

Southern Africa Report

Elections in a time of instability

Challenges for Lesotho beyond the 2015 poll

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Summary

The Kingdom of Lesotho stands at a crossroads. After an attempted coup in August 2014, Parliament was prorogued and elections were brought forward by two years. Lesotho citizens went to the polls on 28 February, but it is unlikely that the outcome of the election – a coalition led by the Democratic Congress – will solve the cyclical and structural shortcomings of the country's politics. Parties split and splinter; violence breaks out both before and after polls; consensus is non-existent, even among coalition partners, and manoeuvring for position trumps governing for the good of the country. SADC's 'Track One' mediation has had some success but it will take political commitment, currently lacking, to set Lesotho on a sustainable political and developmental path.

LESOTHO HELD SNAP ELECTIONS in February 2015 two years ahead of schedule, to resolve a political and constitutional deadlock amid an uncertain security situation. The election was to install a new five-year government after months of government paralysis following the acrimonious collapse of its governing coalition in June last year. Then-prime minister Thomas Thabane suspended Parliament to avoid a vote of no confidence pushed by the opposition and supported by his coalition partner, then-deputy prime minister Mothejoa Metsing.¹

What followed was an attempted coup d'état, staged in August by a dismissed commander of the Lesotho Defence Force (LDF) and leading to disruptions in the country's civil-military equilibrium.² The underlying and even defining dimension of these developments is reflected in Lesotho's relatively short democratic history, typified by the entrenched politicisation of state and security administration, fractious politics and violent patterns of contestation over state power.

Fractious politics and peacemaking efforts

A peace process facilitated by South Africa's Deputy President Cyril Ramaphosa on behalf of the Southern African Development Community (SADC) resulted in an agreement in October to schedule snap elections. A security accord to calm tensions between the country's key security structures, the LDF and the Lesotho Mounted Police Service (LMPS),³ was also concluded.

Yet insecurity persisted, along with doubts on whether existing political institutions would be capable of accommodating and sustaining the changes required by the SADC peace settlement. The changing character of, and interplay between, security and political interests in the country have increasingly manifested in ways that have circumvented the SADC resolutions.⁴ While this is SADC's fourth major intervention in Lesotho and its resolutions have seemingly been positive, its approach may thus fail to address the cyclical nature of political instability and violence.

From the onset of independence in 1966 to date, there have been four military coups d'état involving changes of government as well as two attempted coups

Lesotho consequently finds itself at a crossroads, requiring new avenues for strengthening the state and the effectiveness of its institutions. It will find it hard to transform its current model of political governance and manage its security trajectory, while evolving a broader national consensus on the country's strategic direction.⁵

This report, which provides an analysis of Lesotho's post-2012 political and security crisis, is a product of field research carried out in September 2014. It is structured into five sections. The first section provides a background to the crisis, along with key and longstanding characteristics of the country's political system that lend themselves to instability. Section two offers an analysis of the coalition and its dynamics. Section three highlights some of the key actors and how they are implicated in the internal crisis. The fourth section covers the outcomes, dynamics and challenges of the SADC mediation.

The final section offers a synthesis of the findings of the study and presents some policy considerations to be taken by SADC and the future government in improving political predictability, stability and governance. Without attention to these, Lesotho remains conflict prone and the SADC peace deal may signify a short-term and deficient political settlement.

A tradition of violence

Lesotho's post-colonial history has generally revolved around the contestation for power during and after elections, unresolved issues of political impunity, and periodic military intervention in the country's political processes.⁶ From the onset of independence in 1966 to date, there have been four military coups d'état involving changes of government as well as two attempted coups.

The country's political and electoral history can be divided into six distinct periods. The first is the post-independence dispensation from 1966-1970. The country's first elections in 1966 were won by the Basotho National Party (BNP). The period was fraught with tensions and violent confrontations between the BNP and its rival, the Basutoland Congress Party (BCP). The country was ruled as an authoritarian one-party state. When the 1970 elections were won by the opposition BCP, the

1966

LESOTHO'S FIRST ELECTIONS TAKE PLACE, AND ARE WON BY THE BASOTHO NATIONAL PARTY

BNP refused to give up power, declared a State of Emergency and abolished the Constitution. The BCP leadership went into exile; mass repression, political killings and imprisonment of its members followed.

