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# The rise and fall of Lesotho's coalition governments

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*Dimpho Deleglise*

## **Abstract**

There is an ongoing debate in Lesotho about the factors undermining the stability of its coalition governments and how these could be ameliorated. Stability is understood here as a government's ability to fulfil its electoral mandate. In the space of five years – between 2012 and 2017 – Lesotho held three elections and experienced the collapse of two coalition governments. This was a consequence of fierce internal political quarrels and a compromised security environment. This article analyses the processes of coalition formation, their performance and dissolution during this period, and the wider political context in which they unfolded. It examines the hypothesis that unresolved political issues and institutional factors had a greater impact on coalition behaviour and government stability than legal considerations. The findings largely support this hypothesis, and the conclusion is that all three of Lesotho's coalition governments were beset by the same political and institutional challenges that confronted their predecessors. Consequently, the negative effects of recurrent political conflicts, including around the politicisation of the state apparatus, perceived impunity, patronage and political polarisation, have prevented the formation of durable and well-functioning governing coalitions.

# 1. Introduction

Lesotho is a small, landlocked country marked by unstable governance and periodic state dysfunction. With a population of 2.2 million and total land area of about 30 355 square kilometres, it is one of the smallest countries in southern Africa.<sup>1</sup> It is surrounded by South Africa, its one and only neighbour. Established by King Moshoeshoe I about 200 years ago, it remains one of few constitutional monarchies in the world and the only one in the Southern African Development Community (SADC) region. This monarchy was institutionalised in the 1993 constitution, and embraces Lesotho's traditional system of governance along with the modern system of governance adopted after gaining its independence from the United Kingdom in 1966.<sup>2</sup> In terms of the 1993 constitution, the king is the head of state and the prime minister the head of government. The arrangement is guided by section 87(2) stipulates that 'the King appoints 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 the majority of the members of the National Assembly'. Section 82 (1) (b) further states that parliament must be convened within 14 days after an election. The latter has had a major bearing on the formation of coalition governments in Lesotho, because of the limited timeframe for constituting a government, in the event of a hung parliament.

The Lesotho legislature consists of two houses: a National Assembly and a Senate. The National Assembly comprises 120 elected members, of whom 80 are elected in constituencies, and 40 in terms of a proportional representation (PR) system. The Senate comprises 33 members, of whom 22 are hereditary principal chiefs. The other 11 members are appointed by the king on the advice of the Council of State (National Assembly of

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1 See, the United Nations Development Programme (UNDP), Lesotho National Human Development Report 2016.

2 African Peer Review Mechanism (APRM), Kingdom of Lesotho Country Review Report No 12, APRM Secretariat, Midrand, South Africa, 2010, p 32.

Lesotho, 2018).<sup>3</sup> The Council of State is a powerful advisory body linking the monarchy to the government. It comprises top officials from the executive, legislative and judicial branches, a principal chief, and four non-state stakeholders appointed by virtue of their skills and expertise. Its role is to advise and assist the king in the performance of his duties.<sup>4</sup>

As a constitutional monarchy, Lesotho has a dual legal system founded on traditional and Roman Dutch law. The formal system is headed by a Chief Justice and consists of a Court of Appeal, a High Court, magistrates' courts, and local courts, which utilise Roman Dutch law. In addition to this, chiefs maintain traditional courts based on customary law.<sup>5</sup> The King's position is hereditary, and the Office of the King Order No. 14 of 1990 regulates accession to the throne.<sup>6</sup> The monarch has been regarded as the unifier of the Basotho nation and is largely a ceremonial figure, playing a minimal role in the day-to-day politics and governance of the country. This also includes instances when governing coalitions collapse, where the custom has been that the King follows the advice of the sitting prime minister on what political action should be taken, rather than acting discretionarily.<sup>7</sup>

The inhabitants of the country – Basotho – are quite homogeneous in ethnic-linguistic terms and the major religion is Christianity. As such, Lesotho's conflicts are not about identity or ethnicity, but about political power. The country's economy is predominantly rural, with 76 per cent of its people living outside the cities and towns. However, those areas only

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3 For a profile of Lesotho's National Assembly. Available from: <http://www.parliament.ls/assembly/>

4 The significance of the composition of the Council of State when it comes to political crises is discussed in Motsamai, D. Elections in a Time of Instability: Challenges for Lesotho beyond the 2015 Poll, *Southern Africa Report Issue 3*, Institute for Security Studies, 2015. Available from: <https://issafrica.s3.amazonaws.com/site/uploads/SARReport-Issue3.pdf>.

5 Commonwealth Governance, *Judicial system in Lesotho*, 2018. Available from: <http://www.commonwealthgovernance.org/countries/africa/lesotho/judicialsystem/>

6 See, the Constitution of Lesotho, 1993, Sections 44–53.

7 This was the general consensus among respondents, including politicians, analysts and academics interviewed by the author in Maseru, Lesotho, in May 2018.

account for about 7 per cent of GDP, which partly explains the high levels of income inequality in the country.<sup>8</sup> Poverty is widespread, with more than 57 per cent of the population living below the poverty line.<sup>9</sup> Lesotho also has poor levels of human development, and is ranked 160<sup>th</sup> out of 188 countries on the United Nations Human Development Index, along with Comoros – a habitually unstable small island state.<sup>10</sup> The civil service is the biggest employer in the country and private sector activity mostly circulates among those with political connections and the ruling elite. Given this, Lesotho’s ruling class uses the country’s narrow economic base as an instrument of political power.

Economically, Lesotho is both dependent on and tied to South Africa. It has limited agricultural and grazing land but is richly endowed with water and to a lesser extent, diamonds and other minerals.<sup>11</sup> Water is its most significant natural and economic resource. South Africa exploits this through the multi-billion-dollar Lesotho Highlands Water Project (LHWP), which is crucial for South Africa’s industrial heartland in its province of Gauteng. Given its poor economic endowment and spatial exclusion, Lesotho depends overwhelmingly on external assistance and investments for its development, including foreign aid from the United States, the European Union (EU) and the United Nations (UN), and revenue from the Southern African Customs Union (SACU), controlled by the South African Treasury. Besides economic ties, Lesotho and South Africa are bound together by socio-cultural and political links and many Basotho live and work in South Africa.<sup>12</sup>

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8 As profiled in UNDP, Lesotho National Human Development Report 2016.

9 UNDP, Lesotho National Human Development Report 2017, p 7.

10 UNDP, Lesotho National Human Development Report 2016, p 5.

11 For a historical discussion of Lesotho’s dependence on South Africa post independence, see Cobbe, J. ‘The changing nature of dependence: economic problems in Lesotho’, *Journal of Modern African Studies*, Vol 21 no 2, 1983, pp 293–310.

12 Cobbe, J. ‘Lesotho: From labour reserve to depopulating periphery’, 2 May 2012. Available from: <https://www.migrationpolicy.org/article/lesotho-labor-reservedepopulating-periphery>.

Despite its small size, the country's politics are complex and political instability is recurrent. This was particularly marked between 2012 and 2017 where political tensions induced frequent government turnovers. This relatively short period saw the collapse of two governing coalitions and the installation of another governing coalition in June 2017. While, at the time of writing, this coalition remained in power, its future stability was hanging in the balance.<sup>13</sup> This article sets out a framework for explaining the short-lived character of coalition governments in Lesotho. It is arranged in five sections. The first provides an overview of Lesotho's recent political history that has been punctuated by periods of political instability in which the legitimacy, legality and exercise of political power have been key conflict-inducing factors. The second provides an overview of post-independence politics and party formation in Lesotho. The third discusses the formation and collapse of the coalition governments, emphasising the wider political context in which these events occurred. The fourth discusses some variations and similarities among the three coalition governments and challenges concerning their functioning. The concluding section sets out the main factors behind the instability of Lesotho's coalition governments and recommendations on how their viability could be strengthened.

