

# The Establishment of Lesotho Congress for Democracy: Implications for the 1998 General Election

Pontšo Sekatle\*

---

*Lesotho politics has since independence been characterised by drama and intrigue. The latest drama unfolded in June 1997 with the resignation of the Prime Minister, Dr Ntsu Mokhehle, from the then governing Basutoland Congress Party (BCP) which had won all the 65 constituencies in the 1993 general elections. The Prime Minister announced that he had formed a new political party, Lesotho Congress for Democracy (LCD) which replaced the BCP as the ruling party. The abrupt departure of Ntsu Mokhehle from a party he had led since its inception in 1952 brought to an end a protracted power struggle and succession crisis afflicting the BCP. Ntsu Mokhehle's move generated debates which in turn contributed significantly to a deeper understanding of parliamentary democracy in general and Lesotho's Constitution in particular.*

---

## Introduction

On Monday 9 June 1997, Ntsu Mokhehle, the Prime Minister of Lesotho and leader of the then governing Basutoland Congress Party (BCP), announced that he had formed a new political party, Lesotho Congress for Democracy (LCD). He made this announcement at a press conference held in the National Assembly. The establishment of the LCD was a sequel to a resolution by about one thousand followers of Ntsu Mokhehle who had gathered at the Cooperatives College in Maseru on Saturday 7 June 1997 in response to his call for such a gathering to devise a solution to problems afflicting the BCP. The formation of the LCD brought to an end the BCP government and heralded an abrupt and radical change to the leadership of a party formed in 1952 and led by Ntsu Mokhehle since its inception. The BCP had won all the 65 constituencies in the 1993 general election<sup>1</sup>.

Ntsu Mokhehle's move to form a new political party sent shock waves and confusion among his opponents within and outside the BCP. Some of them

---

Dr. Pontšo Sekatle is a Lecturer, Department of Political and Administrative Studies, National University of Lesotho.

argued that he had to resign from the premiership because his action was unconstitutional and morally reprehensible as he had been sworn in as Prime Minister in his capacity as leader of the BCP. The BCP and some opposition parties (Basotho National Party, Marematlou Freedom Party, United Democratic Party, Hareeng Basotho Party, Labour Party, Lesotho Education Party, and Sefate Democratic Union) formed a coalition intended to force the Prime Minister to resign. The coalition called a national "stay away" on 16 June 1997 but this failed to materialise as all the people ignored the call and went about their businesses as usual. On the same day the coalition staged a march to the palace to present a memorandum imploring the King to dismiss the Prime Minister, dissolve parliament and organise new elections. The memorandum, signed by the Secretary General of the BCP, G.M. Kolisang, stated:

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

On 2 July the Basotho National Party (BNP) led another protest march to the palace, joined by other members of the anti-Mokhehle coalition. The memorandum handed at the Palace by the BNP also requested the King to dissolve Parliament and the government. Similar marches were led to the Palace by the Marematlou Freedom Party (MFP) and women belonging to the coalition parties on 24 July and 17 August 1997, respectively. On 17 August 1997 the marchers were addressed, among others, by Mrs Sandy Kanji and Mrs Mohau Pheko representing the Botswana National Front (BNF) and the South African Coalition of Women (SACW), respectively.

The Lesotho Council of Non-Governmental Organisations (LCN) supported the stance of the anti-Mokhehle coalition. After its two day extraordinary general meeting organised specifically to debate political developments in Lesotho, the LCN stated that "the move by Prime Minister Ntsu Mokhehle is politically and morally reprehensible". The LCN further stated that this action required the

holding of elections by an independent electoral commission not later than March 1998.

This paper discusses the political drama which has unfolded in Lesotho with the resignation of Dr Ntsu Mokhehle from the BCP and the formation of the LCD which emerged as the ruling party. The paper will focus specifically on four issues: first, parliamentary democracy and representation; second, the legality or otherwise of Ntsu Mokhehle's action; third, the reasons that might have led to the formation of the LCD and; fourth, the implications of these latest developments for Lesotho politics and the 1998 general elections.

### **1. Parliamentary Democracy and Representation**

Lesotho is a Westminster type of parliamentary democracy characterised by the following: a head of state whose functions are largely ceremonial and who has limited legal and political powers; a head of government (political executive) selected by members of the legislature and who should resign if they withdraw their support.

Parliamentary democracy falls within the realm of liberal representative democracy. The basic features of this system include individual rights, universal participation, political equality, majority rule and government responsiveness to public opinion (Janda et al, 1989; Ball, 1993; Mill, 1951).

There are two basic theories of representation. These are the delegate and trustee theories. Hague et.al. put it succinctly:

The delegate is closely bound to reflect the wishes of those who elected him or her. Delegates are typically 'mandated', that is, given instructions to carry out. The trustee, by contrast, uses independent judgement on behalf of the voters. The trustee is free to ignore the voters' views, but does so at his or her peril (Hague: 1992, 292).

