.

(3) Except as provided in article 13(1) and (5), any dispute or claim of a private law nature to which the Members of/or the Sending Party is a party and over which the courts of The Kingdom of Lesotho do not have jurisdiction because of the provisions of this Agreement, shall be settled by the Governments of the Receiving and Sending Parties jointly.

(4) Any other dispute between the Members of/or the Sending Party and the Government of The Kingdom of Lesotho shall, unless otherwise agreed to by the Parties, be submitted to a tribunal of three arbitrators.

(5) The Parties will each appoint a member to the tribunal and jointly the chairperson to the tribunal. The tribunal shall determine its own procedure, provided that any two members to the tribunal will constitute a quorum and any decision shall require the approval of any two members. The decisions of the tribunal shall be final and binding on both Parties.

## ARTICLE 14

## COMMUNICATION AND POSTAL SERVICES

(1) The Sending Party shall for the purposes of the military assistance, utilize facilities in respect to communications provided by the Receiving Party and shall, in coordination with the Receiving Party, use such facilities as may be required for the performance of its tasks.

(2) Issues with respect to communications which may arise and which are not specifically provided for in this Agreement shall be dealt with by the Commanding Officer of the Sending Party and the appropriate Government Official of The Kingdom of Lesotho.

(3) Telecommunications services shall be operated in accordance with the International Telecommunications Convention and Regulations. Frequencies necessary for the Sending Party to fulfill its duties, shall be provided by the Receiving Party, upon the request of the Sending Party.

(4) Members of the Sending Party shall enjoy within The Kingdom of Lesotho the right of unrestricted communications by radio, telephone, telegraph, facsimile, or any other means, and of establishing necessary facilities for maintaining such communications, subject to the provisions of article 14(3).

(5) The use of local system of telegraph, telex and telephones will be charged at the standard rates of The Kingdom of Lesotho.

(6) The Receiving Party will make arrangements for the processing and transport of private mail, including the transfer of currency and transport of packages and parcels, addressed to or emanating from Members of the Sending Party. Rates will be charged at the standard rates of The Kingdom of Lesotho.

(7) The Receiving Party will make arrangements for the processing and transport of official mail, including the transfer of currency and transport of packages and parcels, addressed to or emanating from Members of the Sending Party. Such mail shall be free of duties and taxes.

ARTICLE 15

TRANSPORT, FACILITIES AND LOGISTICAL SUPPORT FOR MEMBERS OF THE SENDING PARTY

(1) During the provision of military assistance, Members of the Sending Party shall enjoy, together with its vehicles, vessels, aircraft and equipment, freedom of movement throughout The Kingdom of Lesotho.

(2) Neither the Sending Party nor any of its Members shall be liable for the costs of the use of roads, bridges, waters and airports by Members of the Sending Party. Such services or facilities shall be provided by the Receiving Party free of charge.

(3) The Receiving Party shall provide vehicles, fuel and drivers for the vehicles to the Members of the Sending Party during the provision of military assistance, if and when such provision is requested and agreed to, and the cost thereof shall be the responsibility of the Receiving Party.

(4) Any equipment, arms, ammunition or any other object transported by the Receiving Party at request of the Sending Party will be done at the risk of the Sending Party.

ARTICLE 16

LOGISTICAL SUPPORT

(1) The Receiving Party shall provide all reasonable consumables to the Members of the Sending Party during the provision of the military assistance at the expense of the Receiving Party.

(2) The Receiving Party shall provide all requested logistical support to Members of the Sending Party for the provision of the military assistance at the expense of the Receiving Party.

ARTICLE 17

EMPLOYMENT OF LOCAL PERSONNEL

(1) The Sending Party may employ locally such personnel as it requires or as allocated to it by the Receiving Party.

(2) Any personnel thus recruited or allocated retain all rights and duties bestowed by relevant Labour law in Lesotho.

ARTICLE 18

CURRENCY

The Receiving Party shall make available to the Members of the Sending Party against reimbursement at a mutually acceptable exchange rate, local currency required for the use by Members of the Sending Party.

ARTICLE 19

STORAGE

(1) Any equipment, arms, ammunition or any other object stored by the Receiving Party at Request of the Sending Party will be done at the risk of the Sending Party.

(2) The Receiving Party undertakes to provide any storage facilities required by the Sending Party, at expense of the ReceivingParty.

ARTICLE 20

MEDICAL SUPPORT

(1) The Receiving Party agrees to provide any military medical support needed by Members of the Sending Party during the provision of military assistance at the expense of the Receiving Party.