## 2. Conceptual framework

The first point to make is that no single concept or theory adequately explains the viability of governing coalitions in Lesotho mainly because of the contextual variations of politics over time. Conceptualising coalition politics in Lesotho is complex because of the fluid nature of party-political alliances and the environment in which governing coalitions operate. At the same time, existing research about coalition behaviour in Lesotho has progressed considerably. Numerous scholars have theorised the formal characteristics of governing coalitions, including the processes of coalition formation, the number and nature of the parties involved and the duration and termination of these coalitions. Others, as discussed below,

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<sup>13</sup> See Muzofa, N. 'Elections: the biggest winners and losers', Lesotho Times, 26 May 2017.

have focused on the endogenous relationship between the behaviour of governing coalitions and external political events, including party formation and change, and patterns of governance. Most of the literature approaches the politics of governing coalitions in Lesotho through three overlapping schools or traditions: game theory, election systems theory and conflict transformation theory.

Game theory, pioneered by Neumann and Morgenstern, presumes that political actors adopt rational strategies to maximise their returns or interests in a given situation.<sup>14</sup> Political actors have specific resources, goals and defined sets of rules of the game. They calculate the best way to achieve their goals and move accordingly after considering all relevant factors, including the countermoves of the other players.<sup>15</sup> This analogy has been extended to coalition politics in Lesotho by various scholars, including Motseme, who discuss the 'zero-sum' nature of coalition governments in Lesotho and the extent to which coalition governments are power or policy-oriented.<sup>16</sup>

The second scholarly lens follows the electoral systems theory, as reflected in research by Letsie (2015), Kapa and Shale (2014), to explain how parties in a governing coalition relate in a multiparty system.<sup>17</sup> Variables they have applied to their analysis include the strength and position of parties, the political history of their relationship and the role of elections in influencing coalition behaviour.

There is emerging research that ties Lesotho's political instability and the collapse of its governing coalitions to conflict transformation theories. This includes Malebang (2014) and Motsamai (2018) who emphasise the

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14 As discussed in Leiserson, M. 'Game theory and the study of coalition behavior', in Groenning, S. (eds), *The Study of Coalition Behavior* New York: Holt, Rinehart and Winston, 1970, p 5.

15 Ibid.

16 Motseme, T. 2017. 'The Rise and Fall of the First Coalition Government in Lesotho: 2012–2014', Masters Dissertation, University of the Free State.

17 See Letsie, T. 'Lesotho's February 2015 snap elections: a prescription that never cured the sickness', *Journal of African Elections*, 14 (2), 2015; Kapa, M. and Shale, V. 'Alliances, coalitions and the political system in Lesotho, 2007–2012', *Journal of African Elections*, 13 (2), 2014.

need for changing relationships and power structures between parties and the wider society, in addressing the structural causes that lead to Lesotho's political conflicts.<sup>18</sup> The studies are informed by peace research including work by Johan Galtung (1967, 1969) and John Lederach, strongly identified with the conflict transformation thesis. Lederach (2003) defines conflict transformation as a process of changing relationships between parties in a political and social system in ways that address the structural causes that led to conflict in the first place.<sup>19</sup> He argues that this goes beyond conflict management, as it is not solely about addressing surface issues in a conflict, but the underlying social structures and relationship patterns in the context as well.<sup>20</sup> Applied to Lesotho, it means that there is a need to understand and change adversarial relationships between political parties and actors for any type of stable and long-term political cooperation to ensue. This approach is useful for ascertaining the nature of issues that most affect the viability of governing coalitions – whether they are relational or systemic. It is for this reason, that this study is based on the hypothesis that the protracted and unresolved conflicts that mark Lesotho's political history have a greater impact on the stability of its coalition governments than legal considerations. This hypothesis does not underestimate the importance of legal measures in safeguarding the durability of governing coalitions. It considers them as moderating factors which-for the most part, depend on the relationships between coalition parties and political actors, and the political context in which they evolve. The following five sections serve to illuminate this perspective.

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18 Malebang, G. 2018. 'A Critical Assessment of Conflict Transformation Capacity in the Southern African Development Community (SADC): Deepening the Search for a Self-sustainable and Effective Regional Infrastructure for Peace'. Doctoral Dissertation, Graduate School of International Development and Cooperation, Hiroshima University, 2014. Available from: [https://ir.lib.hiroshima-u.ac.jp/files/public/3/36463/20141203092107141604/k6532\\_3.pdf](https://ir.lib.hiroshima-u.ac.jp/files/public/3/36463/20141203092107141604/k6532_3.pdf); Motsamai, D. 'Evaluating the Peacemaking Effectiveness of SADC', Doctoral Dissertation, University of the Witwatersrand.

19 Lederach, J. P. 2003. *The little book of conflict transformation*. Intercourse: GoodBooks.

20 Lederach, P. & Maiese, M. 'Conflict transformation: A circular journey with a Purpose', *New Routes*, 14 (2), The Life & Peace Institute, 2009, pp 7–10. Available from: [https://peacemaker.un.org/sites/peacemaker.un.org/files/ConflictTransformation\\_NewRoutes2009.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/ConflictTransformation_NewRoutes2009.pdf)

### 3. Post-independence politics and party formation

Lesotho's incessant political crises and the collapse of its governing coalitions between 2012 and 2017 have to be understood within their historical context, particularly how the political environment became polarised and parties splintered. As a former British colony, the country started off with a First-Past-The-Post (FPTP) electoral system, which led to intense contestations for power during and after elections. It resulted in one-party dominance that lasted for decades, induced periodic military intervention in political processes, and created a system that supported political impunity.<sup>21</sup> Two main political strands or groupings developed before independence: the 'Nationalists', embodied in the Basutoland National Party (BNP) led by Leabua Jonathan, who served as prime minister from 1965 until the coup of 1986; and the 'Congress' parties, the first being the Basutoland Congress Party (BCP) led by Ntsu Mokhehle, who served as prime minister from 1993, when his party won all the parliamentary seats, to 1998. Today, most nationalists are still members or sympathisers of the BNP, which was founded in 1959 as a BCP splinter and most 'Congress' supporters are members or sympathisers of the Lesotho Congress for Democracy (LCD).

The relevance of this dichotomy in shaping political alliances and coalitions is apparent because of the history of interaction between these parties. For instance, fragmentation between political groups is provoked by entrenched opinions about each party's alleged complicity in activities that undermined the rule of law and reflected gross abuse of state power in the past. The LCD for instance feels victimised by the BNP because its leadership (of the then BCP) was incarcerated in the 1970s, and BCP members were persecuted.<sup>22</sup> The LCD also believes that the BNP

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21 This is covered by various scholars, including Matlosa, K., 'The 2007 general election in Lesotho: Managing the post-election conflict', *Journal of African Elections*, 7 (1), 2008; Fox R. and Southall R., 'Adapting to electoral system change: Voters in Lesotho, 2002', *Journal of African Elections*, 2(2), 2003; Kapa M. A., 'Lesotho Political Participation and Democracy: A Review by AfriMAP and the Open Society Initiative for Southern Africa (OSISA)', 2013.

22 Author's interviews in Maseru, Lesotho, 2–8 May 2018.



was complicit in actions that destabilised the BCP and LCD governments between 1993 and 1998, including the palace coup of August 1994.

Parties that claim to be neither congress nor nationalist include the All Basotho Convention (ABC), which leads the current coalition government. But it is a 'Congress product' itself, having split from the BCP splinter, the LCD in 2006. Pakalitha Mosisili, who succeeded Mokhehle as prime minister in 1998 and governed until 2012, led the LCD. Due to splits and defections, 'Congress' parties have steadily lost their previous political hegemony and have been abandoned by voters such that by 2012 they could not form a government on their own. The nationalist movement has also gradually been decimated.