The delegate/mandate theory postulates that a delegate lacks an independent function. He/she must follow the instructions of the constituency to the letter. When confronted with new issues the delegate must always seek mandate from the constituency. The other approach, trustee/independent was best stated by Edmund Burke in the Eighteenth Century. He contended that a trustee

representative should exercise his/her independent judgement even when that judgement differs from the wishes of his/her constituency. For Burke, priority in decision making must be given to issues of national interest over those of individual constituencies (this assumes that these can be easily separated). The trustee/independent representative should therefore give issues of national interest first priority when they clash with those of the constituency. However, failure to consult may be one of the key reasons for not being re-elected.

In practice representatives tend to blend the two styles. They are given a mandate during the election period. But it is also assumed that as representatives they can make suitable judgements on behalf of their constituents. Hence they are not expected to consult constituencies on each and every matter tabled for discussion in the legislature.

A distinction must be drawn between practices under proportional representation, particularly the party list system, on the one hand and majoritarian systems on the other. Under proportional representation votes are cast in favour of a political party and not in favour of a particular candidate. In the 1994 South African election members of the National and Provincial legislatures were elected on party lists. They represent political parties and not constituencies. This explains why a representative who resigns from his/her political party, as it happened with Bantu Holomisa and Roelf Meyer, loses his/her seat in parliament.

In majoritarian systems members of parliament represent constituencies and not political parties. This is also referred to as areal representation. Under this system a representative who resigns or is expelled from a political party retains his/her seat in parliament because he/she represents a constituency and not a political party. This means that majoritarian systems practice the trustee/independent type of representation more than the delegate/mandate type. Hence candidates have the freedom to act independently to the extent that they may vote against proposals that have been made by their own political parties or vote with a different party. The extreme of such independence is portrayed through the practice of crossing the floor. A representative who crosses the floor is not recalled or asked to resign from parliament.

Crossing the floor occurs all the time in many parliamentary democracies. A comprehensive list of members of the House of Commons who crossed the

floor from 1900 to 1983 in Britain has been compiled by D. Butler and G. Butler (1986: 233-239). For instance, the parliament of 1979-83 recorded 31 floor crossings, the highest number since 1900. 25 of them crossed from the Labour Party in one year, 1981, and joined the Social Democratic Party (SDP). The SDP was formed by former Labour Cabinet Ministers in 1981. The overall number of Members of the House of Commons who changed allegiance from the Labour Party in the 1979-83 Parliament was 29 out of 269 (Butler and Butler). In Lesotho the representative of Qeme Constituency, Bofihla Nkuebe, who had been elected as an independent candidate in 1993 formed a political party, Sefate Democratic Union, immediately after joining the National Assembly. He did not resign his seat in the National Assembly because of crossing to his own newly formed party.

The reason why representatives are allowed to cross the floor, as explained earlier, is because it is believed that they are acting in the best interest of their constituents. The second reason why representatives may cross the floor or make decisions that are not necessarily mandated by their constituents is because they are elected for a fixed period of time without conditions. In other words, once elected legislators must exercise independence. But, as stated earlier, crossing the floor may contribute to the representative's failure to be re-elected. Which means that a representative must ensure that his/her action to cross the floor is supported by the majority of people he/she represents.

Another important issue that should be clarified about the Westminster-type of parliamentary democracy is the relationship between the parliamentary party and the extra-parliamentary party, that is, the relationship between representatives and their parties outside parliament. In his study of Dutch parties, Daalder (1989: 236), concluded that:

the parliamentary groups are in all parties autonomous organisations, on which the extra-parliamentary party can exercise no direct control. Parliamentary parties choose their own leader and determine their own political stand.

A similar conclusion was made back in 1955 by McKenzie in a study of British parties. McKenzie concluded that despite formal party rules that may dictate otherwise, "parliamentary government forces a concentration of power in the hands of parliamentarians, whatever the formal party rules". (summarised by Hague et al: 1992, 237).

These observations by Daalder and McKenzie are depicted by the practice of crossing the floor (explained earlier) common in the Westminster type of parliamentary democracies. When representatives cross the floor to join other political parties they are indeed 'choosing their own leaders and determining their own political stand' contrary to the wishes of the parties under which they were elected to parliament. As such the resignation or expulsion of a Prime Minister from the position of party leader does not automatically call for resignation or expulsion from government. This was confirmed by a Judge presiding over the case that had been filed by Ntsu Mokhehle challenging his alleged dismissal from the leadership of the BCP. Justice Maqutu stated that:

applicant can remain Prime Minister although he might have ceased to be the party leader of the BCP. The position of Prime Minister depends on the support of the majority of members of Parliament who are elected to serve a five-year term. They can make or unmake Prime Ministers as they see fit. Parliament is a national and constitutional organ of the State not of the BCP..... Members of the National Assembly who support the Prime Minister may vote him out of office and propose the name of someone else for appointment as Prime Minister at any time in terms of Section 87(8) read along with Section 87(5)(a) and (7)(e) of the Constitution (CIV/APN/75/97).

The Judge further stated that given the manner in which Parliament operates:

the B.C.P. as a political party does not feature prominently. Its members are recognised by the Constitution as individuals despite the use of the term political party in the Constitution. If they choose to be under the party whip and act collectively, it is their choice. The party does not feature by law in the making or the unmaking of the Prime Minister. Party participation and discipline in Parliament among members of Parliament is an internal affair of the political party. Therefore removing applicant from the leadership of the B.C.P would be personally humiliating to applicant, but it would not affect his position as Prime Minister as long as the majority of the members of the National Assembly support him (CIV/APN/75/97).