(2) The Receiving Party shall be liable for the reasonable costs for any private medical support utilised by the Sending Party, during the provision of the military assistance.

ARTICLE 21

ACCIDENTS AND DEATHS OF MEMBERS OF THE SENDING PARTY

COMMISSIONS OF INQUIRY

(1) In case of any accident or incident resulting in the injury or death of any Member of the Sending Party where such injury or death does not arise from or is not caused by or during the performance of their duties or while doing anything in connection with the performance of this agreement, the Receiving Party undertakes and agrees to institute a Commission of Inquiry to investigate the circumstances surrounding the cause of such injury or death.

(2) Member of the Sending Party may be present at such a Commission of Inquiry and may question witnesses at the Inquiry.

(3) The Receiving Party undertakes to furnish the Sending Party with a copy of the

proceedings, findings and recommendations of the Commission of Inquiry upon completion thereof.

ARTICLE 22

CLAIMS

(1) The Receiving- and Sending Parties waive all claims against each other, arising out of any injury sustained or death suffered by a Member or Members participating in the provision of military assistance, where such injury or death arises or is caused by or during the performance of their duties, or while doing anything in connection with the performance of this Agreement.

(2) The Receiving- and Sending Parties waive all claims against each other for damage done or caused to any property owned by it, where such damage was caused by a Member in the course of their official duty, except where such damage was as a result of recklessness or drunkenness on the part of such a Member.

(3) In such cases of death or injury, the affected Members or their dependants will be compensated by and in respect of the laws of their own countries.

(4) Notwithstanding any arrangement made in this Agreement to the contrary, any Members or dependants of Members will retain any right they have to institute claims in their private capacity for such deaths or injuries.

(5) The Parties hereby agree to indemnify the other for all costs incurred by it in dealing with any claims made against it by any other person for the death of or injury sustained by a Member or Members participating in the provision of military assistance, where such injury or death arises or is caused by or during the performance of their duties, or while doing anything in connection with the performance of this Agreement.

(6) All claims arising from the provision of military assistance will prescribe after three years from the incident which gave rise to the claim if such a claim is not instituted during the prescription period.

ARTICLE 23

SUPPLEMENTAL ARRANGEMENTS

The Commanding Officer of the members of the Sending Parties may conclude supplemental arrangements to the present agreement, with the Receiving Party provided that such arrangements be in writing and consistent with the provisions of this Agreement.

ARTICLE 24

## MISCELLANEOUS PROVISIONS

(1) The appropriate authorities of the Parties may establish mutually agreed upon procedures, not inconsistent with this Agreement, for the execution of this Agreement and for effecting its provisions.

(2) Wherever the present Agreement refers to the privileges, immunities and rights of the Sending Party and to the facilities of the Receiving Party, the Receiving Party shall have the ultimate responsibility for the implementation and fulfilment of such privileges, immunities, rights, and facilities by the appropriate authorities of The Kingdom of Lesotho.

(3) The present Agreement shall enter into force on the date of signature by both parties.

(4) The present Agreement shall remain in force until the end of the provision of the military assistance or until the departure of the last element of the Sending Party that participated in the provision of the military assistance, provided that the Agreement shall remain valid until and for purposes of the conclusion of any outstanding investigations and legal proceedings.

(5) The contracting Parties to this Agreement shall strive to settle any problems, disputes or differences between them and connected with this Agreement through mutual negotiations.

(6) Any amendment to or revision of this Agreement shall be made in writing and shall come into force after approval by both Parties.

IN WITNESS WHEREOF THE CONTRACTING PARTIES HAVE SIGNED THIS AGREEMENT

DONE AT _____THIS___DAY OF _____1998.

IN TWO ORIGINALS IN THE ENGLISH LANGUAGE AND, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

FOR THE GOVERNMENT OF THE KINGDOM OF LESOTHO

# Annexure B

## NOTES ON THE ELECTORAL REFORM ALTERNATIVES IN LESOTHO

*Dr. Michael Krennerich, Hamburg (Germany)*

In order to evaluate electoral systems and electoral reform proposals, it is recommendable to determine firstly the evaluation criteria. It is generally assumed that electoral systems perform multiple functions, including the following:

1) Representation (favouring fair, i.e. proportional, representation and the inclusion of minorities)
2) Concentration (favouring the formation of stable one-party parliamentary majorities)
3) Accountability (favouring a close voter/representative relationship, e.g. via constituency representation)
4) Simplicity (favouring arrangements that are easy to understand and to handle for both voters and electoral administration).