Military mutineers seized arms and ammunition and expelled or imprisoned their commanding officers, while the Lesotho police lost control of public security

The BNP was overthrown by a military junta in 1986 and for the next seven years Lesotho was ruled by a military dictatorship.⁷ The period from 1993 to 1998 could be considered a time of democratic consolidation, since in 1993, the country held the first democratic elections since 1970. These 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 Party, backed the dismissal of the BCP government by King Letsie in August 1994 in what was referred to as a palace coup. This ushered in SADC's first involvement in Lesotho with South Africa, Botswana and Zimbabwe facilitating the return of the BCP to office. The BCP ruled until 1997.⁸

The period between 1998 – when the Lesotho Congress for Democracy (LCD) won a sweeping victory – and 2007, was comparatively more stable. It was characterised by protracted post-election contestation, but there were efforts at electoral stability. Up until 1998 all of Lesotho's elections had been run using the First Past the Post (FPTP) model. This 'winner takes all' system led to one-party dominance and severe under-representation of other contenders. The LCD's 79 out of 80 seat victory in the 1998 polls is a case in point.

The opposition, particularly the BCP and the BNP, argued 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 inhibit the LCD from governing. They called for the LCD to rather stand down and allow a government of national unity.⁹ The LCD remained defiant, maintaining its right to rule. This triggered violent protests, clashes with the armed opposition and weeks of political instability.

The crises initiated a SADC mediation; a South African judge, Pius Langa, led investigations into the credibility of the results. His findings were controversial as the opposition challenged their veracity.¹⁰ It was alleged by dissidents that his report had been doctored – that the interim report claimed that the election was invalid. The final official version concluded that while there were some irregularities, there was no clear evidence of electoral malpractice and fraud.¹¹

Reactions to the report and the King's refusal to dismantle the Parliament became volatile. Military mutineers seized arms and ammunition and expelled or imprisoned their commanding officers, while the Lesotho police lost control of public security. When the Langa report failed to break the impasse, SADC intervened militarily. The intervention eventually stabilised the security situation.¹²

A new way of voting

SADC brokered an agreement that restored the LCD to power, on condition that a new election was held within 18 months. Under SADC's supervision, a Multiparty

1998

UP UNTIL THIS YEAR, ALL OF
LESOTHO'S ELECTIONS HAD BEEN
RUN USING THE FIRST PAST
THE POST MODEL

Interim Political Authority (IPA) was established to review the electoral process and organise the next elections. In 2001 the parties adopted a new electoral model, the Mixed Member Parallel (MMP) – a composite of the FPTP and proportional representation (PR) electoral systems. It was envisaged that the MMP would prevent the development of a winner-take-all electoral result and promote ‘consensual’ politics.

Indeed since its introduction in 2002, the MMP has changed the status quo where one party would win virtually all National Assembly seats.¹³ However, this did not change the violent political culture of the country, as demonstrated by the elections of 2007. That poll was induced by the defections of legislators from the ruling LCD to form a new party, the All Basotho Convention (ABC), which threatened the former’s majority.

Floor crossing has also persisted under both systems, leading to party breakaways and instability in Parliament

In the 2007, elections the ruling LCD took 61 of the 80 constituencies. The opposition parties cried foul, arguing that the LCD had manipulated the MMP system by creating alliances that distorted the MMP’s compensatory mechanisms. The post-election environment was characterised by political instability fuelled by assassinations and alleged attempts on the lives of several party and government officials.¹⁴

SADC mediated the impasse from 2007 to 2009.¹⁵ The government and opposition parties finally reached an agreement on reinvigorating the MMP in March 2011.¹⁶ This experience also partly helped change the trend of post-election violence and the contentious transfer of power. In the aftermath of the May 2012 general elections, Lesotho had a peaceful change of leadership, with Pakalitha Mosisili stepping down as prime minister after 15 years in power. This was the first time since independence that Lesotho had managed to achieve a peaceful transfer of power.

The country’s new government was then led by the ABC, which formed a three-party coalition government – the first of its kind in the country’s history – with the LCD and the BNP. This three-way configuration ended the one-party dominance that had been a feature of Lesotho’s democracy for decades. But it did not end inter-party feuding.¹⁷

The legacies of these developments are threefold. The first concerns the limitations of the electoral system in facilitating stability in government. While the MMP broadens party representation in government, this reform has not gone in

tandem with changing the fractious and violent political culture of the country. The application of the MMP system is also more challenging and more complex than FPTP and the management of election disputes and related conflict is yet to be adequately catered for.

Floor crossing has also persisted under both systems, leading to party breakaways and instability in Parliament. This situation has recurrently generated a legitimacy crisis for the government, hence the need for snap elections. The second legacy, then, is the pervasiveness of party splits preceding elections, mostly spurred by internal power struggles within the parties.¹⁸ This was the case in 1997 when the BCP splinter, the LCD, was created.¹⁹

Similarly, Thabane’s ABC is a splinter from the then-Mosisili-led LCD. Thabane and other LCD MPs formed it in September 2006, barely four months before the 2007 general elections. The Democratic Congress (DC), a splinter party of the former ruling LCD, was formed in similar fashion in 2012 by then-prime minister Mosisili, ending a two-year-long factional battle and power struggles. Prior to the 2012 elections, Mosisili resigned from the party in Parliament, together with the majority of LCD MPs, to form the DC. The new party immediately took over the administration of the country as the ruling party until Parliament was dissolved to pave the way for elections.

