

# **FRESH CHALLENGES FACED ON THE GROUND BY THE KINGDOM IN THE SKY: A QUEST FOR PEACE, HARMONY AND STABILITY**

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## **ABSTRACT**

This article argues that Lesotho's landlocked position, which inhibits trade and results in enclaves of the poor, not only leads to its dependency on South Africa, but also contributes to its instability. It points out that destabilisation remains a problem in spite of Lesotho having served as an excellent model of peaceful transfer of power in a strengthened democratic arena under its 1993 Constitution, as the country had just celebrated 20 years of relative peace. However, despite the 1991 Windhoek Declaration, military coups, violence, denial of both human rights and human security continue to contribute to instability in Lesotho, requiring the frequent intervention of the Southern African Development Community, and especially so following the 2014 attempted coup. Lesotho's coalition government, a prime-ministerial form of government, which is discussed in some detail, and the role of peacekeeping forces are also examined. A recommendation is that demilitarisation is the only practical, viable and long term solution to this problem of recurring *coups* in this country. A conclusion reached is that a sustained campaign against corrupt activities by government, though laudable, has somewhat surprisingly served to weaken the foundation of the coalition in Lesotho.

**Keywords:** coalition government in Lesotho; destabilisation; economic challenges; Lesotho elections; peaceful democratic transition; political instability; Southern African Development Community (SADC)

## **INTRODUCTION**

‘A favourite theory of mine—to wit, that no occurrence is sole and solitary, but is merely a repetition of a thing which has happened before, and perhaps often.’ Mark Twain, ‘The Jumping Frog’.

This article is premised on the assertion that, nestled as it is geographically in the palm of South Africa, Lesotho's dependency on its neighbour is understandable. Paradoxically, during what appeared to be fluid political change, there was rising tension in Lesotho which has attracted the attention of both political observers and intellectuals to determine what the recurring destabilising factors were that were affecting public life in the country. To a certain extent, Lesotho served as an excellent model of peaceful transfer of power in a strengthened democratic arena under its 1993 Constitution, as the country had just celebrated 20 years of relative peace. But this was short-lived; the tiny nation of Lesotho was rocked early Saturday night of August 30, 2014 by reports of an attempted coup, with soldiers taking over government facilities, and raiding and disarming the police stations in the capital (*Lesotho Times* 2014). A swift and stern Southern African Development Community (SADC) reaction succeeded for a time in calming the

political stand-off in Lesotho. The moot question is why Lesotho was the only country in the region facing recurring bloodbaths of unwarranted coups? Whereas traditional greetings of the country – *khotso* (peace) *pula* (rain) *nala* (prosperity), coupled with King Moshoeshoe referring to *khotso* (peace) as his sister, deserving affection and protection – are inspirational and heart-warming, the country born as a crisis state has become a perennial headache in terms of the region’s stability. Additional rhetorical questions arise: How many times does SADC have to intervene? Is the kingdom a sustainable sovereign entity?

It is true that ‘the lives of people in enclaves are worse than the lives of stateless people’ (Van Schendel 2002, 115). The life of the people in enclaves is a sad story of denial of both human rights and human security. As per the Universal Declaration of Human Rights (UDHR) and the International Covenants on Civil and Political Rights (ICCPR), a citizen of any country has inalienable rights to freedom of movement and communication within/around, and also, to and from his/ her own country or sovereign territory. These rights are considered as fundamental human rights. Coastal regions tend to be wealthier and more heavily populated than inland ones. Paul Collier (2007) in his book *Bottom Billion* argues that being landlocked in a poor geographic neighbourhood is one of four major development ‘traps’ by which a country can be held back. In general, Collier found that when a neighbouring country experiences better growth, it tends to spill over into favourable development for the landlocked country too. For landlocked countries, the effect is particularly strong, as they are limited in their trading activities with the rest of the world. ‘If you are coastal, you serve the world; if you are landlocked, you serve your neighbors’ (Collier 2007, 56-57). Concern over the potential of geography as an initial condition that can give rise to a poverty trap has likewise been voiced by Hausmann (2001, 44), who states that ‘the prevailing development paradigm—according to which market-oriented economic policies and the rule of law alone suffice to make all countries rich—appears to be losing credibility. What if geography *gets in the way* of the Promised Land?’(added emphasis) The economic challenge of enclaves differs from the economic challenges of small states in general owing to their very enclave status. No doubt, a degree of openness, in accordance with the four freedoms index (people, goods and services, capital, labour) available to the enclaves, is crucial to their existence and development.

## **NEW COALITION GOVERNMENT**

Lesotho’s coalition government partners agreed on resolving the then political standoff in the country, also settling on a roadmap to lead to the reopening of parliament, which has since happened. The leaders, meeting under the SADC Organ on Politics, Defence and Security chaired by South African President Jacob Zuma, also agreed to engage a mediator. The meeting reiterated the commitment contained in the Windhoek Declaration of 1991 in which the coalition leaders committed to working together to restore political normalcy, stability, law, order, peace and security. The leaders agreed to expeditiously implement the declaration by removing the parliament prorogation clause in the Constitution; in addition, they agreed on specific timelines for the removal of the prorogation to be submitted to the King Letsie III. The leaders also agreed to issue a joint statement appealing for calm and the exercising of restraint in order to restore law and order as rapidly as possible. The agreement called for the re-opening of parliament and the implementation of the roadmap, insisting that

- 1 Parties look at the constitutional amendment that would ensure that the public service is independent from political influence including that of the army and the police;
- 2 The floor crossing clause be reviewed to avoid its being abused;
3. The clause in the 1993 Constitution that gives power to the Prime Minister to prorogue parliament for a period of twelve months should be reviewed as it had raised eyebrows, especially in the United Nations.