In concluding this section we would like to reiterate that the Westminster-type of parliamentary democracy, with its emphasis on the trustee/independent style of representation, gives representatives significant independence. This includes independence to make and unmake Prime Ministers, independence to vote against their parties' proposals if they so wish, and freedom to cross the floor and change allegiance. The Prime Minister's move to form a new political party and crossing to it; the crossing of the majority of members of the

National Assembly to the newly formed party, all fall within standard practices of the Westminster-type of parliamentary democracy. An observation must be made, however, that the furore caused by the formation of LCD shows that some people in Lesotho do not understand the principles and practices of parliamentary democracy as well as theories of representation. The parliamentary/extra parliamentary dichotomy is not clear to them. They believe that members of parliament represent political parties and not constituencies. The formation of the LCD has, therefore, been an eye opener because debates on the media as well as High Court judgements delivered during the power struggle within the BCP, underscore the principles and practices of parliamentary democracy and theories of representation outlined above.

## 2. **Is Ntsu Mokhehle's Action Illegal?**

The preceding section showed how parliamentary democracy, particularly the Westminster type, operates. This section discusses the legality or otherwise of Ntsu Mokhehle's action. The discussion will draw generally upon the preceding section and, specifically the discussion will be based on Lesotho's Constitution. The particular clauses of interest are those that explain the appointment of the Prime Minister and the dissolution of Parliament.

The Constitution states in Section 87 (2) that:

The King shall appoint as Prime Minister the member of the National Assembly who appears to the Council of State to be the leader of the political party or coalition of political parties that will command the support of a majority of the National Assembly.

Political analysts and constitutional lawyers contend that the Prime Minister's move does not constitute a breach of Lesotho's constitution because he is "the leader of the political party that commands the support of the majority of the members of the National Assembly" as is required by the constitution.<sup>2</sup> The support that Ntsu Mokhehle has in the National Assembly was confirmed on 11 June when 40 of the 65 members of that house passed a motion of confidence in him (Hansard, 11 June 1997). All these 40 members were elected to the National Assembly as BCP candidates in 1993. They have crossed the floor to join the LCD. The crossing of 40 members from the BCP

to the LCD means that the latter is now the majority party with 40 members while the former is a minority party with 24 members.

Despite the above, opposition political party leaders such as Vincent Malebo of the MFP, E.R. Sekhonyana of the BNP, Tseliso Makhakhe of the BCP, consider the ascendancy of the LCD and its administration illegitimate usurpation of power and a coup d'état.<sup>3</sup> These political leaders and other members of the anti-LCD coalition have labelled Mokhehle a dictator of the Mobutu type.<sup>4</sup> The coalition formed by these leaders has attempted to mobilise the nation against Dr Ntsu Mokhehle's government, involving and openly seeking assistance from foreign diplomatic missions in Maseru, the Southern African Development Council - SADC- (particularly Botswana, Republic of South Africa and Zimbabwe), the United Kingdom and the United States of America. These efforts were not successful. For example, the response of the British High Commissioner in Lesotho to the BCP's request that Britain should withhold its recognition of the LCD government was that:

Regional and Commonwealth Governments, including the British Government, do not regard the present Government of Lesotho as illegal. (Cited in *Moafrika*, 5 September 1997).

The wide publicity embarked upon by the anti- Mokhehle coalition in the region and as far afield as Britain may have been influenced by the response to King Letsie III's coup of August 1994. Then the international community refused to recognise the illegitimate government and threatened to impose sanctions.

The coalition parties have not sought the intervention of the judiciary, the organ best qualified to address such grievances. They have, instead, called upon the king to dissolve Parliament and dissolve Ntsu Mokhehle's government; and set up an interim government which would prepare for the forthcoming national elections. As stated in the introduction, these parties have marched to the Palace to hand in memoranda on this issue. The Upper House of Parliament, Senate, has also called on the King to dissolve Parliament which, in essence, means dismissing the government. Like the coalition, Senate wants an interim government to lead the country during preparations for elections.



For reasons that remain unclear, the King sought legal opinion from one of South Africa's constitutional experts, W.H. Olivier SC, on this matter. Olivier's opinion and advice to the King was that:

- (a) by forming a new political party, Dr Mokhehle did not vacate the office of Prime Minister;
- (b) Dr Mokhehle's forming of a new party as such does not entitle His Majesty to remove him from the office of Prime Minister;
- (c) Dr Mokhehle's forming of a new party does not entitle His Majesty to dissolve Parliament;
- (d) as Dr Mokhehle is in fact the leader of a political party that commands the support of a majority of the members of the National Assembly there is no reason to assume that he should not be regarded as a properly appointed Prime Minister.

The King did not dissolve Parliament. But he made reference to the issue in his coronation speech on 31 October 1997. He stated that the understanding and custom that the King's residence and court are places of ultimate refuge for all those in distress and seeking protection and redress from whatever threats to their survival or freedom still prevailed amongst the Basotho. He observed that it was within this understanding that a significant section of the Basotho nation had appealed to him to resolve the dispute. The King further stated that, though the custom is clear, his powers are defined in the constitution and he appealed to the nation to:

show the way forward by indicating the exact role which the Basotho Monarchy, in the interest of all the Basotho, should play (Address by His Majesty, King Letsie III, 31 October 1997).