The third legacy is the persistence of an often-divisive ideological dichotomy among Lesotho political parties. In Lesotho, there have been two main political tribes: the ‘congress’ parties and the ‘nationalists.’²⁰ The ‘congress movement’ is associated with the BCP from its establishment in 1952. The nationalists are members or sympathisers of the BNP, which was founded in 1959 as a BCP splinter.

There have been deep-seated ideological differences between the two political strands, and political squabbles to do with how either government politicised state institutions during their terms to sustain themselves; and disputes over electoral outcomes.

There are also entrenched opinions about each party’s alleged complicity in past election-related crimes, including political assassination and attempts. The LCD feels victimised by the BNP because its leadership (then BCP) was incarcerated in the 1970s and BCP members were persecuted.²¹ The LCD also believes that the BNP was complicit in actions that destabilised the BCP and LCD governments between 1993 and 1998, including the palace coup of August 1994.²²

When the ABC was formed in 2006, it adopted the ‘convention’ tag, to break the nationalist-congress dichotomy by creating something entirely new, untainted by old rivalries. But in spite of its attempt to bridge the ideological divide, the ABC is often

branded as 'nationalist' by 'congress' parties. While it drew its membership from LCD defectors, more of its membership came from the BNP.

The dichotomy is significant in as far as party alliances are concerned. For instance, the collapse of the 2012 coalition government is in some circles explained by the rivalry between congress and nationalists, in that a congress-nationalist amalgamation (an LCD-ABC-BNP combination) is as implausible as mixing oil and water. Future alliances and coalitions will continue to be tested by this.

The collapse of the 2012 coalition government is in some circles explained by the rivalry between congress and nationalists

Coups and coalitions

The coalition was formed after the 2012 poll produced a 'hung parliament,' where no single party had a decisive majority to constitute government. Lesotho's government is formed on a constitutional requirement of 50% + 1 of the parliamentary seats. Coalition partners ABC, LCD and BNP had 30, 26 and five seats respectively, forming a simple majority of 61 seats out of the 120 that constitute the National Assembly.²³

The coalition government effectively crumbled in acrimony in June 2014 when one of its major partners, the LCD, signed a new alliance with the DC, which had won 48 seats in the 2012 polls. Prior to the 2012 elections, the LCD had ruled out the possibility of a coalition with the DC in the event of a failure to amass the requisite parliamentary majority.

At the time of coalition negotiations between the LCD and the ABC, a group referred to as 'the Bloc' proposed an alliance with the ABC, but this was rejected.²⁴ The Bloc comprises neutral but government-inclined parties in the legislature and holds 10 seats, and if negotiations had succeeded, the coalition could have had a strong majority of 71 seats.²⁵

The prime minister and his deputy came into an alliance based on an 'anti-Mosisili sentiment.'²⁶ Therefore, in many respects, Lesotho's ABC-led coalition was a marriage of convenience, particularly between the LCD and the ABC which, at the time, were hostile to working with the DC or expanding the coalition to anyone else. There were discernible policy differences between these parties and they mainly converged as a coalition to maximize their individual chances of being in government.

The arrangement was inherently unstable. The coalition faced the challenge of governing with a one-seat majority. It was difficult to pass legislation requiring a two-thirds majority, as they would need to lobby the opposition for at least 19 votes. Factional politics subsequently characterised the coalition, driven by their historically antagonistic relationship.

Between 2012 and 2014, the main issues of contention within the coalition included:

- Appointments and dismissals in the civil service: Prime Minister Thabane changed appointments in key state institutions including the Independent Electoral Commission, the justice portfolios (Office of the Attorney General, the Director of Public Prosecutions); and the public service, including government secretaries and permanent secretaries.²⁷ The LCD was often aggrieved by the firing of officials in

June 2014

THE LESOTHO CONGRESS FOR DEMOCRACY SIGNS A NEW ALLIANCE WITH THE DEMOCRATIC CONGRESS

LCD ministries without consultation and asserted that Thabane did not have the power to fire senior officials in ministries controlled by the LCD.