The country's political and electoral history can be divided into six distinct periods. The first is the post-independence period from 1966 to 1970. The BNP won the first elections in 1966. This period was fraught with tensions and violent confrontations between the BNP and its rival, the BCP.<sup>23</sup> The country was an authoritarian, one-party state at the time. When the opposition BCP won the 1970 elections, the BNP refused to give up power, declared a state of emergency and abolished the constitution. The BCP leadership went into exile and mass repression, political killings, and imprisonment of its members followed. A military junta overthrew the BNP in 1986 and for the next seven years Lesotho was ruled by a military dictatorship.<sup>24</sup>

The period from 1993 to 1998 could be considered a time of democratic consolidation: in 1993 the country held the first democratic elections since 1970, which were won by the BCP. However, the party faced hostility from the army, as the BNP had stuffed the military with its supporters. The army, the BNP and another opposition party, the Marematlou Freedom

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23 As discussed in Likoti, F. J. *Intra-Party Democracy in Lesotho: Focus on Basutoland Congress Party and Basotho National Party*, EISA Occasional Paper No. 39, 2005, pp 1–11; Matlosa, K., 'Lesotho', In Cawthra, G., Du Pisani, A. and Omari, A. (eds), 2007. *Security and Democracy in Southern Africa*, Johannesburg: Wits University Press.

24 See Matlosa, K. 2017. 'The meaning of elections: A review of Lesotho's democratisation process, 1966–2016', in Thabane, M. (ed) *Towards an anatomy of political instability in Lesotho, 1966–2016*, National University of Lesotho, pp 164–166.

Party, backed the dismissal of the BCP government by King Letsie in August 1994, in what was referred to as a palace coup.<sup>25</sup> This ushered in SADC's first involvement in Lesotho with South Africa, Botswana and Zimbabwe facilitating the return of the BCP to office through an agreement accepted by the conflicting parties. BCP's reign lasted until 1997.<sup>26</sup> The period between 1998 – when the LCD won a sweeping victory – and 2007 was more stable, although it was characterised by protracted post-election disputes.

Up until 1998, all of Lesotho's elections were based on the FPTP system. Also referred as the 'winner-takes-all' system, it led to one-party dominance and severe under-representation of other contenders in the legislature and in government generally. The LCD's win of 79 out of 80 seats in the 1998 elections is a case in point. The opposition, particularly the BCP and the BNP, argued that the results were fraudulent. While these parties historically had antagonistic relations, they forged an alliance of convenience to contest the outcome of the 1998 election, mobilising their supporters to occupy Maseru and inhibiting the LCD from governing. They demanded that the LCD stand down to allow for a government of national unity to be formed.<sup>27</sup> The LCD remained defiant and continually insisted on its right to rule. This triggered violent protests, clashes with the opposition that had armed itself, leading to weeks of political instability.

The 1998 crisis initiated a SADC-led mediation with a South African judge, Pius Langa, leading investigations into the credibility of the results. His findings were controversial, as the opposition challenged their veracity.<sup>28</sup> Dissidents alleged that his report had been doctored, because an interim one had stated that the election was invalid. The final

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25 Ibid.

26 South African Department of Foreign Affairs, Internal briefing on Lesotho, 1998.

27 Southall, R. and Fox, R. 'Lesotho's general election of 1998: Rigged or de rigueur?', *Journal of Modern African Studies*, 37 (4), 1999, p 675.

28 Selinyane, N. 'Lost between stability and democracy: South Africa and Lesotho's constitutional crisis of the 1990s', in Southall R. (ed), *South Africa's Role in Conflict Resolution and Peacemaking in Africa: Conference Proceedings*, Cape Town: HSRC Press, 2006, pp 69–90.

official version concluded that while there were some irregularities, there was no clear evidence of electoral malpractice and fraud.<sup>29</sup> Reactions to the report and the king's refusal to dissolve parliament became volatile. Military mutineers seized arms and ammunition and expelled or imprisoned their commanding officers, while the police lost control of public security. When the Langa report failed to break the impasse, SADC intervened militarily and stabilised the situation.<sup>30</sup> SADC then brokered an agreement that restored the LCD to power on condition that a new election be held within 18 months. Under SADC's supervision, a multiparty Interim Political Authority (IPA) was established to propose constitutional, legislative, and other changes aimed at ending the impasse ahead of scheduled elections in 2000. While the IPA consisted of two members from each of the 12 political parties that had participated in the 1998 elections, the parties had unequal bargaining power. The LCD still had a 79:1 majority in parliament, and all IPA proposals would eventually have to be formalised by the incumbent government, in terms of existing legislative and constitutional requirements.

According to Professor Jørgen Elklit, a Danish political scientist (who was consulted by the Lesotho government at the time), complications arose when 22 opposition representatives – some from very small parties – proposed a solution first suggested by a German political scientist. This was to introduce an electoral system similar to the German Mixed Member Proportional (MMP) system, which combines single-member constituencies with a proportional representation (PR) component.<sup>31</sup> The two members of the ruling LCD objected strongly to the MMP and instead proposed a system that they thought more likely to increase their parliamentary representation. This was a mixed-member parallel or mixed-member majority (MMM) system, under which only a fraction of the seats would be allocated in terms of PR, and which Elklit therefore

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29 Ibid.

30 Neethling, T. 'Military intervention in Lesotho: Perspectives on Operation Boleas and beyond', *Journal of Peace and Conflict Resolution*, 2 (2), 1999.

31 Elklit, J. 'The 2007 general election in Lesotho: Abuse of the MMP system?' *Journal of African Elections*, 7 (1), 2007, pp 11–12.

argues would not be a genuine PR system.<sup>32</sup> A compromise was only reached in 2001 when the majority of parties represented at IPA preferred the MMP. The argument was that it could limit post-electoral contestations and make parliament more inclusive by allocating compensatory seats to weak election performers and often to smaller parties.<sup>33</sup> This would give the smaller parties a presence in parliament that they otherwise would not have. The seat combination agreed to, reflected the LCD's initial proposal for a parallel system (80 single-member constituency seats, and 40 PR seats).<sup>34</sup> The new changes were implemented through a constitutional amendment that specifically mentions MMP as the new electoral model. The amendment also explicitly stated that the principle of PR should be applied in respect of the National Assembly as a whole, meaning that parties could not circumvent it before an election.

The MMP was applied to the 2002 general elections and its potential contribution to the country's political stability was laudable. First, it changed the configuration of politics from a one-party state to a multiparty parliament.<sup>35</sup> Second, it reduced the frequency and intensity of post-election disputes. But these gains were short-lived mainly because of a prevailing politically competitive and polarised context. In the build-up to the 2007 elections, the political climate became polarised, incensed by unregulated floor crossing. Some LCD MPs defected to form the ABC, which effectively reduced the LCD's majority. The LCD's counterstrategy was to exploit the allocation of seats under the MMP electoral system to improve its electoral prospects. It formed a partnership with the National Independent Party (NIP), which had won five compensatory or PR seats in 2002, and had signed a memorandum of understanding

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32 Interview with Mr Lekhetho Rakuoane, former Minister of Home Affairs in the second coalition government, and leader of the PFD, Maseru, May 2018.

33 Ibid.

34 In this system, 80 out of the 120 members of parliament are elected in terms of simple majorities in single-member constituencies, and 40 members are elected from nationwide party lists. In order to achieve overall PR, party list seats are allocated in accordance with the number of constituency seats won by each party as well as the total number of votes obtained by each party.