Circumstances under which Parliament may be dissolved are clearly stated in the Constitution. The Constitution gives the King the power to prorogue or dissolve parliament. Section 83 (4) states that "In the exercise of his powers to dissolve or prorogue Parliament, the King shall act in accordance with the advice of the Prime Minister, provided that:

- (a) if the Prime Minister recommends a dissolution and the King considers that the Government of Lesotho can be carried on without a dissolution and that a dissolution would not be in the interests of Lesotho, he may, acting in

- accordance with the advice of the Council of State, refuse to dissolve Parliament;
- (b) if the National Assembly passes a resolution of no confidence in the Government of Lesotho and the Prime Minister does not within three days thereafter either resign or advise a dissolution the King may, acting in accordance with the advice of the Council of State, dissolve Parliament; and
  - (c) if the office of the Prime Minister is vacant and the King considers that there is no prospect of his being able within a reasonable time to find a person who is the leader of a political party or a coalition of political parties that will command the support of a majority of the members of the National Assembly, he may, acting in accordance with the advice of the Council of State, dissolve Parliament.

The foregoing section of the constitution define the boundaries within which the King may exercise his power to dissolve parliament and this he has to do largely with the advice of the Prime Minister. The only exceptions where the King may dissolve parliament without the advice of the Prime Minister are when, as stated in 83 (4) (b) the National Assembly passes a resolution of no confidence in the Government and the Prime Minister does not within three days resign or advise the King to dissolve Parliament; and when the office of Prime Minister is vacant and the King considers that there is no prospect of finding a person who is leader of a political party or coalition of political parties that will command the support of a majority of the members of the National Assembly. In both exceptions the King may dissolve Parliament in accordance with the advice of the Council of State. Yet the dissolution of Parliament is not automatic even when the office of the Prime Minister falls vacant either through a no confidence motion or other reasons. According to Section 83 (4) (c) the King may dissolve Parliament if the office of the Prime Minister is vacant and:

there is no prospect of his being able within a reasonable time to find a person who is the leader of a political party or coalition of political parties that will command the support of a majority of the members of the national Assembly.

The above section implies that the first step to be taken when the office of the Prime Minister falls vacant is to find a successor, and this will be the leader of a party that commands the support of a majority of MP.s. It is only when

it is impossible to find such a person within a reasonable time that the King may dissolve Parliament and call for an election.

The resignation of India's Prime Minister, Atal Bihari Vajpayee, in May 1996 further illuminates the principle underlying Lesotho's constitutional requirement in the event of any occurrence or episode that necessitates the dissolution of parliament. Vajpayee's party, Bharatiya Janata Party, won the general election in April 1996 and formed the government. Thirteen days afterwards, on 28 May, Vajpayee resigned to avoid a parliamentary vote of no confidence. The President of India did not dissolve parliament simply because the leader of the party that had won the election had resigned and neither did he ask Vajpayee's deputy in Bharatiya Janata Party to take over as the Prime Minister! Instead he invited the United Front coalition leader, Deve Gowda (just hours after Vajpayee's resignation), to form a new government. The United Front, a coalition of 13 socialist and lower-caste political parties, had finished third in parliamentary elections in the April election (CNN World News, 29 May 1996). The United Front had not acquired a majority in the election but by the end of May it was commanding the majority of MP.s in Parliament.

A similar incident occurred in the United Kingdom in 1931. The economic crisis caused by the Great Depression tore the Labour Government of Ramsay MaCdonald apart. On 24 August 1931 the Labour Cabinet resigned. MaCdonald, however, continued to serve as a Prime Minister under a newly formed National Government. In other words the Labour Party ceased to be the ruling party. On 30 September MaCdonald, four other Labour Ministers and eleven MP.s supporting the National Government were expelled from the Labour Party following that party's resolution (Keesing's Contemporary Archives, 1931). MaCdonald ceased to be leader of the Labour Party and his successor, A. Henderson, had been appointed on 28 August 1931. MaCdonald and those expelled together with him from the Labour Party formed a new party, National Labour Party, in October 1931 (Butler, et al: 235).

MaCdonald had been appointed to the House of Commons under the Labour Party. However, he had been appointed Prime Minister because he was the leader of the party with the support of the majority MP.s. When his party resigned from the government the King did not appoint his successor in the Labour Party to form a new government. The King did not dissolve Parliament simply because the new government was no longer led by the leader of the

party that had won the election. Instead MacDonald was allowed to continue serving as the Prime Minister because he was able to maintain the support of the majority MP.s, and these were few former Labour MP.s, Conservative and Liberal MP.s. They passed a vote of confidence in him by 309 to 250 votes on 8 September 1931. The Conservative and Liberal Parties occupied 320 seats while the Labour Party's seats had been reduced to 286 due to MP.s' change of allegiance. The Labour Party was thus reduced to the status of the opposition despite the fact that it had won the 1929 general election. MacDonald's new ten member Cabinet was composed of four National Labour MP.s (former Labour Cabinet Ministers who did not resign), four Conservatives and two Liberals.