- Security appointments and dismissals: In 2012, the prime minister re-organised 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 most controversial decision, however, was the dismissal of LDF Commander Tlali Kamoli on 29 August 2014. The move was rejected by Kamoli with the tacit support of the LCD and the DC, which appointed him in 2012.²⁸ Following his dismissal, Kamoli, with a military group, invaded police stations and police headquarters in the capital, and carried out invasion operations at the residences of the prime minister, the BNP leader, his replacement, Lieutenant General Mahao, and many other senior government officials including the commissioner of police. Thabane fled to South Africa, claiming an attempted military coup, which the army denied. The ABC and BNP leadership fingered the LCD for compliance in the coup attempt. It was an accusation which the leadership of the LCD and many DC MPs tacitly encouraged when they did not publicly denounce the act.²⁹ Instead, they argued that Kamoli's removal was illegal and the prime minister had failed to follow due process. They also asserted that his replacement was ill-suited for the post as he was being tried by court martial for improper behavior. Thabane had dissolved the court martial before it reached a verdict in February 2014, although Kamoli had also defied this dissolution.
- Police-military relations: There was a police report in February 2014 concerning the bombing of residences of Police Commissioner Tšooana and two others – one of them belonging to a girlfriend of the prime minister. Eight members of the army were allegedly involved. But, despite a warrant of arrest for the soldiers from the director of public prosecutions, Kamoli refused to hand them over, arguing that they would be tortured.³⁰ It was also alleged that Deputy Prime Minister Metsing's ministry vehicles were used in the bombing mission.
- The attempted coup also revealed tensions in relations between the two structures, as a component of the army attacked Police Headquarters and police stations in Maseru, demanding dockets investigating crimes implicating high-ranking LDF soldiers and politicians, including the then deputy prime minister Metsing.³¹ Re-organising portfolios: Thabane attempted to take control of the highly strategic Lesotho Highlands Water Project (LHWP) in 2013 and transfer it to his office. LHWP is under the Energy, Meteorology and Water Affairs Ministry led by the LCD. The move was thwarted by protest from the LCD and both parties eventually agree to a joint ministerial monitoring committee. But this remained a bone of contention for both sides.
- Prorogation of Parliament: While prorogation is the exclusive reserve of the prime minister, and it was done many times under Mosisili, the LCD and the opposition challenged the June 2014 exercise of this authority by Thabane. This may partly be attributed to the fact that by March 2014, tension within the coalition had escalated. Opposition MPs with tacit support from the LCD proposed a motion of no confidence in Thabane's government, proposing the reinstatement of Mosisili. The LCD also argued against prorogation, claiming that Thabane would rule without Parliament for months and flout the Constitution.

29 August
2014

LDF COMMANDER TLALI KAMOLI IS DISMISSED. FOLLOWING THIS, KAMOLI AND A MILITARY GROUP INVADE POLICE STATIONS AND HEADQUARTERS IN THE CAPITAL

- Corruption investigations: Thabane launched an anti-corruption campaign in 2012 partly responding to a spate of unprosecuted corruption scandals involving leading politicians. However, dissidents saw it as persecution of his political rivals in the DC and the LCD. Most significant are those cases involving: his deputy Metsing – implicated for financial impropriety and mismanagement of a R50-million construction tender; the former finance minister and LCD stalwart, Timothy Thahane, fired by Thabane in 2013; and the former natural resources minister and DC deputy leader Monyane Moleleki.³²
- Treason charges against the coup attempt: In September 2014, LMPS reported that it would investigate and charge the LDF commander, the deputy prime minister and several other high-ranking LDF, LMPS and government officials with high treason and murder, over the August coup attempt. Investigations were inconclusive at the time of writing.³³

Dynamics of negotiating a coalition

The tensions and major disagreements among coalition partners can be attributed to three main factors – some discussed in the previous section. The first is unresolved past hostility or confrontations between the parties and their leaderships. Similarly highlighted are the changing political interests and stakes, which fluctuate over time.

The second factor concerns political power and bargaining, which became a precondition in developing and drafting the 2012 coalition agreement itself. Because of this, the agreement had some debilitating shortfalls.³⁴ The most glaring was a dangerous evolution or continuation of politicising state administration in the division of the ministries among parties. This was largely based on the criteria of parties and their ‘weight’ in the coalition, as opposed to professional criteria and party policy competencies.³⁵

Certain omissions and ambiguities in the agreement were also problematic. For instance such documents usually include provisions designed to ensure open communication on specific matters in advance, including ‘no surprise’ clauses. The agreements also always include a statement on consultation requirements. Lesotho’s coalition agreement lacked such stipulations.

Also important is that the Lesotho Constitution makes scant reference to ‘a coalition,’ and mentions it narrowly in alliance terms without a full elaboration of its mechanisms.³⁶ Arguably the same applies to the constitutions of the three coalition parties – therefore the challenges of such an arrangement were not adequately anticipated.