The other thorny issue was to ensure that all stakeholders were included. The *Lesotho Times* (2014) editorial notes:

The lame SADC brokered agreement ... does not resolve the core of the crisis here. We have an army commander who has mobilised the army to fight if he is fired. We have an army commander who has no respect for the rule of law as evidenced by many of his recent actions, not least his refusal to hand over suspects implicated in the attempted murders of innocent people. We have an army commander prepared to kill anyone who disagrees with him ... The appropriate way for SADC to deal with the crisis here would have been to at least authorise a peacekeeping force to, among other things, facilitate the return of police officers to their stations and ensure they resume operations, to guarantee the security of all those vulnerable to Lt General Kamoli, and to protect ordinary citizens should he unleash his army for yet another round of bloodshed.

The visit of the South African President, Jacob Zuma, to Lesotho for consultation with King Letsie III on ways to end the political crisis in the mountain kingdom was a welcome move and much was expected from a regional leader. President Zuma -- who is also the Chair of the Southern African Development Community (SADC) Organ on Politics, Defence and Security -- held discussions with the Coalition leaders to assess the progress in the implementation of the Windhoek Declaration of 1991, as well as other SADC decisions. The visit followed the Ministerial Committee of the Organ's meeting held on August 31, 2014 as well as the President's meeting with the Coalition leaders on September 1, in Pretoria. The visit by President Zuma demonstrates a clear commitment by SADC to assist the Coalition leaders to implement the Windhoek Declaration, as well as to assist the Kingdom to restore peace and stability. The core issues centred on the re-opening of parliament amid tension still prevailing in the country since the fired Army General had not yet accepted his dismissal.

## **THE CONSTITUTIONAL ARRANGEMENTS MADE BY THE PRIME-MINISTERIAL FORM OF GOVERNMENT**

The Prime Minister in a parliamentary form of government is classically a *primus inter pares*. This has not been the case with the Lesotho Constitution of 1993. The Constitution has essentially been characterised by a Prime-ministerial form of government – a description and label given by the researchers that has historically been shown to be viable. Opting out of the basic Westminster model came about owing to the people's choice to retain a limited monarchy with democratic and constitutional principles. The framers of the Constitution thus had no occasion to consider a presidential form of government. This resulted in having to strengthen the position of the Prime Minister to an unprecedented level. In hindsight, perhaps it should have been a hybrid French model that was adopted to ensure separation of power, with a directly elected Prime Minister for a fixed term to enhance stability.

The underlying features and *raison d'être* of a Prime-ministerial government as provided in the 1993 Constitution of Lesotho are evidenced by a strong and powerful position constitutionally entrenched and earmarked by the following aspects:

1 The Prime Minister of Lesotho appears to have the power to authenticate a Bill passed by parliament if the King refuses to sign it under Sec. 91(3) within the stipulated period of time. No British Prime Minister can do this if the Queen refuses to sign a Bill precisely because there would be no such occasion. An Indian Prime Minister would similarly not sign a Bill should the President of India decline to sign a Bill passed by both Houses of Parliament as this is not constitutionally possible.

2. The Prime Minister is the Appointing Authority for several important Constitutional Positions such as Chief Justice of the High Court under Section 120(1) and for the President of the Court of Appeal under Section 124(1).

In England, the Lord Chancellor is politically appointed; this is a choice exercised in accordance with constitutional tradition and has not affected or compromised the neutrality of his judicial position.

3. The Prime Minister can be sued in the Court by reference to his position [as PM] rather than this being a case against the Government.
4. The Prime Minister is also a member of the Council of State according to Section 95(2)(a).
5. Prime Minister is the Appointing Authority for the Ombudsman under Section 134(1).
6. The Prime Minister is the Appointing Authority for the Auditor General under Section 142(1).
7. The Prime Minister is the Appointing Authority for the Attorney General, who sits in the Council of State, under Section 140(1).
8. The Prime Minister is also empowered with concurrent power with the Chairman of the Public Service Commission to recommend the establishment of a tribunal for investigating the question of removing the Director of Public Prosecution on grounds of inability or misbehaviour under Section 141(6) of the Constitution.
9. The Prime Minister has the power to appoint persons to court martial Appeal Court judges in consultation with the Chief Justice under section 146(4) of the Constitution.
10. The Prime Minister has the power to determine the operational use of the Defence Force under Section 145(2).
11. The Prime Minister has the *de facto* power to appoint and remove the Commissioner of Police under Section 147(3) of the Constitution.
12. The Prime Minister has the power to prorogue the National Assembly for 12 months.