35 Interview with Professor Kapa, National University of Lesotho, Maseru, 6 May 2018.

(MoU) with it on 'strategic partnership and cooperation' for the 2007 general elections. The agreement treated the two parties like a single political entity. For instance, it was agreed that the first five positions on the NIP party list would be allocated to NIP candidates, the next six to LCD candidates (who would also run in single-member constituencies), the next four to the LCD, the next five to the NIP, and the next ten to the LCD candidates, followed by alternating members of both parties.<sup>36</sup> The LCD would only contest the single-member constituencies, while the NIP would only contest the compensatory seats. Pre-election party alliances, of this nature had the effect of changing the MMP system into a parallel or mixed-member majority one, ironically the model initially proposed by the LCD during the IPA negotiations.<sup>37</sup>

The arrangement worked for the LCD as it won 61 of the 80 constituencies in the 2007 general election. Opposition parties cried foul, arguing that by creating the NIP alliance, the party had manipulated the MMP as the alliance distorted the MMP's compensatory mechanism. The opposition's rebuff turned into a tense post electoral environment and months of political instability, with reports of alleged political assassination attempts on politicians from the ruling party.<sup>38</sup> SADC mediated the impasse from 2007 to 2009 and sent a fact-finding mission to Lesotho comprising members of its Ministerial Committee drawn from countries serving in the Organ on Politics, Defence and Security Cooperation (OPDSC).<sup>39</sup> The mission identified seven factors that had triggered the post-election conflict, namely: the manipulation of the MMP electoral system; the unfair allocation of parliamentary seats; the uncertain legality of party alliances; a lack of respect for the electoral

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36 Elklit, J. 'The 2007 general election in Lesotho: Abuse of the MMP system?' *Journal of African Elections*, 7 (1), 2007, p 14.

37 Interview with Mr Lekhetho Rakuoane, Maseru, May 2018.

38 Interview with Tlohang Sekhamane, Secretary General of the Democratic Congress and Minister of Foreign Affairs and International Relations in the second coalition government, Maseru, May 2018.

39 Southern African Development Community (SADC), Communiqué of the Extra-Ordinary SADC Summit of Heads of State and Government, Dar-es-Salaam, 28–29 March 2007. Available from: [http://www.sadc.int/files/7513/5292/8388/SADC\\_Extraordinary\\_Summit\\_Communique\\_March\\_2007.pdf](http://www.sadc.int/files/7513/5292/8388/SADC_Extraordinary_Summit_Communique_March_2007.pdf)

code of conduct; a lack of communication among political leaders; the appointment of new ministers from the NIP party list; and the unruly behaviour of youth supporters of parties.<sup>40</sup>

SADC recommended that the Lesotho government initiate a dialogue with opposition parties to resolve these problems. It appointed Botswana's former president Quett Masire to facilitate and submit a report on its outcome to the SADC Chair.<sup>41</sup> But the dialogue reached an impasse because the political parties involved in it were litigating over the election results and the allocation of parliamentary seats at the same time, creating a deeply polarised environment for mediation. Problems surrounding the dialogue deepened when Mosisili accused Masire of favouring the opposition parties, leading the latter to abort the mission in July 2009.<sup>42</sup> Masire's subsequent report to SADC stated that the MMP electoral model had been improperly applied during the 2007 elections; alliances between the LCD and the NIP and between the ABC and the Lesotho Workers Party had undermined the spirit of the MMP's compensatory mechanism; the allocation of parliamentary seats was distorted; legal reform was required to ensure that election petitions were handled expeditiously in court; and the dispute over who should be the leader of the opposition in parliament should be resolved legally.<sup>43</sup> After Masire's departure, the Christian Council of Lesotho (CCL) finalised the dialogue, supported by a UN-funded technical team of local NGO leaders. They initially registered modest results due to the poor attendance of parties and the dwindling commitment of the facilitators.<sup>44</sup> A breakthrough came in March 2011 when the government and opposition parties reached an agreement on reinvigorating the MMP ahead of the 2012 general elections.

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40 Ibid.

41 Ibid.

42 Interview with the former President of Botswana, Dr Quett Masire, July 2015.

43 SADC, Communiqué of the Summit of the SADC Organ Troika, Maputo, Mozambique, 2009, p 2. Available from: <http://www.swradioafrica.com/Documents/SADCSummit061109.pdf>.

44 As discussed in UNDP, 'Evaluation of the Lesotho Consensus and Electoral Reform Program', 2013, p 36.

While the MMP issue was somewhat resolved, the contention over its application and the difficulties in resolving them demonstrated three important things. Firstly, that the MMP could be manipulated to usurp power. Parties were not committed to a common vision of sharing power and making government more multiparty in character. They remained deeply hostile to and mutually distrustful of one another.<sup>45</sup> Secondly that beyond the problems of manipulating the MMP, party splits and defections, particularly staged before elections, were encouraging an unstable political party system in the country. This was a longstanding trend. For instance, the LCD splintered from the BCP a year before elections in 1997; Thomas Thabane and others broke away from the LCD to form the ABC in September 2006, barely four months before the 2007 general election; Lesotho's former Prime Minister Mosisili broke away from the LCD to form the Democratic Congress (DC) before the 2012 elections; and Monyane Moleleki broke away from the DC to create the Alliance for Democrats (AD) before the 2017 elections. These had been encouraged by unrestrained floor-crossing; unrestrained because there is no legislation preventing or regulating it. Thirdly and related to the latter is that multiple party splits and defections were driven by struggles for power within parties themselves; and that a culture of conflict resolution within parties was simply lacking. It became more convenient for politicians to find alternative political homes and position themselves better in relation to their adversaries through pre-election alliances.<sup>46</sup>

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45 Makoa, F. 'Beyond the electoral triumphalism: reflections on Lesotho's coalition government and challenges', *Strategic Review for Southern Africa*, 36 (1), 2012. Available from: <http://citeseerx.ist.psu.edu/viewdoc/download;jsessionid=F9615451BD447CC4F682AC975DDD1C22?doi=10.1.1.491.1818&rep=rep1&type=pdf>, p 11.

46 Interview with Professor Nqosa Mahao, National University of Lesotho, Maseru, 4 May 2018.

## 4. The formation and dynamics of the three coalition governments

### 4.1. *The 2012 government coalition*

Lesotho's first coalition government was made up of five political parties, previously in the opposition. It was formed after the 2012 elections produced a hung parliament and was led by the leader of the ABC, Thomas Thabane.<sup>47</sup> The context to the ABC's success lies in what took place prior to the elections. Before the polls, Mosisili and 44 other members resigned from the LCD to form the DC. The split followed a bitter two-year internal tussle for the LCD's control between Mothetjoa Metsing, secretary general of the LCD at the time, and Mosisili. Metsing led an anti-Mosisili faction within the LCD that controlled the party's national executive committee. The faction orchestrated a motion of no confidence in the Mosisili government, which was supported by opposition MPs in parliament. Mosisili's rival faction within the LCD that created the DC was led by the then Minister of Natural Resources, Monyane Moleleki. The DC immediately took over the administration of the country until parliament was dissolved to pave the way for elections.

In the May 2012 general election, Mosisili's DC won 48 seats, the ABC 30, the LCD 26, and the BNP 5. Although Mosisili had in fact led the newly created DC to a significant win of 48 parliamentary seats, the numbers fell short of an outright parliamentary majority.<sup>48</sup> The three opposition parties that came closest to the DC's tally agreed to form a coalition government. Thus Thabane succeeded Mosisili as prime minister not by winning the election outright but by building a coalition government with the support of smaller opposition parties.

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47 Section 87 (2) of the Lesotho constitution and the electoral law states that electoral victory no longer goes to the party with the largest number of votes but to the party that secures more than 50 per cent of the seats in the National Assembly.

48 Motsamai, D. *Lesotho after the May 2012 General Elections: Making the Coalition Work*, 2012. Available from: <https://issafrica.org/iss-today/lesotho-after-may-2012-general-elections-making-the-coalition-work>.