While such an agreement should have been swiftly elaborated following the formation of government, it was only signed six months after the election.³⁷

The three coalition parties had differences on the substance of the agreement. For instance the LCD insisted that ‘serious decisions’ needed consultation, while the ABC refused to sign the agreement because of a clause that stipulated that changes in the numbers of parliamentary seats should be reflected in the leadership of the coalition.³⁸

The coalition became personality-driven with a standoff between Thabane and Metsing over the division of spoils

In 2014, after two ABC MPs defected, the ABC lost the coalition leadership. This not only reduced the parliamentary seat tally of the three parties in government but also stood to complicate the interpretation of ‘proportionality’ in the allocation of key portfolios as reflected in Article V of the agreement. That provision stipulates that the allocation of ministerial positions, deputy ministerial positions, heads of foreign missions, senators and district administrators be made proportionally in line with National Assembly seats held by each party; provided that proportionality does not deprive any of the parties of a share of such allocation across the board.³⁹

The agreement also stipulated that the appointment of principal secretaries, in line with the principle of proportionality, is made on the recommendation of the minister concerned.⁴⁰ That provision is also important because of Thabane’s firing of several principal secretaries (government officials of high seniority) and appointing new ones at his discretion.

The view from the third coalition partner, BNP, is that the coalition relationship ‘went wrong from day one’ when the LCD came into negotiations with a list of strategic ministries it wanted to preside over if it were to join government. It reportedly threatened to ‘go back to the DC’ if its demands were not honored.⁴¹ The politics of ultimatum thus characterised coalition negotiations. The coalition became personality-driven with a standoff between Thabane and Metsing over the division of spoils in the form of allocation of key ministerial and government portfolios. Figure 1 reflects the agreed allocation.

For this reason, coalition fissures and modalities for engagement, which should have been the business of parties, became issues for the state. The agreement was based on political party interests and positions of strength within the

Table 1: Coalition government allocation of ministries

Ministry	Political Party
Defence and National Security	ABC
Police and Public Safety	ABC
Mining	ABC
Prime Minister's Office	ABC
Development Planning	ABC
Agriculture and Food Security	ABC
Justice, Human Rights, Correctional Services, Law and Constitutional Affairs	ABC
Health	ABC
Social Development and Cooperatives	ABC
Trade and Industry	ABC
Tourism, Environment and Culture	ABC
Home Affairs	BNP
Gender, Youth, Sports and Recreation	BNP
Foreign Affairs and International Relations	LCD
Local Government, Chieftainship and Parliamentary Affairs	LCD
Finance	LCD
Education and Training	LCD
Forestry and Land Reclamation	LCD
Communications, Science and Technology	LCD
Public Works and Transport	LCD
Public Service	LCD
Labour and Employment	LCD

Source: ABC, LCD, BNP 2012 Coalition Agreement

coalition. Therefore it was more about power acquisition and less about governing the country more effectively.

Key actors: Competing and conflicting interests

Political infighting within the coalition and feuds within government can be explained from an analysis of the country's power and decision-making structures. This also partly explains Thabane's firing of senior government officers in some strategic positions, including principal and government secretaries, the attorney general, the director of public prosecution, and the commissioner of police, among others, from 2014 especially.

Key in this regard is an institution called the Council of State – a highly significant and influential body that advises the King

on the decisions of the prime minister and in other functions conferred by the Constitution. Some of its key powers include advising on the declaration of a State of Emergency; dissolution of Parliament; and procedures when the National Assembly passes a resolution of no confidence in the government of the day.⁴²

The Council of State consists of the prime minister; the speaker of the National Assembly; two judges or former judges of the high court; the attorney general; the commander of the LDF; the commissioner of police; and a principal chief nominated by the College of Chiefs. The firing of senior government officials was thus not only a serious threat to other partners in the coalition, but it also could potentially increase Thabane's support in the Council of State.⁴³

So, Thabane's replacement of Kamoli, the chief justice and the attorney general, together with changes in key civil service appointments, cannot be separated from perceptions that the move was designed to reconfigure the composition of this body, making it more sympathetic to him.⁴⁴

Moreover, officials and politicians linked to those removed from the council face several criminal charges. This includes:

- **Metsing:** As noted, he was under investigation for corruption. The Directorate on Corruption and Economic Offences found him to be receiving between R30 000 and R50 000 every other week into his bank accounts between February 2013 and April 2014. When requested to reveal the sources of these funds, Metsing challenged the inquiry in the Constitutional Court, saying his privacy was being invaded. Metsing also faced a corruption case involving a R50-million construction tender.⁴⁵
- **Kamoli:** in addition to claims linking him to past violence, Kamoli was reportedly investigated for murder and treason for his role in the alleged August 2014 coup. Former LMPS Commissioner Tšooana also implicated Kamoli and LDF members in a plot to steal dockets relating to Metsing's corruption trial when they raided police stations during the August attempted coup.⁴⁶ The soldiers also demanded information concerning police investigations into the bombings of his home and those of two families in January 2014.
- **Deputy police commissioner Keketso Monaheng:** appointed in 2013 and tipped to be the next police commissioner, Monaheng was put on special leave last year following bomb attacks at Police Commissioner Tšooana's home and that of Thabane's girlfriend. Thabane fired him in January 2015 amid speculation that he could be suspected of involvement in the attacks. He is also linked to Metsing by marriage.