Section 83(1) of the constitution empowers the King, on the advice of the Prime Minister, to 'at any time, prorogue or dissolve Parliament' (1993 Constitution). This technically empowers the Prime Minister to order the dissolution of Parliament before it considers any motions against him. Section 83(b) of the Constitution also empowers the Prime Minister to advise the King to dissolve Parliament within three days after it passes a vote of no confidence against the government. But the option of dissolving Parliament under Section 83(1) presents fewer legal hurdles for the Prime Minister than doing it after the passing of a vote of no confidence in terms of Section 83(4). However, Section 83 (a) empowers the King to refuse to dissolve Parliament if he considers that such a dissolution 'would not be in the interests of Lesotho' on the advice of the Council of State. Since no money has been budgeted to conduct a snap poll, this refusal is a probable option that cannot be ruled out altogether. But in the Council of State, the Prime Minister may exercise his influence for a decision in his favour, because the Council of State is also filled with members who are the Prime Minister's appointees.

### **Parliamentary majority**

Parliamentary majority is a rocky mountain in democracy. If the party in power continues to enjoy the support of most Members of Parliament, there is no reason for its closure. Shutting down parliament amounts to silencing the voice of the people. A trial of strength in parliament cannot be stopped in this manner. The Governor of the State of West Bengal at the time dismissed the Communist led government after the Speaker repeatedly closed the door of the Legislative Assembly to avoid a 'No Trust Vote'. It is possible for a minority government to stay in power with outside support, but it cannot altogether defy a

parliamentary vote when properly demanded. The wise course of action would have been a recommendation for the dissolution of parliament and calling for a fresh mandate. So, the first opportunity of returning to power with popular mandate had been missed.

### Coalition's brief

Metaphysicians and politicians may dispute forever, but they will never find moral principle or foundation of a rule of obedience other than the consent of governors and governed, as John Adams (1774–1775) wisely suggested. The coalition government's brief is consultation and possible consensus; it is not about taking a dominant position when the government is weak and inept. However, for or with the corrupt, consultation means 'compromise or collapse'. Some politicians tout the success of a hurriedly cobbled together coalition for its sustaining power. India successfully completed two terms of coalition government that ran for 10 years and even the recent British coalition government was strong, stable and successful.

The end result in Lesotho was a snap poll costing R251 million for a poor nation. This expenditure or use of state funds was coupled with the news of a new mansion was to be built for the Prime Minister at a cost of R250 million. The rhetorical question is: Will there be any money left for developmental activities after spending this exorbitant sum?

The fractured politics of this Kingdom is caused largely by the idea of fragmentation of the popular vote generated by the substantial number of political parties allowed to graze the field with liberal registration requirements. Lesotho has more registered political parties than South Africa. The results of the last parliamentary election indicate the pattern of fragmentation in sharing popular votes and in the allocation of seats.

### Lesotho Parliamentary Election Results, 2012

**Table 1: Results of the May 26, 2012 National Assembly of Lesotho Elections**

Party	Votes	%	Seats			+/-
			Constituency	PR	Total	
Democratic Congress (DC)	218,366	39.58	41	7	48	<i>New</i>
All Basotho Convention (ABC)	138,917	25.18	26	4	30	▲13
Lesotho Congress for Democracy (LCD)	121,076	21.94	12	14	26	▼36
Basotho National Party (BNP)	23,788	4.31	0	5	5	▲2
Popular Front for Democracy (PFD)	11,166	2.02	1	2	3	▲2
National Independent Party (NIP)	6,880	1.25	0	2	2	▼19
Lesotho Peoples' Congress (LPC)	5,021	0.91	0	1	1	—
Basotho Democratic National Party (BDNP)	3,433	0.62	0	1	1	—
Marematlou Freedom Party (MFP)	3,300	0.60	0	1	1	—
Basotho Congress Party (BCP)	2,531	0.46	0	1	1	—
Basotho Batho Democratic Party (BBDP)	2,440	0.44	0	1	1	—
Lesotho Workers' Party (LWP)	2,408	0.44	0	1	1	▼9
All Democratic Corporation (ADC)	1,933	0.35	0	0	0	—

Lekhotla La Mekhoa le Moetlo (LMM)	1,691	0.31	0	0	0	—
Areka Covenant Front for Development (ACFD)	1,227	0.22	0	0	0	—
Sankatana Social Democratic Party (SSDP)	1,081	0.20	0	0	0	—
African Unity Movement (AUM)	714	0.13	0	0	0	—
White Horse Party (WHP)	252	0.05	0	0	0	—
Independents	5,502	1.00	0	0	0	—
Invalid/blank votes	12,725	—	—	—	—	—
<b>Total</b>	<b>564,451</b>	<b>100.00</b>	<b>80</b>	<b>40</b>	<b>120</b>	
Registered voters/turnout	1,127,980	50.04	—	—	—	—
Source: Independent Electoral Commission, African Elections Database; IEC, Lesotho						

### Trust Deficit

As Lesotho continues to teeter on the brink of political conflict, an opinion poll has been published showing that most Basotho have far more trust in religious and traditional leaders than in their political leaders (Afrobarometer Survey 2014). In a key finding, three in every four people said elections were the best way of choosing leaders. But only three in 10 were satisfied with the way in which democracy works in Lesotho in the 2014 survey; only one in three said the country was a ‘full democracy’ or a democracy ‘with only minor problems’, and yet only 50 per cent of those canvassed said that democracy was preferable to any other form of government. The Afrobarometer found that religious leaders were trusted by 82 per cent of Basotho and traditional leaders by 73 per cent. The army was trusted by 66 per cent and the police by 57 per cent (the poll was carried out before the recent events in 2015). Prime Minister Thabane was trusted by 50 per cent, Parliament by 44 per cent, the ruling coalition by 43 per cent and opposition parties by 27 per cent. All these are backed by incidences reported in the local newspaper with headlines such as ‘Minister slaps her staff in Office’ or ‘Minister slaps a drunk villager’. It is arguable that if slapping and sleeping are ministerial ‘jobs’, many are likely to remain ‘jobless’.