The outcome of the 2012 general election was significant for three main reasons. First, the country moved from a single-party majority government in place for 14 years under the LCD, to a multiparty government. The electoral outcome led to the birth of Lesotho's first coalition government. Second, the governing coalition was made up of parties previously in the opposition. Plus, all the parties in the governing coalition were breakaways.<sup>49</sup> But they held a simple parliamentary majority of 61 seats out of 120, meaning that the governing coalition was inherently unstable. A single defection could collapse it. As unstable as it was, it reflected what was possible and negotiated at the time. These negotiations were done in haste. On the eve of the announcement of the election results, it was clear that no party had amassed the requisite number of parliamentary seats to form government. The ABC opened coalition negotiations on the same day, and by the next day it had sealed a coalition deal with the LCD, the BNP, the PFD, and the Marematlou Freedom Party (MFP). The negotiations were conducted under pressure and involved intense political bargaining, especially between the ABC and the LCD as the main parties with the most parliamentary seats in the arrangement. While the LCD had four seats less than the ABC, it was emboldened to negotiate extensive rewards for itself having calculated that Thabane wanted to assume premiership – something that he could not achieve under an alliance with the DC. It would have made the ABC a junior partner in the coalition and disqualified him from leading the coalition. The LCD thus came into negotiations with a list of strategic ministries it wanted to preside over, were it to join government. It gave the ABC an ultimatum to negotiate with the DC if its demands were not met.<sup>50</sup> Prior to the 2012 elections, the same party had ruled out the possibility of a coalition with the DC. Yet it used its leverage to fashion a favourable outcome for itself, especially with respect to the ministries it wanted to run. Also key to highlight is that a group referred to as 'the Bloc' attempted to

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49 Marematlou Freedom Party and the LCD are BCP breakaways, the ABC comes from the LCD, while the PFD is a breakaway from the BNP.

50 Interview with Chief Thesele Maseribane, leader of the BNP, Maseru, May 2018.

negotiate a coalition with the ABC, but it was rejected.<sup>51</sup> Bloc parties held 10 parliamentary seats and would have increased the coalition's simple majority to 71.

These negotiations culminated into an agreement entitled 'ABC, LCD, BNP – Agreement to form a coalition government of political parties, subsequent to the May 26, 2012 elections'. The document itself is not a legal document per se. It served as a guiding document that outlined power sharing and how internal affairs of the coalition should be managed. It entailed a general division of ministries among parties, a process of political appointments; and a broad policy program to be implemented by the new government. But whether the agreement was conceived to regulate coalition governance is doubtful. Parties only signed it nine months into government. Part of the delay were wide differences among themselves over various aspects of the agreement. For instance, the ABC had refused to sign it because of a clause that stipulated that changes in the numbers of parliamentary seats be reflected in the leadership positions of the governing coalition. The LCD expressed dissatisfaction with the decision-making procedures and insisted that it be explicitly stated that the prime minister consults with coalition parties on 'serious decisions'. These were listed to include political appointments and dismissals. Other parties suggested additional provisions concerning open communication and dispute resolution. By the time the agreement was signed, coalition partners were already jostling for power and uncompromising on their different interpretations of the agreement. To illustrate, two ABC MPs defected after the agreement was signed and the ABC stood to lose its leadership of the coalition. This complicated the interpretation of 'proportionality' by the coalition parties, with regards to the allocation of key portfolios. The signed agreement stipulated that positions of high seniority including ministerial positions, heads of foreign missions, senators, and district administrators be allocated in line with each party's seats in parliament, provided that proportionality did not deprive any of

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51 Interview with Professor Motlamentele Kapa and Justice Mahapela Lehohla, Chairman of Lesotho's Independent Electoral Commission, Maseru, 6-7 May 2018.

the parties of a share of these allocations across the board.<sup>52</sup> It also stated that principal secretaries, in line with the principle of proportionality, be appointed on the recommendation of the minister concerned. This was not the case.

Consequently, the 2012 coalition government crumbled in acrimony in June 2014 having lasted almost two years. The LCD, which was a major partner in the coalition government, announced its withdrawal and signed a coalition alliance with the DC. This was regardless of its existing agreement with the ABC. The move implied that the agreement lacked legal enforcement and that it could not commit parties in office. It also implied that serious problems existed between the coalition parties that could not be resolved internally. The study points to three: contention about the powers of the prime minister, the modalities of the parties' working relationship, and a lack of effective dispute resolution mechanisms. Contention over the powers of the prime minister characterised the entire short term of the coalition government. The issue was whether a prime minister leading a coalition government could exercise his powers in the same way as one leading a one-party government. Central to this were disagreements between the ABC and the LCD over whether, in terms of the coalition agreement, the prime minister should consult his coalition partners about the appointment and removal of key government officials. The agreement also stipulated that parties should consult each other about key decisions of government, suggesting a reduction in the prime minister's constitutional and legal powers.<sup>53</sup> At the same time, the prime minister argued that he was guided by the constitution as far as the exercise of executive powers was concerned.

The tensions, especially between Metsing and Thabane, related to changes Thabane had made to key institutions and positions, including the Independent Electoral Commission, justice portfolios and various other government departments, allegedly without consulting

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52 As outlined in the ABC, LCD, and BNP agreement to form a coalition government, 2012.

53 See, Kapa, M. A. 'Keynote address to the Government of Lesotho and the United Nations High-Level Round Table', Lesotho Avani Hotel, 15 July, 2016.

his coalition partners. The LCD was often aggrieved by the firing of its officials in the ministries it presided over without being consulted. In fact, they argued that Thabane did not have the power to fire senior officials in ministries controlled by the LCD. Thabane's attempt to reorganise portfolios previously controlled by the LCD further eroded the ABC-LCD relationship. For example, in 2013, Thabane attempted to take control of the highly strategic LHWP, and transfer it to his office. The LHWP fell under the Energy, Meteorology and Water Affairs Ministry, an LCD portfolio. The LCD protested, and the parties eventually agreed to a joint ministerial monitoring committee. But this remained a bone of contention. Next, Thabane reorganised the security portfolios. The police portfolio, previously under Home Affairs, was moved to Defence under the prime minister's command, and a new Commissioner of Police, Khothatso Tšooana, was appointed in 2013. The last divisive decision was Thabane's firing of the Commander of the Lesotho Defence Force (LDF), General Tlali Kamoli, who was known to have strong ties to Metsing.

By March 2014, tensions within the coalition had escalated.<sup>54</sup> Opposition MPs, with tacit support from the LCD, proposed a motion of no confidence in Thabane's government. Thabane responded by proroguing parliament – a constitutional prerogative – but his dissidents, which now included the LCD, saw it as an attempt to forestall his removal. SADC tried to rescue the governing coalition from collapse through diplomacy and dialogue. The first of these were consultations undertaken by the Ministerial Committee of the Organ (MCO) headed by the Namibian minister of foreign affairs, Netumbo Nandi-Ndaitwah, on 22 and 23 May 2014. The following month, SADC recommended that inter-party peace talks be initiated to resolve tensions between the LCD and the ABC. The objective of the talks was to review and amend the original June 2012 Coalition Agreement to the satisfaction of the parties and for Thabane to rescind parliament's prorogation. The CCL, with Pohamba presiding, initially mediated the talks. But these collapsed mainly

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54 On 8 August 2017, Metsing was summoned to answer to corruption allegations before the DCEO, which had been suspended without any due process. At the time of writing, he was still in exile in South Africa.

because they were not conducted in good faith and both parties were strategizing to remain in power one way or another. For example, while the consultations were in progress, leaders of the DC and LCD entered into a new alliance agreement. Signed on 11 June, a day after Thabane's decision to prorogue parliament, it proposed Mosisili as prime minister and Metsing as his deputy. It also allocated ministerial posts to smaller parties in the opposition – the 'Congress' parties, namely the Basotho Batho Democratic Congress, the Basotho Congress for Democracy, and the Lesotho People's Congress.<sup>55</sup> Meanwhile, the ABC backtracked on its agreement with the LCD to rescind the nine-month suspension of parliament, and the LCD refused to terminate its newly signed alliance with the DC.

