

Political Background

Early History

Lesotho, a mountainous country surrounded by South Africa, has its origins as a nation in the 19th century when King Moshoeshe I rallied the Basotho groups scattered in southern Africa. At the request of the King, after the loss of a substantial part of his kingdom, the British declared a protectorate over the mountain Kingdom in 1868. Basutoland, as it was called at the time, was initially administered by Cape Colony, but in 1884, the British took over direct responsibility for the protectorate. It was thereafter administered as a High Commission Territory.

Modern party politics began in 1952 with the founding of the Basutoland Congress Party (BCP) under Dr Ntsu Mokhehle. The BCP advocated full independence from the United Kingdom. A legislative council was introduced in 1956, and a Constitution granting limited powers of self-government was adopted in 1959. Full independence was granted on 4 October 1966.

Post-Independence Political History

The first general election held on the basis of universal adult suffrage took place on 29 April 1965 and was won by the Basutoland National Party (BNP, renamed the Basuto National Party after independence), whose leader, Chief Leabua Jonathan, became Prime Minister. The King, Moshoeshe II, became a constitutional monarch, and as such, Head of State.

Democratic government, however, lasted less than four years. When it appeared that the main opposition party, the BCP under Dr Mokhehle, had won a majority of seats in the National Assembly in elections held in January 1970, Chief Jonathan declared a state of emergency, suspended the Constitution, and arrested Dr Mokhehle and other leaders of the BCP. The elections were annulled and several people were reportedly killed in disturbances that followed. The King went into exile in the Netherlands. The King was allowed to return to the country in December 1970.

In 1974 Dr Mokhehle and other BCP members were accused of plotting a coup against Chief Jonathan. He fled the country along with most of the leadership of the BCP. Lesotho effectively became a one-party state.

In July 1985, the Government announced that elections would take place in September, but these were cancelled in August when the opposition parties refused to contest them. It was announced that BNP candidates had been returned unopposed in all constituencies. The cancellation of the elections raised considerable domestic political opposition. Meanwhile Chief Jonathan reversed his policy to one of support for the ANC and went further by refusing to sign a non-aggression pact with South Africa. The South African Government reacted by imposing a blockade on the border with Lesotho in January 1986, thus impeding access to vital supplies of food and fuel.

Against this background, Chief Jonathan was overthrown by troops of the Lesotho paramilitary police under General Justin Lekhanya on 15 January 1986. The National Assembly was dissolved, and all executive and legislative powers were vested in the King, acting on the advice of a Military Council. In May 1988, General Lekhanya allowed Dr Mokhehle and several other members of the BCP to return to the country.

In early 1990, conflict developed between General Lekhanya and King Moshoeshoe II. General Lekhanya suspended the King's executive and legislative powers and announced that a return to civilian government would take place in 1992. In March 1990, the Military Council assumed the legislative and executive powers that were previously vested in the King. The King went into exile in the UK.

A few months later, a National Constituent Assembly made up of 108 appointed members was set up to draft a new constitution. The Assembly included members of the Military Council, Council of Ministers, all Principal Chiefs and politicians, including Dr Mokhehle. Between October 1990 and April 1991, it held consultations using the 1966 independence Constitution as a starting point. In September 1991, the Assembly appointed a Constitutional Commission to assess public opinion on the document before it was adopted. The Commission received a substantial number of written submissions and held numerous well-attended public meetings throughout the country. The views expressed were taken into account in the final draft that was eventually published on 5 February 1993.

Meanwhile, in October 1990, General Lekhanya invited King Moshoeshoe II to return to Lesotho from exile. The King, however, made his return conditional upon the termination of military rule and the formation, by representatives of political parties, of an interim government, pending the adoption of a new constitution and the holding of internationally supervised elections. General Lekhanya responded by promulgating an order deposing the King with immediate effect. His son, who became Letsie III, was appointed King in his place by the Military Council. Although he acted as King during his father's exile, Letsie III refused to be crowned – on the grounds that his father was alive, able and willing to discharge his responsibilities as a monarch.