### WHY HISTORY REPEATS ITSELF

‘History offers us vicarious experience. It allows the youngest student to possess the ground equally with his elders; without a knowledge of history to give him a context for present events, he is at the mercy of every social misdiagnosis handed to him.’ Hilary Mantel

History repeats itself simply because people do not seem capable of learning from the past, especially from past mistakes. Although events can never come close to any kind of true replication, even earth rotation is slowing down, history’s new avatar resembles the past pattern which can be traumatic as well as devastating. George Santayana in ‘Reason in Common Sense’ (1905, 265-68) observed, ‘Progress, far from consisting in change, depends on retentiveness. When change is absolute there remains no being to improve and no direction is set for possible improvement: and when experience is not retained, as among savages, infancy is perpetual. Those who cannot remember the past are condemned to repeat it’ (ibid.). That is usually the way it is when history repeats itself—the second time around is often more serious than the first. Recurrence of unpleasant incidences tends to take place in predictable circumstances and chains of causality. ‘Everything that needs to be said has already been said. But since no one was listening, everything must be said again’, according to André Gide (in Accardo 1980). The events following the last election have been shrouded with a mismatch alliance of convenience, brokered in a hurry without detailing all the areas of power sharing. The habit of chronological disorder in Lesotho

is perplexed by the fact that democratic roots have been going deeper during the last two decades of peace and stability and now even the distant dream has been shattered.

In the General Elections in 2012, the Democratic Congress (DC) made an impressive showing, winning 48 out of a possible 120 seats – more than any other party, but not enough for an outright win. This is a gap the opposition took advantage of. Mosisili's old party, the Lesotho Congress for Democracy (LCD), teamed up with Thabane's All Basotho Convention (ABC) and the Basotho National Party (BNP) to form a coalition government. This was perceived as little short of a marriage of convenience with strange bedfellows. With the ABC as the strongest party in the three-way alliance, it was Thabane's ticket to the Prime Minister's seat. But the relationship frayed over time, with the principal point of contention being Thabane's failure to consult with his coalition partners. However, the real reasons are far beyond the story being scripted. In March, MPs proposed a motion of no-confidence in Thabane, calling for Mosisili to return in his place. But Thabane cut this move off and in June he received permission from the country's monarch, King Letsie III, to suspend parliament. Since then, the Southern African Development Community (SADC), which consists of the 15 countries making up the regional bloc, sent envoys in the form of Namibian President Hifikepunye Pohamba and South African President Jacob Zuma to facilitate dialogue between and among the quarrelling coalition partners. A path had been negotiated out of the confusion: at talks in Namibia at the end of July, Mr Metsing, Deputy Prime Minister (DPM) agreed that the LCD would abandon its short-lived affair with Mosisili's Democratic Congress and, in return, Thabane made a 'solemn commitment' to reconvene parliament by August 14, according to reports by the *Lesotho Times*. That date came and went, however, yet parliament remained resolutely shut. When member States convened at the Victoria Falls for the annual SADC Summit, it was noted that the region remained 'generally peaceful' – but Lesotho's politicians were gently reminded to 'refrain from any action that may undermine peace and security'. The position of chair of SADC's troika of security, politics and defence, a portfolio that Lesotho was scheduled to take over, was instead passed on to South Africa by unanimous vote. Lesotho, it was decided, was not able to provide regional leadership on issues such as security or politics.

### **The economic scene**

'Poverty must not be a bar to learning and learning must offer an escape from poverty,' said Lyndon B. Johnson in his Civil Rights Bill speech. This has not been the case in Lesotho. Lesotho reflects a paradoxical situation, while classically saddled with contradictions. It is notable, for instance, that Lesotho has registered as one of the best performing literacy rates (89.6% with 95.6% for females at 2010) in Africa. According to the *African Economist* (2014), Lesotho now ranks seventh in Africa with 84.80% in 2013. Lesotho is spending more money on military defence than Swaziland (3.1% of GDP compared to 1.6% in Swaziland at 2000) (ibid.). It is one of the highest-ranking countries in terms of the women empowerment index worldwide leaving the United States far behind. Yet, violence against women is not uncommon and the country tops the World Hunger Index.

Lesotho faces physical and environmental vulnerability; its carrying capacity is limited by land scarcity, over-stocking, population pressure, meagre resources and limited livelihood choices; economic dependence on a dominant neighbour and asymmetrical relationships; geopolitical vulnerability due to its landlocked status unlike its dominant neighbours; and weak state institutions and political processes owing to legacies of authoritarian and military rule. These weak or soft state institutions lack the capacity to manage or contain either the pressure and stress of transition to a multiparty democracy or the virulent political contestation between rival parties.