On the basis of the above cases that are similar to the changes in the National Assembly of Lesotho we conclude that the Prime Minister's action to form a new political party and cross the floor with majority members of the National Assembly is not illegal and does not constitute a breach of Lesotho's Constitution. Indeed, Lesotho's case is not unique, nor is it a hybrid as the anti-Mokhehle coalition wants us to believe. It has its parallels, as demonstrated above. Britain's case is of particular importance since the argument made by the coalition attempts to show that the Lesotho case deviates from the Westminster model.

### **3. Reasons behind the formation of Lesotho Congress for Democracy**

Ntsu Mokhehle's move brought to an end a protracted struggle for power within the BCP. While there have been clashes within the BCP before, the recent conflict is much more significant because it resulted not in the expulsion of few individuals from the party but a split. This section discusses reasons behind the BCP split and the resultant formation of LCD. These include the struggle for power and delivery problems.

The struggle for power within the BCP can be traced back to the 1960s and has seen a number of members leave the BCP to form or join other political parties. These include Makalo Khaketla, Seephephe Matete, Charles Dube Mofeli (founders of Basutoland Freedom Party - BFP, Marematlou Party - MTP, and United Democratic Party - UDP respectively). Khaketla and Matete merged their parties and formed the Marematlou Freedom Party (MFP). Power struggle and factionalism within the BCP also resulted in the expulsion of

Robert Matji, Nettle Ranyali, Nathanael Qhobela, Mpiti Sekake, Phakiso Letumanyane and Meshack Poola from the BCP. All of these were expelled from the party in 1964. They all found a political home in the MFP but were reduced to obscurity after their departure from the BCP. The MFP won only four seats in 1965 and one seat in the 1970 general elections. Mofeli's UDP (formed after the 1965 election) did not win a single vote in the 1970 general election though it contested three constituencies (Macartney, 1973, 482).

The 1970s were also characterised by factionalism and power struggles within the BCP. In 1973 Ntsu Mokhehle rejected Jonathan's proposal for an Interim National Assembly. Part of the leadership including G.P Ramoreboli, Phoka Chaolana, and twelve others accepted Jonathan's nomination. By virtue of this acceptance they were allegedly deemed to have expelled themselves from the party. Ntsu Mokhehle and other members of the executive committee went into exile in 1974 following the BCP's abortive uprising against Jonathan's government. While in exile, Tseliso Makhakhe was appointed to the executive committee to replace Ramoreboli. A Power struggle within the exiled faction led to a split in 1976 when a group led by Tseliso Makhakhe claimed to have expelled Ntsu Mokhehle from the position of party leader. Tseliso Makhakhe was appointed leader of the party by his faction.

During the run-up to the 1993 general election attempts were made to reconcile different factions. The truce between Ramoreboli's faction and the former exiled factions was short lived. Ramoreboli, Chaolana and Khasu walked out of the BCP annual conference of January 1992 where the executive committee was elected for the first time since 1969. They later filed an application with the High Court to have the conference proceedings, including the election of the executive committee, declared null and void. Their complaint was that delegations from South Africa's Provinces were unconstitutional. When their application did not succeed they left the BCP and formed Hareeng Basotho Party (Hareeng Basotho Party was, however, formally dissolved in 1997 after the BCP split. Its members have rejoined the BCP).

Factionalism and power struggle intensified within the BCP as the election date drew closer. By this time it had become clear that succession was at the root of the problem. Confrontation ensued between what came to be known as Pressure Group and the party leadership. The former was an informal voluntary group of young party technocrats (academics, civil servants,

Robert Matji, Nettle Ranyali, Nathanael Qhobela, Mpti Sekake, Phakiso Letumanyane and Meshack Poola from the BCP. All of these were expelled from the party in 1964. They all found a political home in the MFP but were reduced to obscurity after their departure from the BCP. The MFP won only four seats in 1965 and one seat in the 1970 general elections. Mofeli's UDP (formed after the 1965 election) did not win a single vote in the 1970 general election though it contested three constituencies (Macartney, 1973, 482).

The 1970s were also characterised by factionalism and power struggles within the BCP. In 1973 Ntsu Mokhehle rejected Jonathan's proposal for an Interim National Assembly. Part of the leadership including G.P Ramoreboli, Phoka Chaolana, and twelve others accepted Jonathan's nomination. By virtue of this acceptance they were allegedly deemed to have expelled themselves from the party. Ntsu Mokhehle and other members of the executive committee went into exile in 1974 following the BCP's abortive uprising against Jonathan's government. While in exile, Tseliso Makhakhe was appointed to the executive committee to replace Ramoreboli. A Power struggle within the exiled faction led to a split in 1976 when a group led by Tseliso Makhakhe claimed to have expelled Ntsu Mokhehle from the position of party leader. Tseliso Makhakhe was appointed leader of the party by his faction.