(For further explanations of the functions, see the copies that have been already handed out to the members of the Interim Political Authority, IPA).

An additional aspect mentioned from one of the members of the IPA is 5) the cost of organizing elections.

Different electoral systems satisfy the above mentioned functional demands in different ways. None fulfils all of the requirements completely. There is no "best" electoral system. A particular electoral system satisfies some functional demands more others less.

The importance attached to each of these functional demands depends largely on the particular historical, social and political conditions of the country in which an electoral system has to operate, and on the views and interests of the political players who decide which system to implement.

Against the background of the recent political development in Lesotho, it appears to me that the issues surrounding fair representation and inclusiveness are the most important ones in Lesotho's electoral reform debate. It is submitted that any electoral reform should strongly emphasizes fair representation and inclusiveness.

Furthermore, it seems to be important a) that the new electoral system will be relatively easy to understand and to handle for both voters and the IEC, b) that it won't be expensive to apply and c) that it provides for some kind of constituency representation in order to favor a close voter-representative relationship.

for example, in Russia) nor a real compensatory system (as it is applied in Italy) nor a German-styled Mixed Member Proportional System (as it is also used in New Zealand and, with modifications, in Venezuela and Bolivia).

Simulation of the results on the basis of the 1998 elections: a) LCD: 79 seats, BNP: 1; b) LCD: 49, BNP: 22, BCP: 8, MFP: 1: c) final result: **LCD: 79, BNP: 22, BCP: 8, MFP: 1** (total size of parliament temporarily increases from 80 to **110**).

Effects:
Opposition parties get some political representation in parliament. However, the strongest party is still heavily favoured. Furthermore, there is a significant (and expensive) increase of the size of parliament (without any fixed number of MPs). Moreover, the electoral outcome can be politically abused to create two classes of MPs: "first-class MPs" in SMC, and "second-class" MPs with PR seats (In order to avoid this problem, candidates should be allowed to stand in constituencies as well as on party lists).

**4) PR in multi-member constituencies (at district level)**

Functioning:
Each of the 10 administrative districts of Lesotho builds one Multi-Member Constituency (MMC). (Example: Instead of having five single-member constituencies in Butha-Buthe, there is one five-member constituency, etc.). Each voter has one vote that he gives to his/her preferred party list at district level (Each party presents a district party list that contains as many candidates as MPs are elected in that district). Calculating the proportional seat share of the parties according to a PR formula (e.g. d'Hondt) at the district level and allocating them to the parties. (Example: In the case of a party A who has won 3 of the 5 seats in 5-member constituency, the first 3 candidates of its party list are elected MPs. The other two seats are, for example, won by a party B, whose first two candidates on the list are elected).

Simulation of the results on the basis of the 1998 elections: **LCD: 53, BNP: 22, BCP: 5** (size of Parliament: **80 seats**).

Effects: Strong opposition parties are represented in parliament. In contrast to the FPP system, where MPs tends to represent only the voters of the majority party (but not the whole electorate) in the constituency, the opposition has at least one representative in each district who may represent the voters of the minority party/ parties. Furthermore, this system is easy to apply. However, no full proportional results are achieved.

If the political aim is achieving full proportional representation, these two electoral systems may be modified in the following way:

**5) FPP in single-member constituencies with overall proportional results**

In order to combine the existing 80 FPP seats with full proportional results, 50 additional PR seats would be necessary according to the 1998 results.

Given the structure of the party system in Lesotho, the formation of a stable one-party parliamentary majority is not regarded as a problem, now. Thus, the concentration function of the electoral system is not considered important in the actual Lesotho context.

*The existing electoral system*

1) Unfortunately, the existing electoral system – the so-called **First-Past-the-Post System** (FPP) – is especially weak in ensuring fair, i.e. proportional, representation. Usually, the FPP system produces a high degree of disproportionality between the vote shares and the seat shares of the political parties, favouring the strongest party. This is particularly true in the Lesotho context where the strongest party won all (1993) or almost all (1998) seats in Parliament. Thus, it has been criticized for being unrepresentative and exclusive. In the Lesotho context, these disadvantage rules out the advantages of the FPP system (simplicity: constituency representation).