The labour force in Lesotho was last measured at 837412.83 in 2011, according to the World Bank. The total labour force comprises those aged 15 and older who meet the International Labour Organization's definition of an economically active population, that is, one which includes all people who supply labour to produce goods and services during a specified period. It includes both the employed and the

unemployed. While national practices vary in the treatment of such groups as the armed forces and seasonal or part-time workers, in general, the labour force includes the armed forces, the unemployed and first-time job seekers, but excludes homemakers and other unpaid caregivers and workers in the informal sector. In terms of the labour force participation rate total (the percentage of the total population aged between 15-64), this was 67.30 as of 2011 in Lesotho. Its highest value over the past 21 years was 75.70 in 1999, while its lowest value was 66.80 in 2008.

### ***Coup d'état, insecurity and political tension***

The country has a long history of a series of coups. These are variously named as ouster coup, palace coup and monster coup. An aborted coup is a hybrid type, where no military intervention is possible without direct or indirect involvement or encouragement and with political support. The African Union's resolution to suspend a country being taken over by the military is a bold warning. Why then does a small country like Lesotho which is heavily dependent on the SACU Fund to run its affairs fall into the trap? Once political parties in Lesotho's coalition government had signed the 'Maseru Facilitation Declaration', an agreement of October 3, 2014<sup>1</sup> that eased the prevailing political tensions, fresh elections could be slated for February the following year. However, this failed to inspire confidence because of the uncertainty that the results would be able to guarantee a majority party as a stable power. The Prime Minister's spokesman, Thabo Thakalekoala, reported that the South African Deputy President, Cyril Ramaphosa, had held a meeting with Lieutenant General Tlali Kamoli before the political parties signed the agreement. Kamoli has been accused of masterminding the attempt to overthrow the coalition government -- an accusation he denies. Thabane earlier removed Kamoli as Head of the LDF when he received the King's legal gazette issued on August 29, 2014 and replaced him with Lieutenant General Maaparankoe (*Sunday Express* September 13, 2014). At the time of composition, the Prime Minister was still under the protective cover of SADC security.

Rival political parties in the coalition government accused Prime Minister Thabane of a power grab after he had suspended parliament in an apparent move to avoid a vote of no confidence. Thakalekoala agreed with the assessment that the accord could end the political fighting in Maseru. 'The signing of this agreement is a sign in the right direction, since we had no alternative. We were exhausted, all means of trying to restore law and order to restore peace and stability in this country,' he said. 'The fact that this agreement was signed unanimously by all political parties shows that there is some light at the end of the tunnel, and we are hoping that this will ease the prevailing tension in the country right now,' he added. The *Sunday Express* (2014) reports that he noted that the Basotho -- as citizens of the Kingdom are called -- appeared to be pleased, hoping the political parties would keep their part of the bargain to ease the insecurity, economic floundering and political tension faced by the nation.

It is perhaps pertinent to observe that Napoleon Bonaparte took power in France in a *coup d'état* in 1799 and installed himself as First Consul. In 1804, he made himself emperor of the French people. He fought a series of wars—the Napoleonic Wars—that involved complex coalitions for and against him. After a streak of victories, France secured a dominant position in continental Europe, and Napoleon maintained the French sphere of influence through the formation of extensive alliances and the elevation of friends and family members to rule other European countries as French vassal states until he was exiled to Elba in 1815.

In Lesotho, two centuries later, the fired military chief, Tlali Kamoli, was believed to be the mastermind behind those early Saturday morning gunshots when the Lesotho Defence Force surrounded the police headquarters in Maseru. The coup attempt failed. Apparently, the Prime Minister had received intelligence in time to tilt towards Ladybrand. The key elements of this crisis can purportedly be outlined as follows: intense rivalry between elite-dominated political parties over access to state power and state resources within a worsening environment of poverty, unemployment and limited economic options; structural youth unemployment and social/political exclusions of the youth, except when they are



mobilised for short-term ends by belligerent political parties; and an electoral system that gives unfair advantage to a dominant party in terms of the 'first-past-the-post' system.

It is of interest that, in the context of history repeating itself, that similar factors to those outlined above combined to create a volatile situation and a political crisis and protests by aggrieved opposition parties over the 1998 elections. The chaos and anarchy that ensued precipitated the SADC intervention in August and September 1998.

Military coups have become a regular feature, recurring in cycles in Lesotho. In March 1998, for instance, the ruling Lesotho Congress for Democracy Party won 79 of the total 80 seats in parliamentary elections, but allegations of vote fraud soon surfaced. After a failed lawsuit by opposition parties, widespread rioting broke out. The SADC intervened with a force codenamed Operation Boleas, led by South Africa, whose National Defence Force sent troops into Lesotho to quell an ensuing coup. The military is not supposed to supervise police under the constitutional arrangement as both fall under the civilian government. It is recommended that the military should not disarm police under any pretext except when civilian administration calls it in the event of rebellious mutiny in the police force itself. There was no such occasion at the time.