In July 2014, following the deadlock in negotiations, Pohamba invited a delegation of the coalition government to Windhoek, Namibia, as a follow-up to the SADC inter-party meetings in Maseru. This resulted in a compromise agreement between the parties (referred to as the Windhoek Declaration), which they all disregarded once back in Lesotho.<sup>56</sup> The South African president, Jacob Zuma, also convened a number of working visits to Lesotho in the same period, to encourage the parties to maintain the coalition in line with the Windhoek Declaration. Barely days later, Thabane fled to South Africa, reporting that the country's army chief General Tlali Kamoli had attempted to stage a coup and that he feared for his life. The ABC and BNP leadership fingered the LCD for compliance in the coup attempt on the basis that its leadership and many DC parliamentarians had failed to publicly denounce it.

On 1 September 2014, the SADC Organ Troika convened an emergency meeting in Pretoria attended by the coalition leaders to consider the situation in Lesotho. At this meeting, Thabane requested SADC military

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55 As discussed in Motsamai, D. Elections in a time of instability: challenges for Lesotho beyond the 2015 poll. Southern Africa Report, No 3. April, 2015. Pretoria: Institute for Security Studies. Available from: <https://issafrica.s3.amazonaws.com/site/uploads/SARReport-Issue3.pdf>

56 The Herald, 'A historical perspective of Lesotho's political crisis', 10 September 2014. Available from: <https://www.herald.co.zw/a-historical-perspective-of-lesothos-political-crisis/>

intervention in order to restore order.<sup>57</sup> This was rejected. Instead, SADC opted for political dialogue and bilateral measures (undertaken by South Africa) to support public security. There was also a lack of consensus among the coalition leaders on the causes of the political turmoil, and the LCD's underplaying of Thabane's coup claims.

In the end, South Africa, representing SADC, took charge of the security situation, deploying, in collaboration with the Lesotho police, a contingent of the South African Police Services (SAPS) to Maseru in September to reinforce public security in the capital. The SAPS also provided Thabane and several other leaders with full-time security. SADC mandated South Africa's Deputy President, Cyril Ramaphosa, as a special envoy 'to assist the country to return to constitutional normalcy, political stability, and restoration of peace and security'.<sup>58</sup> SADC deployed an observer team comprising police officers and military personnel from various regional states to Maseru. It was also agreed that Lesotho would hold fresh elections in February 2015. Political parties went into these polls in a very fragmented state. There was also deep polarisation within and among key security agencies, especially the army and the police.

## 5. The 2015 coalition government

A new seven-party coalition government was formed after 28 February 2015 polls, which, like the previous elections, produced a hung parliament. Thabane and his coalition relinquished power to Mosisili. But Metsing stayed on after his party, the LCD, joined the new coalition government. The makeup of the coalition was unsurprising since these parties had agreed to an alliance before the elections, and concretised the agreement after the results were announced. Shortly thereafter, legal representatives of the different parties conferred to produce a 'more formal and elaborate' coalition agreement called 'The Coalition Agreement for

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57 South African Presidency, 'Joint statement by the SADC Troika and the leaders of the coalition of the Kingdom of Lesotho', 1 September 2014. Available from: [www.thepresidency.gov.za/pebble.asp?releid=17939](http://www.thepresidency.gov.za/pebble.asp?releid=17939)

58 Ramaphosa, C. 'Maseru Facilitation Declaration', 2 October 2014. Available from: [www.dfa.gov.za/docs/2014/leso1003.html](http://www.dfa.gov.za/docs/2014/leso1003.html).

stability and reform: Lesotho's second coalition government agreement, April 2015'. Among others, it set out the broad objectives of the coalition and a policy programme, with key priority areas including the reform of the constitution and the public service.<sup>59</sup> Part of the agreement dealt with how the coalition would be managed, stating that the parties would work on the basis of 'good faith and no surprises'.<sup>60</sup> The agreement also stated that parties should hold monthly meetings chaired by the prime minister to discuss government programmes and progress; monthly joint parliamentary caucus meetings chaired by the prime minister and his deputy to discuss government business; and that a 'coalition monitoring group' of representatives of the parties and other experts would meet as and when necessary to review and evaluate the implementation of the agreement. These instruments were to be set up within three months of signing the coalition agreement.

A month after the seven-party coalition was sworn in, SADC closed down its Facilitation Mission in Maseru and handed its recommendations of reforms to be undertaken to the government. Two months later, Thabane, leader of the official opposition, fled the country for South Africa, alleging an attempt on his life. Maseribane, the BNP leader, several military officers, and other opposition leaders followed him. An apparent political witch-hunt ensued. In the following months, the new government backtracked on the majority of SADC decisions agreed to prior to the elections, including reforms in the security sector. According to analysts like Sejanamane, the Mosisili government largely rejected the reforms because they perceived them to be externally driven

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59 Government of Lesotho, *The Coalition Agreement for Stability and Reform: Lesotho's Second Coalition Government Agreement*, 2015. Available from: [http://www.gov.ls/gov\\_webportal/important%20documents/the%20coalition%20agreement%20for%20stability%20and%20reform%2031%20march%202015/the%20coalition%20agreement%20for%20stability%20and%20reform%2031%20march%202015.pdf](http://www.gov.ls/gov_webportal/important%20documents/the%20coalition%20agreement%20for%20stability%20and%20reform%2031%20march%202015/the%20coalition%20agreement%20for%20stability%20and%20reform%2031%20march%202015.pdf)

60 See Government of Lesotho, *Coalition Agreement for Reform and stability*, p 8.

and imposed.<sup>61</sup> They also stood to erode Mosisili's power base within the governing coalition.<sup>62</sup>

As soon as it got into power, the Mosisili government staged a witch-hunt for opponents and dissidents.<sup>63</sup> This included arresting some military officials for an alleged mutiny at the same time as Thabane's prior allegation of a coup attempt in 2014. As part of these developments, the government terminated the contract of the country's former military chief appointed by Thabane in 2014, Lieutenant-General Maaparankoe Mahao, and reinstated Kamoli. The new Minister of Defence and National Security, Tšelislo Mokhosi, then reported to parliament that the government had uncovered a mutiny plot in the LDF, at the same time as the coup alleged by Thabane. The following month, Kamoli ordered the LDF to press charges of mutiny against some 50 LDF members, related to events at the time of the alleged coup. They were detained at Maseru Maximum Security Prison, and allegedly tortured.<sup>64</sup> Mahao was reported to be under investigation for the alleged mutiny, but was never charged or detained. Instead, his LDF peers killed him during an operation to arrest him.<sup>65</sup> Meanwhile Mosisili's government recalled a number of officials from the country's diplomatic missions who had been appointed by Thabane, including Lesotho's High Commissioner to South Africa, Malejaka Letoane; and the Johannesburg and Durban-based Consul-Generals, Mophethe Sekamane and Lerato Tšosane.<sup>66</sup>

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61 See Sejanamane, M. 'An approach to constitutional and institutional reforms in Lesotho', 2016. Available from: <https://lesothoanalysis.com/2016/06/08/an-approachto-constitutional-and-institutional-reforms-in-lesotho/>

62 Ibid.

63 See Lesotho Government Gazette 2015 on the reinstatement of Kamoli.

64 See SADC Commission of Inquiry into the circumstances surrounding the death of Brigadier Maaparankoe Mahao, Final Report, Addis Ababa, 2015, p 57. Available from <http://lestimes.com/wp-content/uploads/2016/02/SADCRreport.pdf>

65 Vollgraaff, R. and Ralengau, M. 'SADC leaders to probe Lesotho killing', Mail & Guardian, 4 September 2017. Available from: <http://mgafrica.com/author/renevollgraaff-and-mathabiso-ralengau>

66 Mohloboli, K. 'More diplomats recalled', Lesotho Times, 27 August 2015. Available from: <http://www.lestimes.com/more-diplomats-recalled/>