During the run-up to the 1993 general election attempts were made to reconcile different factions. The truce between Ramoreboli's faction and the former exiled factions was short lived. Ramoreboli, Chaolana and Khasu walked out of the BCP annual conference of January 1992 where the executive committee was elected for the first time since 1969. They later filed an application with the High Court to have the conference proceedings, including the election of the executive committee, declared null and void. Their complaint was that delegations from South Africa's Provinces were unconstitutional. When their application did not succeed they left the BCP and formed Hareeng Basotho Party (Hareeng Basotho Party was, however, formally dissolved in 1997 after the BCP split. Its members have rejoined the BCP).

Factionalism and power struggle intensified within the BCP as the election date drew closer. By this time it had become clear that succession was at the root of the problem. Confrontation ensued between what came to be known as Pressure Group and the party leadership. The former was an informal voluntary group of young party technocrats (academics, civil servants,

managers of private and parastatal corporations). The group's stated motive was to render expert advice to the party, to play the role of a "think tank" for the party. Indeed this group was solely responsible for the consolidation of the BCP manifesto. Pressure Group was viewed with suspicion by the leadership because it did not work within established party structures. In December 1992 Ntsu Mokhehle wrote a letter to all constituencies censuring the group. After the 1993 general election Ntsu Mokhehle became Prime Minister. Expectations were that he would be deputised by Molapo Qhobela, his deputy in the party. However, this was not the case as Selometsi Baholo became Deputy Prime Minister. Baholo was shot and killed by armed military personnel in 1994. He was replaced by Professor Pakalitha Mosisili and not Molapo Qhobela, though the latter continued to hold the position of deputy leader in the party.

In December 1993 a pro-Pressure Group executive committee was elected at a party conference. This was composed, among others, of Molapo Qhobela, Tseliso Makhakhe, Ntsukunyane Mphanya, and Sekoala Toloane. It replaced a group regarded as Conservatives (Majelathoko) led by Shakhane Mokhehle, the Prime Minister's brother. The struggle took an ugly turn as party offices were from time to time hijacked and closed to the executive committee by ex-LLA cadres loyal to the anti-Pressure Group faction. In July 1994 the entire executive committee of the Youth League was replaced by new members belonging to the Pressure Group. Similarly this was not accepted by the anti-Pressure Group faction. The new committee was denied access to offices. By this time the two groups had become so divided that compromise was almost impossible. A zero-sum game was being played in competition for leadership positions.

In March 1996 the entire executive committee (with the exception of party leader whose position is held for five years) was replaced by Majelathoko. Also included in the executive committee for the first time was the Deputy Prime Minister, Pakalitha Mosisili. He was elected Deputy Leader of the party.

The out-going executive committee did not accept the outcome of the conference. Four constituencies, overtly supported by this outgoing executive committee filed applications with the High Court asking for the proceedings of the conference, including the election of the incoming executive committee, to be declared null and void. These were constituencies of Mokhotlong, Khubelu, Thabana Morena and Mohale's Hoek. They argued (among others) that the

Free State and Transvaal Provinces, the Women's League and Youth League were over represented at the conference. The delegations of these bodies were over those prescribed in the party constitution. The reader will recall that Ramoreboli and his colleagues walked out of the 1992 annual conference and filed the application with the High Court for the same reason.<sup>5</sup> Since 1992 provincial delegations to annual conferences have been composed in the same way.

Though an urgent application by four constituencies was filed on 14 March 1996 the court ruled on the case on 25 November 1996. In the meantime the struggle climaxed as the two factions openly canvassed against one another and washed BCP's dirty linen in public. On 3 May the Prime Minister removed Molapo Qhobela, Tseliso Makhakhe, Ntsukunyane Mphanya and Sekoala Toloane from the Cabinet, all members of the outgoing executive committee. On 14 May two Cabinet Ministers, Khauhelo Raditapole and Moeketsi Senaoana, resigned in protest against the dismissal of their colleagues. On 26 May the Prime Minister called upon the nation and his supporters to reject the dismissed leaders and their colleagues. Both factions organised rallies throughout the country where they campaigned against each other. It was clear that all those involved intended to fight to the bitter end from within the party. They were aware that all those who had left the BCP in the past had failed to attract significant following in new parties.

A series of High Court rulings did not do much to resolve the crisis within the BCP. On 25 November 1996 Justice Mofolo ruled that the March conference had not been conducted procedurally. He declared conference proceedings, including the election of the new executive committee null and void. He entrusted the outgoing executive committee with the responsibility to prepare for the party's annual conference where a new executive committee would be elected.

Eventually, following many court rulings, a party conference was held in February 1997. However, delegates supportive of the Prime Minister walked out following his claim that he had been denied access to the conference hall. The remaining delegates passed a motion of no confidence in Ntsu Mokhehle and removed him from the position of party leader. Ntsu Mokhehle sought the intervention of the High Court on the grounds of unlawful expulsion. The court nullified the conference decision on 18 April 1997. It, however, declared that



as Ntsu Mokhehle's five year term had expired in January 1997 he should act as interim leader until the election of a new leader. The court further ordered that such an election should take place within three and a half months of the date of the judgement (CIV/APN/75/97).