## **DIAGNOSING ROOT CAUSES**

Unlimited conferment of constitutional power in the hands of one person emboldens the grip to dismiss disliked and unwanted functionaries at will. Hasty and unhealthy steps, such as sacking the High Court Chief Justice, followed by the reportedly disgraceful dismissal of the President of the Court of Appeal by pressure tactics without following the constitutional procedure of impeachment which takes place following proven grounds of misbehaviour, are known to reap criticism in the public sphere. The President of the Court of Appeal was practically coerced into resigning instead of treading the constitutional path of impeachment. Allegedly, this was because no case of proven misbehaviour could be established. There was, in addition, the question of majority support in parliament.

A sustained campaign against corrupt activities by government, though laudable, served to weaken the foundation of the coalition. The base of coalition is trust, tempered temperament and limited tolerance. The religion of coalition is consensus and consultation which appeared to have been missing from the beginning. It is true that consensus is not always possible in view of the fact that there is a right to and room for dissent in democracy. The way forward in such a case is to 'agree to disagree' for the time being. Coalition partners are also expected to display political maturity and a sense of responsibility in completing their term of office. In this regard, one can surely take a leaf out of the functioning of a constitutional monarchy, such as that run by a coalition government in England at the time of writing. The last coalition government in India completed its full term in spite of alleged multiple scams and scandals. One cannot rule out the possibility of the quiet and invisible diplomatic role played by opposition parties, such as the Democratic Coalition (DC) in reportedly secretly egging on a young impatient Turk with the lure of the promised land.

Lesotho's Prime Minister announced plans to reconvene parliament after returning from a brief period in exile; he had suspended parliament in June, as he scrambled to ease the crisis engulfing his country following the failed coup. In his first radio address after returning home from four days of exile in South Africa, Prime Minister Tom Thabane said he would recall parliament on September 19, subject to the King's approval.

### **Military v. Police**

The Lesotho Defence Force (LDF) consists of an army, an air wing, and a newly formed paramilitary wing. The LDF is answerable to the Prime Minister through the Ministry of Defence, while the Lesotho

Mounted Police report to the Prime Minister through the Ministry of Defence, Police and National Security Service. Historically, relations between the police and the army have been tense, and in 1997 the army was called upon to put down a serious police mutiny. In 1999, the Lesotho Government began an open debate on the future structure, size, and role of the armed forces, especially considering the Lesotho Defence Force's history of intervening in political affairs.

Soon after the May 1998 elections the Lesotho Government approached the Indian Government to request a training team, which could convert the LDF into a professional force, along the lines of the training imparted by the Indian Army to the Botswana Defence Forces. The request was accepted. An Indian Security Advisor has been in position in Lesotho since September 2000. After the signing of an Inter-Governmental Cooperation Agreement on Military Training Cooperation in May 2001, a 15-member Indian Army Training Team (IATT) was sent to Lesotho in June 2001. It has played a significant role in promoting close bilateral ties. The present team's achievement in converting the LDF to a professional, apolitical and citizen-friendly force has been acknowledged and praised by the entire leadership of Lesotho and training was extended to 2011. However, the reality of the Indian intervention was soon proved ineffective when the highly-politicised army and units were deeply involved in the political crisis that began with the power struggle within the ruling Lesotho Congress Party in 2010 and through the first Coalition Government of June 2012 that was then subjected to an attempt at removal by the Army in August 2014. In this development, the army attacked and captured all the police stations, disarming all police details as well as seizing government property and offices perceived to be housing political opponents supporting Prime Minister Thomas Thabane.

In the final analysis, therefore, this training failed to instil the apolitical nature of the force as evidenced by a new development in the early days of September 2014. Nonetheless, the intelligence input that was put in place did help in aborting the coup.

### **Demilitarisation and budgetary allocation**

In any country, the lion's share of the budgetary allocation goes to the defence sector; this is seen by some as wasteful for small nations. It has been suggested that one week of US Military spending, estimated at USD30 billion, could end world hunger. Similarly, saving on defence could arguably eliminate hunger in Lesotho. One has to choose between 'gun and butter'. Many small nations have demilitarised and released vital resources for public welfare. The latest data show that Lesotho spent \$50,600,000 on their military in 2012 which amounted to 1.9% of the country's GDP that year.

**Table 2: Military Expenditure (2001-2012)**

Year	Dollars Spent	% GDP	Year	Dollars Spent	% GDP
2001	\$63,600,000	3.3%	2007	\$49,900,000	2.5%
2002	\$48,700,000	3.0%	2008	\$36,300,000	1.7%
2003	\$45,800,000	2.8%	2009	\$60,200,000	2.8%
2004	\$42,700,000	2.5%	2010	\$74,800,000	3.2%
2005	\$43,500,000	2.5%	2011	\$58,200,000	2.3%
2006	\$45,800,000	2.5%	2012	\$50,600,000	1.9%

Source: SIPRI.org

Global military expenditure fell in 2012, to \$1 753 billion, equivalent to 2.5 per cent of the global gross domestic product (GDP). Although the fall was only 0.5 per cent in real terms, this was the first decrease since 1998.

This article proposes that demilitarisation is the only practical, viable and long term solution to the problem of recurring *coups* in Lesotho. Some of the younger soldiers can be absorbed into the police force and a new 'border unit' can be opened with the police force for carrying out related work. This would not only avoid huge sums of money from being wasted but it should also instil a sense of a new beginning with a clean slate in a secure environment.