Mahao's killing sparked outrage in and outside the country. Mosisili's government initially failed to condemn Mahao's murder and order the immediate arrest of the perpetrators, a move interpreted as a tacit endorsement of the killing.<sup>67</sup> It was only after pressure from civil society organisations and donors, including the UN, EU and US, which called for a comprehensive international investigation into the security developments in Lesotho, that the government's public position changed.<sup>68</sup>

The AU and SADC also took exception to the developments, and inferred that the killing reflected political intolerance and polarisation.<sup>69</sup> South Africa, the SADC Organ Chair at the time, convened an extraordinary SADC Double Troika Summit in Pretoria that decided, among others, to extend Ramaphosa's facilitation mandate in Lesotho, and to order the deployment of a 10-member Commission of Inquiry led by a Botswana High Court judge, Mpaphi Phumaphi, to investigate the full scope of Lesotho's instability and recommend how its political stability should be restored.<sup>70</sup> The commission's specific tasks were to investigate the fatal shooting of Mahao; review the investigation into the alleged mutiny plot in 2014; examine the alleged kidnappings of former LDF members and the killings of opposition members; scrutinise the allegations by the opposition and civil society that Kamoli's reappointment had led to political and security instability; and inspect the legality of the removal and appointment processes around the LDF's top tier.

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67 Ntsukunyane, L. 'Mahao family breathes fire', *Lesotho Times*, 2 July 2015. Available from: <http://www.lestimes.com/mahao-family-breathes-fire/>

68 See European Union, 'Statement by the EU delegation to the Kingdom of Lesotho on the killing of Lt. Gen. Maaparankoe Mahao'. Available from: [http://eeas.europa.eu/archives/delegations/lesotho/documents/press\\_corner/20150630\\_en.pdf](http://eeas.europa.eu/archives/delegations/lesotho/documents/press_corner/20150630_en.pdf); United Nations Secretary General, 'Statement attributable to the Spokesman for the Secretary-General on the killing of former Lesotho Defence Force Commander Lt. Gen. Maaparankoe Mahao', 26 June 2015.

69 African Union, 'The African Union condemns the killing of the former Commander of Lesotho's Defence Force (LDF), Lt General Mahao Maaparankoe', 26 June 2015. Available from: <http://www.peaceau.org/uploads/auc-pressrelease-lesotho-26-6-2015-1-.pdf>.

70 See SADC, Commission of Inquiry into the circumstances surrounding the death of Brigadier Maaparankoe Mahao.

Opposition MPs who remained in the country embarked on an indefinite boycott of parliament, demanding Kamoli's removal – a significant move at the time, as they held a total number of 55 seats in the 120-member legislature, while the governing coalition held 65. The commission began its work and summoned military personnel and politicians to its hearings. Opposition figures and some military officials remained in exile. While most could not participate in the commission's hearings, arrangements were made for them, including Thabane, to testify in camera from South Africa. While the commission hearings continued, the Mosisili government gave opposition MPs an ultimatum to return to parliament, arguing that their continued boycott of parliament was illegal, and that it planned to hold by-elections in their constituencies. A law restricts the period in which MPs can be absent from parliament without written permission from the Speaker to one third of the total number of parliamentary sessions. While this was not pursued further, the opposition stood to lose 41 of their 55 seats, as those were directly elected parliamentary seats. The remaining 14 were awarded through PR.

The governing coalition initially presented a united front during the Commission's processes, lending support to Mosisili's rebuff of its work. This included questioning the commission's mandate, terms of reference, and jurisdiction.<sup>71</sup> Moreover, despite a SADC recommendation that all mutiny cases be halted since they were effectively sub judice, the government proceeded with the court martial process involving 23 LDF officers accused of mutiny, and the accused remained incarcerated in the Maseru Maximum Security Prison.

The SADC Commission finalised its work in October 2015, stating that the government and the LDF had been uncooperative and had frustrated its attempts to establish the facts on the ground. Once the report was finalised, Mosisili refused to accept it. This was unsurprising since he had made it clear on several public occasions that the commission's recommendations would not be prosecutable in Lesotho, or legally

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71 See Konopo, J. 'Inside Lesotho's dirty battles with SADC'. Available from: <http://inkjournalism.org/61/inside-lesotho-dirty-battles-with-sadc/>

binding on government. This was partly based on fears that the recommendations would implicate members of his party and governing coalition partners in the resurgent violence and instability, thereby loosening his grip on power. These recommendations also included security-related ones that challenged the official narrative of the 2014 coup, the 2015 charges of mutiny under Mosisili, and his reinstatement of Kamoli. The commission described Kamoli as a 'polarising character' within the LDF, and recommended his removal as army chief. It also found no basis for the allegations of a mutiny, and recommended the immediate release of the incarcerated soldiers. Furthermore, SADC instructed Mosisili's government to facilitate the return of exiles, including leaders of the opposition as well as military figures.

Following months of impasse between the Lesotho government and SADC, Mosisili accepted the commission's recommendations on condition that his government would develop its own reforms, compatible with Lesotho's laws. Part of those it accepted were reforms to its electoral system, the constitution, security structures and public service, aimed at depoliticising government administration. On the security front, the government announced Kamoli's retirement, and later abandoned the court martial process. Essentially, however, the Mosisili government implemented the reforms in a discretionary way, in order to avoid upsetting its political allies within the coalition and in the country's security structures. It had to maintain a careful balancing act between appeasing SADC and donors on the one hand, and the coalition alliance on the other.

But the strategy failed to maintain the DC-led coalition, and it began to haemorrhage at the end of 2016.<sup>72</sup> This was spurred by disagreements among coalition parties about the implementation of SADC recommendations.<sup>73</sup> In late 2016, a faction of the DC's National Executive Committee (NEC), led by Mosisili's deputy, Monyane Moleleki, announced its withdrawal from the country's second coalition government.

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72 Interviews with government officials, Maseru, 5 May 2018.

73 Interviews with government officials and political experts, Maseru, 6–8 May 2018.

They resigned from the DC and announced that they had formed the AD, and that the new party had already signed an agreement with the opposition ABC to form a new government.<sup>74</sup>

Given that the current government was due to remain in power for another 36 months, the agreement proposed that a new government be reconfigured without going for elections. Moleleki's faction would give Thabane a majority in parliament, and the premiership would be divided into two periods, with Moleleki serving as prime minister for the first 18 months and Thabane for the remaining 18. In response, Mosisili took Moleleki and his faction to court to test the legality of his withdrawal from the DC coalition, and push for their suspension from the party. The court endorsed Mosisili's decision that Mosisili and the NEC members be suspended from the DC. The splintering of the DC was a foregone conclusion. In March 2017, with substantial support from the opposition, the AD led a successful motion of no confidence in Mosisili's administration. Instead of handing over power to the opposition as proposed in the AD-ABC agreement, he responded by dissolving parliament and calling fresh elections.<sup>75</sup>

## **6. The 2017 coalition government**

The country was compelled to hold another snap election in June 2017. The results placed Thabane and his party in a pivotal position to negotiate the formation of a new government, since it had the most seats. With 48 seats, the ABC formed a governing coalition with three other parties, namely its previous partner, the BNP; the Reformed Congress of Lesotho (RCL); and the AD. Once again, the coalition agreement drawn up entailed dividing government portfolios and ministries proportionally among the partners, with Thabane becoming prime minister and Moleleki his deputy. Maseribane got the title of senior minister and the RCL was assigned to run the Ministry of Labour and Employment.