In the meantime the struggle turned bitter and bloody, demonstrating that the two factions were irreconcilable. Party vehicles were hijacked by the BCP and confiscated from Majelathoko drivers. A BCP emissary was shot dead in one of these hijacking missions. It was clear that whichever group would finally remain in the executive when the dust settled would use the party's disciplinary machinery to expel the others as it had happened with Matji, Poola and others back in 1964. Cognisant of this and the fact that chances of winning the elections in a conference organised by Qhobela's faction were minimal, Ntsu Mokhehle and his followers devised other strategies. Rather than face humiliation of losing at the party conference and the opportunity to stand as party candidates in the 1998 general election this group decided to leave the BCP and form a new political party.

We need to point out, however, that though the BCP resorted to the courts to resolve the impasse the split was bound to happen. Courts never solve political problems and the split was bound to happen because of the long protracted struggle for power. Mutual suspicions were so deep that either side felt threatened by the other in terms of appointments to candidature.

Another factor that contributed to the BCP problems was failure to deliver. Lesotho's turbulent political landscape has been discussed elsewhere (see Makoa, 1996) and it rests mainly with the poor economic base. One of the critical problems facing Lesotho, according to Makoa, is "chronic economic dependence and weak economic base" and these tend to "undermine the citizen's social interaction with and loyalty to the state". A country characterised by a poor economy such as that of Lesotho is bound to experience political and social tensions due to poor delivery. Because of a weak economic base the state in Lesotho is not able to accumulate enough resources to redistribute among the citizenry in the form of employment, welfare benefits etc. This results in a situation where the majority of the people live in poverty and squalor while few clamour for the control of political parties and government so as to be in the position to influence the division of the spoils.

### **The 1998 General Election**

This section discusses the implications of the split within the BCP for the 1998 general election. The split within the BCP has brought to an end a long protracted struggle within that party. It has brought a new dimension to the nation's political cleavage and polarisation. It has brought about new forms of political competition and rivalry and these will definitely impact on the general election. The BCP, like other political parties in Lesotho, has been characterised by power struggles and clashes. The most significant of these was the power struggle that developed in Botswana and led to a purported dismissal of Ntsu Mokhehle from the leadership of the party. The recent clash that occurred within the BCP as a ruling party is much more significant because the party has not been able this time to reach a compromise. It is also clear that the reconciliation attempted for election purposes before the 1993 general election was superfluous.

The BCP split has positive and negative implications and consequences for the forthcoming general election. Firstly, the split facilitated a breakthrough in the deadlocked negotiations on the Independent Electoral Commission (IEC). The BCP was strongly opposed to the appointment of the IEC despite pressure from all other political parties. Parties outside government appealed and negotiated with the BCP government that the 1998 general election be administered by the IEC. But until the split within the then governing party there was no sign that the idea would be accepted. Within a week of the split, however, the LCD government was at the negotiations table with other political parties. The outcome was the establishment of the IEC. Members of the IEC were sworn in on Friday 12 September 1997.

The appointment of the IEC is indeed a positive move because an independent body will dispel suspicions of election fraud. There have been allegations of election fraud in all general elections since 1965. In 1965 for instance the BCP successfully challenged the results of two constituencies, 'Masemouse and Qaqatu, in the High Court. In 1970 Jonathan nullified the election because of alleged irregularities. In 1993 the BNP challenged the election results in the High Court but failed to support its claim (Sekatle, 1995). All political parties other than the BCP had proposed that an independent body be set up to administer elections in order to avoid a repeat of such claims and allegations in future elections.

Secondly, the split has led to the development of openness and preparedness to debate party problems by supporters. At the height of tension (March 1996 and 7 June 1997) both factions within the BCP demonstrated willingness to debate their problems openly. This is a good sign that all things being equal Lesotho's democracy may prosper.

Thirdly, the split has increased the number of major contestants in Lesotho's political landscape. This is certainly a boost to multipartyism and an advantage to the electorate who now have more choices. We know that legislatures in countries that practise the Westminster type of parliamentary democracy with its 'first-past-the-post' electoral system tend to be dominated by two parties. However, it is an advantage to have more than two strong political parties contesting the election. As indicated by Phororo it is likely that the majority of constituencies will be won by three political parties, BCP, BNP and LCD. I would narrow that forecast to two parties, the BCP and LCD. Competition is more likely to be between these two parties. There will be more advantages should the electoral victory be shared among more than two contestants because this will reduce hegemonic tendencies by a majority party.

Fourthly, the BCP split has contributed to a deeper understanding of Lesotho's Constitution, particularly the mode of representation, procedures for the appointment and dismissal of the Prime Minister, and dissolution of Parliament. These have continuously been debated on the media since 9 June 1997. It can only be hoped that those who are opposed to these practices will exert their energies and convince the electorate about the need to modify this system. The majority of people will participate in the forthcoming general election with a better understanding of the Constitution and this is indeed a positive step in the development of representative multiparty democracy.

On the negative side the split within the BCP means that it is unlikely that the next general election will be contested on policy issues. In 1993 people wanted change so much and they considered the BCP to be the party that would bring about that change after decades of BNP and military interregnum. The election outcome was not so much about promises or agenda for the future. Many people were expecting that in the 1998 election this would change and people would be influenced by policy issues. However, this will not be the case as many BCP and LCD supporters will be influenced by their determination to show loyalty to either party. The choice of candidates is also going to be

influenced largely by the question of loyalty within these two parties. There are some BCP and LCD MP.s who would be rejected in party primary elections in their constituencies due to their poor performance. But in an effort to maintain and reward loyalty it seems all of them will be elected to represent their parties in the general election.