### **Corruption in the political arena**

Corruption strikes at the very heart of democracy by corrosion of the law, of democratic institutions and of public trust in leaders. A small country with a substantial wave of corruption is a worrisome matter. On September 19, 2002 the *Economist*, under the heading, 'A conviction for bribery could have a wide impact', reported:

Turn on a tap in Johannesburg: the crystal clear water that fills your glass has travelled some 300km from a dam in neighbouring Lesotho. The little mountain kingdom earns foreign currency exporting water from an \$8 billion irrigation system: the Lesotho Highlands Water Project, one of the biggest constructions in Africa. But waves from the dam are spreading beyond Africa's shores. This week, a Canadian company which helped build the dam was convicted of paying bribes in a corruption case that could change the way big development deals are struck. On September 17th, a Lesotho Court found Acres International, a Toronto-based firm, guilty of passing \$260,000 as a bribe to the Chief Executive of the project, Masupha Sole. In June, Mr Sole was convicted of 13 counts of bribery and of accepting more than \$2M. He was told he would serve 18 years of a 57-year prison sentence.

Even if an appeal by Acres fails, no member of the company will go to jail after sentencing in early October, but a hefty fine is likely. More threatening is the impact of the conviction on Acres's other building activities. On September 18, the African Union said it too would ratchet up efforts against graft, which it estimates conservatively costs the continent nearly \$150 billion a year by increasing the price of goods. While officials are often to blame, the Lesotho government hopes the new conviction will change the popular perception of African governments being hopelessly corrupt.

The Vision and Strategy Document sees itself as part of the parallel processes enshrined in other documents such as the National Vision for Lesotho (Vision 2020) and the Poverty Reduction Strategy Paper. Its own vision is '[t]o have a Justice Sector committed to providing a professional service in safety and security, accessible and efficient delivery of justice, improved rehabilitation of offenders, an effective human rights protection system for all, and promotion of zero tolerance to corruption'.

Lesotho currently stands as the 96th most corrupt country in the world, which is a slight improvement from the past. The law provides criminal penalties for corruption by officials; however, the government is not seen to be implementing the law effectively, and officials purportedly occasionally engage in corrupt practices with impunity. The government took steps to implement the law, only a year after the Coalition came into office in June 2012. The Directorate of Corruption and Economic Offences (DCEO) completed its investigation of former Police Commissioner, Malejaka Letoane, regarding a 24 million-maloti (\$2.8 million) tender awarded in 2008 to supply police uniforms (Lesotho Country Reports on Human Rights 2013). No charges were, however, filed against her.

A landmark constitutional case involving R53 million, in which Deputy Prime Minister, Mothetjoa Metsing, wants the Constitutional Court to declare acquisition of his banking details by the anti-

corruption unit unconstitutional, will proceed in the Constitutional Court in spite of a demand for trial by foreign judges. The case has been postponed repeatedly after the respondents filed their answering affidavits in support of their opposition to the remedy that Mr Metsing seeks from the Constitutional Court (Jordan 2014). Jordan notes:

The Respondents maintained their stance that it was within the law that Mr Metsing's banking details were disclosed to the Directorate on Corruption and Economic Offences (DCEO) for corruption investigation against the deputy premier. The respondents are the DCEO Director General, DCEO, Minister of Justice, Human Rights, Rehabilitation, Law and Constitutional Affairs, Attorney General, Standard Lesotho Bank and Nedbank Lesotho as first to sixth respondents, respectively. DCEO and Nedbank Lesotho on Thursday last week notified the Constitutional Court of their intention to oppose Deputy Prime Minister Mothetjoa Metsing's bid to have the acquisition of his banking details declared unconstitutional. (*Mail & Guardian* December 12, 2014)

Mr Metsing also took issue with the two banks for consenting to the DCEO's request, without consulting him first. He stated:

In obtaining and receiving information regarding my bank accounts from the fifth and sixth respondents (Standard Lesotho Bank and Nedbank Lesotho, respectively), without informing me, they collectively violated my rights to privacy guaranteed by Section 11 of the Constitution. My personal banking details are matters of my private life, which should not be disclosed without my authority by the fifth and sixth respondents. 'I wish to disclose to this honourable court that I sought information from the managers of the fifth and sixth respondents regarding the basis and instruments used by the DCEO to obtain information of my bank accounts and details of my deposits. The managers of both banks declined to give me the information, save to say they supplied the data under Section 8 of the PCEO Act, and hence claimed statutory compulsion.' (ibid.)

Prime Minister Thomas Thabane described corruption as Lesotho's worst public enemy after Aids. Thabane made the remarks while officially opening a three-day national dialogue on corruption organised by the anti-corruption watchdog, the Directorate of Corruption and Economic Offences (DCEO). The premier admitted that there was rampant corruption in Lesotho adding the practice was having a negative impact on the economy. He said that, if corruption were to be uprooted, Lesotho's economy would recover and be stable. He said that those stealing from the public purse were the worst thieves as they were holding back the country's economic development. 'Our "least developed country" status is a result of corrupt practices. If we all put effort, corruption will be a thing of the past. We would shed our "least developed" status and become one of the developed [countries]' (Jordan 2014).