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74 Leisanyane, L. 'Mosisili's fate in judges' hands', 2 December 2016, The Post. Available from: <https://www.thepost.co.ls/local-news/mosisilis-fate-in-judges-hands/>

75 Interviews with government officials and political experts, Maseru, 6–9 May 2018.

At the time of writing, a number of potentially divisive issues among parties in the governing coalition were apparent. Commonly expressed is a lack of consultation among the parties on key government appointments, a situation that mirrored the ABC-LCD fallout in 2014. Thabane's coalition partners, notably the AD and BNP, recently claimed that he had resorted to appointing public servants without consulting them. In turn, members of Thabane's party have accused members of the AD, of knowingly nominating and appointing corrupt people to key government positions.<sup>76</sup>

The current governing coalition could be further eroded by internal disputes within the individual parties. All four were experiencing internal strife in one form or another. Within the ABC, there was a power struggle between Thabane and the party chairperson, Motlohi Maliehe, who was challenging Thabane for the ABC's leadership. The latter has alleged that Thabane had allowed the first lady to exert undue influence over the party and government affairs- an issue also flagged by the African Union Peace and Security Council (AUPSC) in its latest report on Lesotho.<sup>77</sup> Another power struggle had developed between the Minister of Foreign Affairs, Lesego Makgothi, and the Minister of Finance, Moeketsi Majoro, who were also vying to succeed Thabane. Thabane was yet to name his successor. The BNP faced similar challenges with the term of its incumbent leader due to end in 2018. The AD's internal feuds also involve power struggles between its youth faction and its leadership. Meanwhile, the opposition bloc comprising the DC, the LCD, the PFD and NIP remained in parliament, but refused to cooperate with the Thabane government in its implementation of SADC reforms.

Significantly, Metsing, the LCD's leader has gone into a self-imposed exile in South Africa, alleging political persecution. This is after the current government reinstated his corruption charges. The LCD, along

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76 Author interviews in Maseru, May 2018

77 See Lesotho Times, 'Thabane admits party problems', 9 May 2018, at <http://www.lestimes.com/?p=34549>.; and 'ABC infighting threatens reforms', (nd). Available from: <http://www.lestimes.com/abc-infighting-threatens-reforms/>

with the opposition bloc, has demanded his unconditional return. Metsing further insists that the current government be dissolved to make way for a government of national unity, and that in the meantime it releases the country's former army chief Kamoli from prison. The impasse around these issues reflected two important features of contemporary politics in Lesotho: the form of political bargaining entrenched in Lesotho's opportunistic coalition arrangements since 2012 and the negative effects of coalition politics on the country's governance.

## 7. Key findings

There are five key findings from this study. The first is that coalition governments have probably become a permanent feature of politics in Lesotho and there is little to suggest that this will change. Following the MMP's adoption in 2001, no single party has reached the 50% + 1 constitutional threshold to form a government on its own. All government formation processes especially from 2012 after the pre-election alliance fiasco was resolved, have resulted in coalition governments. Secondly, and partly because a government has to be formed within 14 days of an election, governing coalitions are a constitutional imperative, notwithstanding how they are formed. Unfortunately for Lesotho, these often are hastily cobbled together. This may be attributed to a reading of Section 82(1)(b) of the Lesotho Constitution, which stipulates that the National Assembly shall hold its first meeting not later than 14 days after the holding of a general election. It goes on to state that '... the speaker of the House is elected during the first sitting of the National Assembly, and other processes of government formation begin'. This accounts for the different and often conflicting preferences that flow from coalition agreements, because deliberation on these issues is not given immediate priority.

Thirdly, the collapse of Lesotho's coalition governments cannot be prevented by having coalition agreements in place. These documents are not legally binding and cannot be enforced by courts of law. Relatedly, the issue of the constitutionality of coalition agreements remains

unresolved. While Lesotho's constitution recognises the existence of coalition governments, it does not stipulate the powers of the prime minister under it. This is why all governing coalitions have been mired in conflicting interpretations of the powers of the prime minister under coalition arrangements.

The fourth deduction is that all coalition agreements in the past failed to establish effective coordinating, decision-making and dispute resolution mechanisms and structures. Aside from cabinet meetings and interactions in parliament, there was little evidence that other mechanisms existed to mitigate implosion if a conflict arises over a policy or procedural intention included in the coalition agreement. But the existence and effectiveness of such mechanisms often depends on the political clout of the role players, as well as entrenched practices of political cooperation and tolerance between parties. In Lesotho, a prevailing culture of political intolerance and fierce contestations for power exists, both across and within parties.

Previous coalition governments have collapsed due to parties' refusal to compromise, and their desire to access state power. This mimics the factionalism that became entrenched in Lesotho's political culture from the 1970s onwards due to party splits and endemic power struggles.<sup>78</sup> All the major parties in Lesotho coalition governments have been breakaway parties, led by older politicians who come from a culture of military activism and violent politics. Thus, Maundeni has aptly observed that ruling parties in Lesotho have engineered defections, and opposition parties have suffered from them.<sup>79</sup> Defectors, and victims of defections, have ruled Lesotho for most of its political history. Parties – defectors, and victims of defections – enter into fresh alliances in order to reclaim their political power. The propensity for party splits and defections is further bolstered by the fact that Lesotho's system allows unregulated floor-

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78 See Maundeni, Z. 'Political culture as a source of political instability', *African Journal of Political Science and International Relations* Vol. 4(4), 2010. Available from: <http://ubrisa.ub.bw/jspui/retrieve/1688> p. 130.

79 Ibid.

crossing. This practice has worked to destabilise parliament and distort parliamentary representation. As soon as MPs become disgruntled with their current parties, they simply cross the floor.

The last major cause of the country's endemic political crises and the fall of the two coalition governments is the systematic politicisation of the public service. This long-standing trend has affected the entire public service, especially heads of government departments known locally as principal secretaries; the heads of the security agencies, namely the army, the police, the national intelligence service, and correctional services; the judiciary; and other statutory posts, like the Director-General of the Directorate on Corruption and Economic Offences (DCEO).<sup>80</sup> This trend deepened after the 2012 elections when Thabane invoked various legal provisions to remove some of these public officers from office. Following the assumption of power of the post-2015 coalition government of seven parties, this process of politicisation has been exacerbated. Sejanamane (2015) observes that when Mosisili's coalition government assumed power, people did not realise that it had agreed to a 'semi-feudal' arrangement in which coalition partners shared government departments as opposed to merely sharing ministerial positions.<sup>81</sup> Rather than forming a proper coalition government, they tried to share the spoils, which created the basis for its collapse. The power struggles that eventually collapsed the government had its roots in this arrangement.<sup>82</sup>

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80 This is discussed in depth in Kapa, M. 'Governance issues paper prepared for the UNDP Lesotho Office', 2018 (Unpublished).

81 See Sejanamane, M. 2016. 'An approach to constitutional and institutional reforms in Lesotho'. Available from: <https://lesothoanalysis.com/2016/06/08/an-approach-to-constitutional-and-institutional-reforms-in-lesotho/>

82 Ibid.



## 8. Conclusion

This study has confirmed the hypothesis that unresolved political issues and institutional factors, such as a lack of strong and accountable public institutions, have played a decisive role in undermining the stability of Lesotho's governing coalitions. However, legal factors such as the constitutional status of coalition agreements have also had an impact on the survival of coalition governments and the formation of new ones. Without underestimating the complexity of Lesotho's political environment, the difficulties of managing governing coalitions arise from three factors: political uncertainty, sheer opportunism and the absence of strong and independent governance institutions. The following measures are recommended to improve the longevity and stability of Lesotho's governing coalitions:

1. Development partners should be encouraged to help develop and diversify Lesotho's economy, grow and support new entrants in Lesotho's private sector, and encourage the participation of a younger generation of Basotho in economic and social activities.
2. Coalition agreements should be harmonised with the constitution, particularly in respect of the exercise of executive authority.
3. Institutionalize the management of coalitions through such steps as establishing mechanisms for inter-party cooperation and conflict resolution.
4. Regulate floor-crossing to ensure that MPs do not trade their seats for short-term or uncertain political gains. One way in which this could be done is to declare the seats of defectors vacant, and hold by-elections to fill them.
5. Initiate processes for fostering national reconciliation and political tolerance to help address the animosity between political actors and society at large.