SADC intervenes... again

Several developments preceding the August attempted coup provide the backdrop of the SADC intervention in Lesotho. The first to highlight are the consultations on Lesotho undertaken by the SADC Ministerial Troika of the Organ (MCO) led by the Namibian Minister of Foreign Affairs, Netumbo Nandi-Ndaitwah, on 22 and 23 May 2014. They were to give input into the work of the then SADC Organ chair, Namibian President Hifikepunye Pohamba, as to the MCO's role.

Notably, the leaders of some civic and church organisations made unsuccessful efforts to bring together the feuding sides as early as March 2014

The MCO consultations were a response to a host of tense and violent events in Lesotho from January 2014. These included anticipated changes in the LDF command and several public declarations from Kamoli and some LDF soldiers rejecting his possible dismissal.⁴⁷ There were also reports (albeit conflicting) of LDF-linked violence, death threats leveled at politicians, attempted assassination claims from politicians and the adjournment of Parliament in April, at the peak of 'no confidence' tussles in the legislature.⁴⁸

By May, the coalition was publicly showing severe cracks, with uncertainty regarding changes in the LDF. SADC recommended that interparty peace talks be initiated in June 2014 to resolve coalition tensions. The talks were initially mediated by the Christian Council of Lesotho, with Pohamba presiding.

Notably, the leaders of some civic and church organisations made unsuccessful efforts to bring together the feuding sides as early as March 2014. The hurdles at that time appear to have been the refusal of the coalition partners (particularly Thabane) to acknowledge problems within his coalition; and the fact that party leaders were suspicious of the political leanings of some of the actors or organisations involved.⁴⁹

There were three inter-party consultations in total, following opposition attempts at no confidence motions in Thabane and the June, nine-month-long prorogation of Parliament. The point of the talks was thus to review and amend the original June 2012 Coalition Agreement to the satisfaction of the parties and for Thabane to rescind the prorogation.

The talks collapsed mainly because they were not being conducted in good faith. While the consultations were in progress, leaders of the DC and LCD signed a new alliance agreement. The agreement, signed on 11 June, a day after Thabane's decision to prorogue Parliament, established Mosisili as the 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.⁵⁰

Coalition parties also failed to meet their self-imposed deadlines, in particular that LCD terminate its June 2014 DC alliance and that Thabane rescind the nine-month suspension of Parliament. Following the deadlock in negotiations, Pohamba invited a delegation of the coalition government to Windhoek, Namibia on 30 and 31 July 2014 as a follow-up to the Maseru interparty meetings. Like the Maseru talks, the



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visit produced an agreement (referred to as the Windhoek Declaration) that failed to be implemented.⁵¹

It is also important to highlight the engagement of Lesotho's strategic and only neighbor, South Africa, with the coalition government in the same period, while SADC was engaging in facilitation efforts under Namibia.⁵² In June 2014, South Africa was the first to flag the seriousness of security concerns in Lesotho, when it warned of the threat of a military coup in the country and cautioned against 'any unconstitutional change of government.'⁵³ This was followed by a number of working visits to Lesotho by South African President Jacob Zuma to encourage the coalition's adherence to inter-party talks and resolutions facilitated by Namibia.

In June 2014, South Africa was the first to flag the seriousness of security concerns in Lesotho when it warned of the threat of a military coup

Zuma's visits at this time were to ascertain Lesotho's readiness to assume the chairmanship of the SADC Organ on Politics, Defence and Security in August 2014. The Organ chairmanship was given to South Africa and Lesotho was made its (otherwise ineffective) deputy due to political uncertainty, at the August 2014 SADC Summit.⁵⁴ Two weeks after the summit, the prime minister fled to South Africa, citing fears of a Kamoli-led coup attempt.

On 1 September, the SADC Troika convened an emergency meeting in Pretoria, South Africa, with party leaders of the coalition and Lesotho was officially placed on the SADC Organ's agenda. It is at this meeting that Thabane requested a SADC military intervention to restore order. This was rejected. Instead, SADC opted for political dialogue and bilateral measures (from South Africa) to support public security. There was also a reported lack of consensus between the coalition leaders on the causes of the political turmoil and the LCD's under-emphasis of coup claims.⁵⁵

SADC mostly deferred resolving these matters. It neither fully inquired about the allegations nor about the real drivers of confrontations between the country's security structures. The following meetings and outcomes are indicative of this. The resolutions appear to eclipse the insecurity crisis and the coup attempt in particular.