General Lekhanya was removed as Chairman of the Military Council on 30 April 1991 in a palace coup led by another member of the Council, Colonel (later General) Elias Ramaema. Although General Ramaema repealed the law banning political parties, tensions continued to rise in the country following an unsuccessful attempt to overthrow his regime and restore General Lekhanya. Tension rose further in April 1992 when Moshoeshoe II announced his intention to return to the country from exile in defiance of the wishes of the Military Council.

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1993 Elections

The elections to the National Assembly took place on 27 March 1993. The BCP under Dr Mokhehle swept to power, winning all 65 seats and gaining 54 per cent of the vote as against the BNP's 16 per cent. Ten other parties shared the remaining 30 per cent of the vote. Dr Mokhehle was sworn in as Prime Minister in April 1993.

A Commonwealth mission led by the Rt Hon Lord Carlisle of Bucklow observed the March 1993 elections and concluded that despite some administrative problems on the day, the outcome of the elections reflected "a free expression of the will of the people of Lesotho".

The BNP refused to accept the results of the elections and the country remained unstable. In November 1993 and again in January 1994, there were mutinies in the Royal Lesotho Defence Force, ostensibly over pay but also reflecting political differences between supporters of the new government and the BNP. In mid-April 1994, the Deputy Prime Minister, Mr Selometsi Baholo, was shot and killed by disaffected troops who also abducted and briefly detained four government ministers. Two emissaries of the Commonwealth Secretary-General helped to promote negotiations between the Mokhehle Government and the army, leading to the end of the mutiny as well as a strike by police and prison officers.

The 1994 Crisis

Lesotho went into renewed crisis in August 1994, when following the appointment by Dr Mokhehle of a commission of inquiry into the circumstances surrounding the dethronement of Moshoeshe II, King Letsie III announced the dissolution of the National Assembly, the dismissal of the Mokhehle Government, and the suspension of the Constitution. The army and the police appeared to support the King, but a general strike called by the BCP and the Lesotho Council of NGOs effectively paralysed economic activity in the country in late August.

The Commonwealth Secretary-General worked closely with the Presidents of Botswana, South Africa and Zimbabwe to promote dialogue between Letsie III and Prime Minister Mokhehle and to restore the elected government.

On 14 September 1994, King Letsie III signed an agreement, guaranteed by Botswana, South Africa and Zimbabwe. The Mokhehle Government was restored and King Letsie III stepped down in favour of his father, Moshoeshe II. The King died in a car accident in January 1996 and Letsie III returned to the throne.

Recent Political History

(a) The Formation of the Lesotho Congress for Democracy

In June 1997 Dr Mokhehle decided to resign from the BCP and form a new party – the Lesotho Congress for Democracy (LCD) – taking 40 of the BCP's 64 members of parliament with him. Thus, the LCD was able to secure a parliamentary majority and retain its hold on government.

Several groups and individuals in the country, including the BCP, challenged the Prime Minister's actions as unconstitutional. This legal action was unsuccessful.

(b) The 1998 National Assembly Elections

The National Assembly elections took place on 23 May 1998. Twelve political parties and 30 independent candidates contested the 80 seats in the National Assembly. The election was dominated by the three main parties: the LCD, led by Professor Pakalitha Mosisili, following the retirement earlier in the year of Dr Mokhehle, aged 78; the BCP, led by Mr Molapo Qhobela, a former Minister of Justice; and the BNP, led by Mr Evaristus Sekhonyana, a former Minister of Finance.

The LCD under Professor Mosisili swept to power, winning 79 out of 80 contested seats in the Lower House, and obtaining 61 per cent of total votes cast. A Commonwealth Observer Group, led by the late Rt Hon Sir Lynden Pindling, former Prime Minister of The Bahamas, concluded that “this was a credible election. We came away from observing it in no doubt both that the conditions existed for a free expression of will by the electors and that the results of the elections reflected their wishes”.

The resounding LCD victory was, however, rejected by the BNP and other parties. It provoked legal challenges in about 20 constituencies, as well as public uprisings.