Electoral results 1998: **LCD: 79 seats, BNP: 1.**

*The pure PR system at national level*

2) The electoral system that fulfils best the representation function is the **pure Proportional Representation list system at national level.** It complies as well as it is possible with the demand for fair representation and is quite simple to understand, but usually does a poor job in fulfilling the functions of concentration and accountability. It may not be regarded as appropriate in the Lesotho context since it does not provide for any constituency representation (but for "anonymous" closed party lists at national level).

Simulation of electoral results according to the 1998 elections. **LCD: 49, BNP: 22, BCP: 8, BNP: 1.** Size of parliament: **80 seats.**

*"Balanced" reform options*

In order to find a political compromise, a "balance" can be achieved by a) maintaining the FPP in single-member constituencies (SMC), but introducing certain PR elements, or by b) introducing a PR system, but with constituency representation in multi-member constituencies (MMC) at the district level:

3) **FPP with additional PR seats** (as proposed by the LCD under the name of "dual" or "compensatory" system).

Functioning:
a) FPP in 80 SMC; b) Calculating the proportional seat shares of the parties at the national level (on the basis of 80 seats), c) allocation of the PR seats to the "disadvantaged" political parties, while all the FPP seats are kept by the winners in the SMC. It should be mentioned that this system is not a real parallel system (as it is used,

Functioning:
a) FPP in 80 SMC; b) Calculating the proportional seat shares of the parties at the national level (on the basis of 130 seats), c) allocation of the PR seats to the "disadvantaged" political parties, while all the FPP seats are kept by the winners in the SMC.

Simulation of the results on the basis of the 1998 elections: a) LCD: 79 seats, BNP: 1; b) LCD: 79, BNP: 35, BCP: 13, MFP: 1, Others: 2; c) final result: **LCD: 79, BNP: 35, BCP: 13, MFP: 1, Others: 2** (total size of parliament: 130).

Effects:
Constituency representation in SMC is combined with full proportional results. However, the price of achieving full proportional results is a significant and expensive increase of the size of Parliament. Furthermore, the electoral system is rather complicated. Moreover, the electoral outcome still can be politically abused to create two classes of MPs.

**6) PR in Multi-Member Constituencies (at the district level), plus 20 compensatory PR seats (at national level)**

Functioning:
a) Allocating 80 PR seats to parties according to a PR formula at the district level (as under 4); b) allocating the 20 national PR seats in order to achieve full proportionality (that is calculated at the national level on the basis of 100 seats).

Simulation of the results on the basis of the 1998 elections: a) LCD: 53, BNP: 22, BCP: 5; b) final results: **LCD: 61, BNP: 27, BCP: 10, MFP: 1, Others: 1.** Size of parliament: **100.**

Effects:
Full proportional representation is combined with constituency representation in MMC. In contrast to option 3) and 5), where MPs tends to represent only the voters of the majority party (but not the whole electorate) in the constituency, the opposition has at least one district representative who may represent the voters of the minority party/ parties. The price to pay for achieving full proportionality is only a moderate increase of the size of parliament. However, the system is more complicated than the "simple" PR system in MMC.

**All the above mentioned "balanced reform proposals" may be considered as more or less appropriate in the Lesotho context. However, in my personal view, I would rather prefer a PR system with Multi-Member Constituencies at the district level. If full proportional results should be achieved, this system can be combined with 20 compensatory PR seats at the national level.**

However, mostly important is that the main political players reach a consensus on the political need and objectives of an electoral reform, and find a political compromise that

is regarded as legitimate by themselves. If no definitive political compromise can be found, an interim solution for the next elections might be recommendable. The political costs/risks of maintaining the existing electoral system for the next elections might be too high.

Table: Simplified comparison between the different electoral systems

| | Representation | Concentration | Accountability | Simplicity |
|---|---|---|---|---|
| 1) FPP in SMC (existing system) | – | + | + | + |
| 2) Pure PR at national level | + | – | – | + |
| 3) FPP with additional PR seats (incomplete proportional results) | – | + | + | O |
| 4) PR in MMC at district level | O | O | O | + |
| 5) FPP with 50 additional PR seats | + | – | + | O |
| 6) PR in MMC at district level with 20 PR seats at national level | + | – | O | O |

As for the costs, it can be generally assumed that all electoral systems that provide for single-member constituencies must take special measures in order to (re-)draw constituency boundaries and to register voters in the respective SMC. In the case of PR systems with MMC, no special measures have to been taken to draw the boundaries (since the administrative districts function as MMC). As for PR at national level, no constituency is provided at all, and voter registration can be done at national level.

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