- The Pretoria Declaration—A joint statement by the SADC Troika and leaders of the Lesotho coalition, 1 September 2014: This indicated an acknowledgement by the coalition partners that the political and security situation had deteriorated and needed immediate intervention and support from SADC. A road map on the process of re-opening Parliament by 18 September was agreed but not honored.⁵⁶ At Thabane's request, South Africa deployed a contingent of the South Africa Police Service (SAPS) to Maseru in September to reinforce public security in the capital, working with the Lesotho police. The SAPS also provided Thabane and several other top officials with fulltime security protection.
- The double SADC Troika Summit of Heads of State and Government, 15 September 2014: South African Deputy President Ramaphosa was mandated as the Lesotho SADC facilitator to further guide the implementation of the road map. The specific mandate given to the SADC facilitator was 'to assist the country to return to constitutional normalcy, political stability and restoration of peace and

1 September
2014

THE SADC TROIKA CONVENES AN EMERGENCY MEETING IN PRETORIA

security.⁵⁷ SADC was to deploy an observer team from the Organ to Maseru (SOMILES), comprising police officers and military personnel from various regional states. South Africa sent an additional 140 police officers to Lesotho in November as part of the SADC observer mission.

- The Maseru Facilitation Declaration, 2 October 2014: The agreement committed all political parties to the reconvening of Parliament on 17 October 2014; that the business of Parliament be limited to discussing the budget and all matters related to the holding of elections; and that elections would be held in February 2015.⁵⁸
- The Maseru Security Accord, 23 October 2014: This was signed by Kamoli, Mahao and Tšooana, who agreed to go on special leave and be temporarily seconded to security institutions in Africa. The agreement also bound them to refrain from interfering or exercising their authority on the military or the police. The deputies at the LDF and LMPS, Kgoantle Motšomotšo and Masupha Masupha, were appointed to head the two institutions in the interim. The accord however had some loopholes. For instance it did not explicitly state the duration of the secondments and their respective roles afterwards, nor did it deal with issues of criminality associated with the coup and LDF.⁵⁹
- Memorandum of Understanding (MOU) on joint cooperation between the LDF and the LMPS: The MOU was signed by the new interim leadership of the LDF and the LMPS to support the MSA. The two were to cooperate and establish joint operation centres during the 2015 poll.
- Extraordinary Double Troika Summit Communiqué, 20 February 2015: the mandate of the SOMILES to include co-locating SADC Police with the Lesotho Mounted Police Service for the elections was approved; and that the LDF remain in the barracks during the elections. The Status of Forces Agreement for the deployment of SADC police in Lesotho was extended to 31 March 2015. SADC also recommended that the incoming government ‘pay attention to security sector and constitutional reforms, post 2015 Parliamentary Elections, with the support of SADC’.⁶⁰

SADC was to deploy an observer team from the Organ to Maseru, comprising police officers and military personnel from various regional states

Concerns raised on the SADC mediation

As in past interventions, SADC involvement in Lesotho stabilised the immediate and medium-term political and security situation. Several factors were identified in the mediation process that could make the conflict protracted or unusually difficult to resolve. These include:

- The clarity of the mandate: While the facilitator was given an explicit mandate to intervene politically, it was argued that the mandate was ambiguous when it came to addressing insecurity and defining more clearly the SADC position on the coup attempt. The mediation was also critiqued for lacking a conflict prevention focus – but also integrating root causes more robustly into its process.
- Lack of clarity on the SAPS deployment: There was little transparency regarding the agreement under which SAPS members were deployed to Lesotho. There



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was a lack of information on their mandate, numbers and duration. Similar questions were raised about the deployment of South African Special Forces in the capital. The official response from the South Africa government was that such information could not be divulged due to the sensitivities of the operation.⁶¹