The Business Action Against Corruption (BAAC) Lesotho Chapter spearheaded by the Directorate on Corruption and Economic Offences (DCEO) has instituted a Steering Committee to serve as a tool for monitoring and evaluation mechanisms. A Code of Business Ethics has also been mooted.

### **Rethinking Lesotho's governance model**

The citizens of Lesotho are believed to be demanding the right to elect a Prime Minister. There is no tested indication to support this view, however.

This article argues that, at the time of composition, the basic principles of the proposed National Peace Building and Monitoring system for Lesotho would not work unless the main irritants were removed, neutralised or paralysed permanently. The former Army Chief has reportedly taken to the mountains with a seized cache of weapons including artillery, mortars and small arms (Mills 2015). The renegade general

is said by intelligence sources to have control of Lesotho's elite special forces unit of around 40 highly-trained troops, as well as the military's intelligence division. Tension is brewing for confrontation; this seems to be a distinct possibility since all negotiations appear to have failed. Reportedly, South African police are assisting in the hunt for suspected Lesotho coup plotter, Tlali Kamoli. 'The problem is that they have committed certain crimes and don't want to be prosecuted in a court of law,' said newly appointed Army Chief Lieutenant General Maaparankoe Mahao, who has claimed that the Deputy Prime Minister is under investigation on corruption charges. (Mahao 2014 [September 7]).

On a previous occasion in 1998, the Prime Minister of Lesotho asked for an intervention on September 12. Only after all other options had been considered did the SADC forces intervene on September 22, 1998. Botswana forces were given permission to enter South Africa on September 17. On the 21<sup>st</sup>, the Command was given by the Presidency to intervene on September 22, 1998. On October 2, 1998, all political parties agreed to the formation of an interim structure. Colonel Ronnie Hartsliel, Boleas, the Operation Commander, while giving a briefing of the Boleas operation, stated that the mission he had received was to stabilise Lesotho by disarming the dissidents. For this purpose, three priorities were identified in order to create a stable environment in Maseru. First secure the border post, secure the Lesotho Defence Force bases, secure the Lesotho Radio Broadcasting station; and secure the embassies. The second priority was to secure the royal palace and the air force bases. Lastly, the aim was to secure the operational areas such as Maseru and the Katse dam. Information had been received that the Lesotho Defence Force dissidents might attack around the Katse dam where there are two villages with 198 South Africans. (Hartsliel 1998).

The recurrent intervention of outside forces has effectively compromised sovereignty, security and stability of this so-called sovereign nation. The time is ripe for rethinking the issues of sustainability and the viability of a tiny nation based on sentiment when stark reality is that the abject poverty of the people has worsened since independence in accordance with the World Food Programme awareness publication on the *10 Facts About Hunger in Lesotho* (Matope 2014).

## CONCLUSION

Since the abortive Coalition of June 2012, both the African Union and SADC have been deeply involved in the conflict intervention in Lesotho crisis, further exacerbated by the coup attempt of 29-30 August 2014. 'The AU Peace and Security Council (PSC) would be properly seized [sic] of the matter after receiving a formal report from the Chairperson of the AU Commission.' The African Union warns against any unconstitutional change of government in Lesotho; the AU expresses full support for SADC's efforts to address the crisis. Although the power vacuum has now been filled, there are still irritating uncertainties prevailing on the ground.

Many are concerned about the unstable situation in Lesotho. Addressing thousands of pilgrims in Saint Peter's Square on September 7, 2014 during his weekly Sunday Angelus address, Pope Francis called for peace in the Ukraine and Lesotho. The present impasse is not going to be solved easily. The fresh election may well bring refreshed problems. There is no guarantee of an election securing an absolute majority of seats by any one party forming a stable government. In 2014, there was no fund for the holding of a snap poll, as argued, because no funds had been budgeted for this unforeseeable event. In addition, the seemingly permanent question of accepting the verdict from a fresh election still looms large. There is a need to go back to the people to ask them what they want as a plan for the future of the nation. This would require a referendum to determine such questions as: Do they need an army? Do they want to join South Africa, as the Tenth Province, abandoning their sovereignty?

Alexander Hamilton's words pertain: 'The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, in the whole volume of human

nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.’ (Hamilton n.d.)

## NOTE

1 *The Maseru Facilitation Declaration*. 2014. Signed by the three ruling party leaders—Dr Thabane, Deputy Prime Minister Mothetjoa Metsing and Senior Minister Thesele ‘Maseribane, whose All Basotho Convention (ABC), Lesotho Congress for Democracy (LCD) and Basotho National Party (BNP), respectively, formed the country’s first coalition government in June 2012—as well as deputy leader of the main opposition Democratic Congress (DC), Monyane Moleleki, the Southern African Development Community (SADC) Facilitator, South African Deputy President Cyril Ramaphosa and SADC Deputy Executive Secretary Thembinkosi Mhlongo also signed the agreement (*The Sunday Times of Lesotho* October 5, 2014. This was later complemented by the *Maseru Security Accord*, signed on October 23, 2014 by Lieutenant General Tlali Kamoli and Lieutenant General Maaparankoe Mahao of the Lesotho army, and Commissioner Khothatso Tsoana, who is head of the Lesotho Royal Mounted Police.

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