(c) Aftermath of the 1998 Elections

In response to allegations of electoral fraud, a Commission was established following the election under Justice Pius Langa, Deputy President of the South African Constitutional Court, with other members from Zimbabwe and Botswana. Its remit was to investigate the conduct of the elections. Even while the Commission was sitting, the political situation continued to deteriorate and there was an attempted mutiny by junior army officers who openly declared their support for the BNP. In the midst of escalating protests, on 17 September, the Langa Commission’s report was released. It noted administrative and practical problems with the election, but found no evidence of widespread fraud. The finding that there was no ground for a re-run of the election prompted an upsurge in protests and another coup attempt, which was put down by the military intervention of South Africa and Botswana to restore law and order, under the auspices of the Southern African Development Community (SADC) on 22 September. Seventy people were killed and hundreds of businesses and buildings, particularly in the centre of Maseru were looted and damaged or destroyed.

Once calm was restored, the Commonwealth, in co-operation with SADC, offered assistance to Lesotho in its efforts to revise the electoral process in ways that promoted harmony.

The first-past-the-post electoral system used in Lesotho had not allowed the percentage of popular votes cast to be reflected in the number of seats won by parties in Parliament: 39 per cent of the voters had cast ballots for opposition parties who were rewarded with just one seat in the National Assembly. There was a perception that for the future, Lesotho needed a system that would allow political parties with some considerable support to be represented in the National Assembly.

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(d) Formation of the Interim Political Authority

In 1999, working in co-operation with SADC and others, the Commonwealth helped the principal parties in Lesotho to conclude an agreement which created an Interim Political Authority (IPA) made up of two representatives of the 12 political parties who contested the last General Election. It was charged with the responsibility of recommending to Parliament measures to facilitate the holding of a new General Election as soon as possible. Its terms of reference required it to propose a new voter registration system and a new formula for representation in parliament. Its mandate expires after the announcement of the results of this election.

The Secretary-General visited Lesotho in July 2000 and appointed a senior Secretariat official as his Special Envoy, with the brief of promoting dialogue between the IPA, the Government and the Independent Electoral Commission to reach agreement on the two major issues – the voter registration system and the formula for representation in Parliament.

Obtaining approval of the two Houses and the IPA on a new electoral system and the formula for representation in Parliament took months of consultation and mediation by the Commonwealth Special Envoy and others. The two issues were finally resolved with the passage of the Electoral Registration Act of 2000 which conferred on the Independent Electoral Commission the right to determine the system of electoral registration. The Senate in March 2000 approved the fourth Amendment to the Constitution of Lesotho Bill 2000 by which a formula for representation in Parliament was adopted. The next National Assembly will accordingly be made up of 120 members: 80 of them will be elected under the first-past-the-post system, while the remaining 40 will be decided by proportional representation. The National Assembly Election (No. 1) (Amendment) Act 2001 was gazetted on 31 December 2001, and amends the electoral laws to take into account the new electoral system and matters such as the Code of Conduct for political parties and candidates.

The Secretary-General's Special Envoy remained active in promoting dialogue and defusing tension between the Government, political parties, the IPA and the IEC on various political, electoral and governance issues. The Commonwealth also continued its technical assistance programme to Lesotho through the provision of experts to the IEC, and also in other sectors.

(e) The Formation of the Lesotho People's Congress

The ruling LCD party was rocked by growing internal wrangling between Prime Minister Mosisili and his Deputy, Mr Kelebone Maope, who, in September 2001, led a breakaway faction and formed the Lesotho People's Congress (LPC). The newly formed LPC took with it 26 members of Parliament, although the LCD still retained a majority of seats in the National Assembly, with 46 seats.

Further conflict arose as a result of the decision of the LPC to adopt as their party symbol the face of the late Prime Minister Dr Ntsu Mokhehle, who was a founder member of the LCD. The LCD sought, unsuccessfully, to obtain an injunction through the courts to prevent the LPC from using Dr Mokhehle as a symbol.