- The regional character of the SADC mediation: The composition of the mediation was perceived as ‘South Africa heavy’ despite South Africa’s role as part of a three-member SADC troika. The numbers of South African security personnel deployed were also perceived to be disproportionate to those of other countries that contributed to the SADC observer team. This fed perceptions of a conflict of interests by South Africa in handling the mediation and that there was a preference for a ‘quick fix’ to protect its own economic interests as opposed to Lesotho’s future political stability.⁶²
- Nonpartisanship in the mediation: There were allegations of South African bias, in particular favoring the LCD and prejudicing the ABC.⁶³ Additional reservations concerned the partiality of South African police in the SADC mission. Two senior South African officers from the SADC police mission were accused of sabotaging Thabane’s security and that of other top officials.⁶⁴
- Exclusion of non-state actors: All SADC resolutions on Lesotho have an exclusive focus on the three coalition partners and the country’s security officials in resolving the political question. Recognition and consideration of the role of other political parties represented in Parliament, along with civil society stakeholders, has been weak – although the MSA does include the signatures of most parliamentary parties. The degree to which public opinion and participation could influence the peace initiative was also overlooked, despite expectations that the public participates in the implementation of some of the resolutions – the elections, for example.
- Monitoring and enforcing compliance with SADC resolutions: This has been a major challenge from the initial Windhoek Declaration, which was breached because of a failure by SADC to manage the transition from negotiations to the implementation of the agreement. Parties in the coalition flouted many other resolutions. More recent examples in February 2015 are Thabane’s appointment of Kananelo Mosito as president of the Court of Appeal. The appointment drew disapproval from several political parties who argued that it violated the electoral pact mediated under the SADC Maseru Declaration. The agreement obliged political parties to defer senior appointments until

after the poll. Thabane also fired Lesotho chief delegate to the Lesotho Highlands Water Commission, Charles Putsoane, in January 2015 for alleged incompetence and insubordination. The decision not only angered the LCD, which ran the Energy, Meteorology and Water Affairs Ministry under which the commission falls, but others in the opposition.

- SADC visibility in Maseru and its post-election role: The SADC office in Maseru, opened in September, had very limited outreach to the public and its presence did little to improve information about and understanding of the peace process. The post-election role of SADC, overall, in Lesotho is yet to be defined. While South African police officers and SADC military advisors were to remain in the country until after the vote, stabilising the security and political environment requires longer-term engagement and greater interaction with non-state actors.

Recognition and consideration of the role of other political parties represented in Parliament, along with civil society stakeholders, has been weak

Findings and conclusion

The study concludes with five key findings. The first is that the toxic mix of political suspicion and intolerance amongst Lesotho’s political parties has reached the point where violent politics is a mode to defend or advance political causes. This state of affairs is also exacerbated by a context of historical impunity towards political violence. The lack of reconciliation amongst parties adds more hostility between these polarised groups.

Second is the lack of consensus, especially by political parties on the nature and causes of instability, generally. This has mostly generated resistance by ruling administrations in tackling governance challenges like corruption and reforming politicised public and security institutions. More recent have been the divergent narratives from the political parties regarding the circumstances of the August attempted coup from the ABC and the BNP on the one hand and the LCD and the DC on the other. The latter’s reluctance to condemn the coup attempt suggests some support to using military force for political gains.

Thirdly, the military’s involvement in Lesotho politics is still an aberration and symptomatic of a malfunctioning political system. It also underlines the inevitability of the politicisation of security institutions because security forces have been drawn

into high-level political disputes. Yet, the focus on security sector reforms in the past has been low priority. Past governments in Lesotho have tended to impose control over the security forces, rather than to negotiate new political arrangements since the latter might see their authority eroded.

Electoral outcomes in Lesotho have not been able to resolve prevailing rivalries between parties or create arrangements that limit instability in government

The fourth finding relates to the efficacy of the 2015 polls in bringing an end to instability in government, as well as addressing longstanding and deep-seated security challenges. Indeed, the 2015 election was recommended by SADC in lieu of a constitutional alternative to reconstitute government. But, as in the past, electoral outcomes in Lesotho have not been able to resolve prevailing rivalries between parties or create different political arrangements that limit instability in government. Prospects for government stability post the elections are strongly conditioned by the electoral outcome. The new DC-led coalition government hammered out after the February 2015 poll will have much to contend with. Historic rivalries, political interests and the legal lacuna on floor crossing will determine the sustainability of the new administration.

The last point concerns shortfalls in the SADC mediation. Indeed the mediation partly fulfilled its mandate of restoring the country to a kind of constitutional normalcy through the election of a new administration. But whether the mediation fully explored the deeper factors linked to past conflicts and the residual effects these create is doubtful. This, as well as the relevance of continued SADC mediation in Lesotho, will largely be determined by the country's incoming new government. Ultimately, the country must wean itself from the cycle of political instability and continued external intervention – which all perpetuate the enfeeblement of government institutions.

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- 20 Author interview with Tseoue Petlane, Director of the Transformation Resource Centre, Maseru, Lesotho, 19 September 2012.
- 21 Author interview with DC National Executive Committee member Tlohang Sekhamane, Maseru, Lesotho, September 2014.
- 22 The BNP had led an anti-government protest march to the Royal Palace in August 1994, petitioning the King to dismiss the BCP regime, and the King obliged.
- 23 This is according to Section 87(2) of the Lesotho Constitution that states 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 the majority of the members of the National Assembly.'
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- 34 ABC, LCD, BNP—Agreement to form a coalition government of Political Parties: subsequent to the May 26 2012 elections.
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