### **Conclusion**

The establishment of the LCD and the subsequent crossing of the floor by a majority members of the National Assembly to that party in June 1997 brought an abrupt and unexpected end to the government of the BCP (a political party that had won 100% seats in the 1993 general election). This extraordinary move was a solution to the power struggle that had afflicted the BCP for a long time.

The formation of the LCD and its assumption of power generated extensive debates on constitutionalism and parliamentary democracy. Ntsu Mokhehle's opponents felt that he had to resign from Premiership as he had been elected Prime Minister as leader of the BCP. They did not, however, seek the intervention of the judiciary, the organ best qualified to address such grievances. They, instead, attempted to mobilise the nation against Ntsu Mokhehle's government. They sought assistance from foreign diplomatic missions in Maseru, SADC, the United Kingdom and the United States of America. They called on the King to dissolve parliament and set up an interim government which would prepare for elections. All these efforts were not successful because Ntsu Mokhehle's action does not constitute a breach of Lesotho's Constitution as he "commands the support of the majority of members of the National Assembly".

The BCP split and formation of the LCD has both positive and negative implications for the 1998 general elections. The most significant negative implication is that the 1998 general elections will not be contested on policy issues. Supporters of both the LCD and the BCP (likely to attract the majority of the electorate) will be driven more by the determination to show support and loyalty to their respective parties. The choice of candidates for the election will also be influenced by considerations of loyalty more than merit.

Some of the positive implications are: (1) the establishment of the IEC which will contribute to a wider acceptance of the electoral outcome and reduce allegations of fraud; (2) an increased number of major contestants in Lesotho's political landscape which will effectively boost multipartyism as the electorate will have a wider choice.

**References**

Address by His Majesty, King Letsie III, on the Occasion of His Coronation, 31 October 1997.

Ball, A. Modern Politics and Government. (London: Macmillan, 1993).

Burke, E., "Speech at the Conclusion of the Poll:", Bristol, 3 November 1774, in *The Works of Edmund Burke*, Vol.1. London: Harper and Brothers, 1854.

Butler, D., and Butler, G., British Political Facts 1900-1985. (London: Macmillan, 1986).

Butler et. al: 235; Keesing's Contemporary Archives, 24 August 1931.

CNN World News, 29 May 1996.

Constitution of Lesotho, 1992.

Daalder, H., and Irwin, G., Politics in the Netherlands. (London: Frank Cass, 1989).

Hague, R., Harrop, M., and Breslin, S., Comparative Government and Politics. (London: Macmillan, 1992).

Hansard, 11 June 1997.

Held, D., Models of Democracy. (Cambridge: Polity Press, 1987).

Janda, K., Berry, J.M., and Goldman, J., The Challenge of Democracy: Government in America. (Boston: Houghton Mifflin Co. 1989).

Judgement delivered by Justice W.C.M. Maqutu on 18 April 1997 in the matter between Ntsu Mokhehle vs Molapo Qhobela and others. CIV/APN/75/97.

Keesing's Contemporary Archives, 25 August 1931.

Keesing's Contemporary Archives, 8 September 1931.

Macartney, W.J.A "The Lesotho General Election of 1970", Government and Opposition, 8, 4, 1973.

Makoa, F.K., "Political instability in post-military Lesotho: The crisis of the Basotho nation-state?" African Security Review, 5, 3, 1996.

McKenzie, R., British Political Parties. (London: Heinemann, 1955).

Mill, J.S., On Liberty and Considerations on Representative Government. (Oxford: Basil Blackwell, 1948).

Mirror, 18 June 1997.

Mirror, 18 June 1997.

Mirror, 2 July 1997.

Mirror, 24 July 1997.

Mohlanka, 23 August 1997.

Mopheme, 19 August 1997.

Mopheme, 17 June 1997.

Mopheme, 22 July 1997.

Mohlanka, 23 August 1997.

Mirror, 23 October 1996.

Mirror, 15 January 1997.

Mirror, 8 May 1996.

Mirror, 22 May 1996.

Mirror, 29 May 1996.

Mirror, 15 January 1997.

Mirror, 5 March 1997.

Mirror, 23 January 1998.

Moafrika, 31 January 1997.

Olivier, W.H. "Urgent Legal Opinion" 12 June 1997 (mimeo).

Sekatle, P. "Disputing Electoral Legitimacy: The BNP's Challenge to the Result", in Southall, R., and Petlane, T., (eds). Democratisation and demilitarisation in Lesotho: The general election of 1993 and its aftermath. (Pretoria: Africa Institute of South Africa, 1995).





This work is licensed under a  
Creative Commons  
Attribution – NonCommercial - NoDerivs 3.0 License.

To view a copy of the license please see:  
<http://creativecommons.org/licenses/by-nc-nd/3.0/>

This is a download from the BLDS Digital Library on OpenDocs  
<http://opendocs.ids.ac.uk/opendocs/>