

THE CHALLENGES OF PARLIAMENTARY DEMOCRACY IN LESOTHO: 1993-2007

LIKOTI, FAKO JOHNSON
Department of Politics and Administrative Studies
National University of Lesotho
Fakolikoti@yahoo.co.uk

Abstract

Lesotho got its independence from Britain in 1960. The country experienced a coup in January 1970 while it was still fresh from colonial rule. During this period, the country's political parties were fragile and parliamentarians (MPs) were yet to acclimatise themselves with their parliamentary responsibilities. From 1970-1992, the country did not have a democratically elected parliament. It was not until early 1993 that the dawn of democracy came to Lesotho. This meant that MPs were still inexperienced and the National parliament appeared to have been confronted with myriads of challenges. This paper argues that these challenges have not only undermined the parliament but have also impacted negatively on the legitimacy and accountability of parliament. It further opines that parliamentarians in any democracy are held in high regard by the electorate and have to conduct themselves with due diligence. As MPs, they are expected to conduct themselves in parliament in a manner befitting their public status.

Key Words: Democratisation, Unparliamentary practices, Opposition parties, Legislative power, Lesotho.

Introduction

Lesotho is a Constitutional democracy. This means that the country subscribes to constitutional rule. The concept of constitutionalism limits the arbitrariness of political power. While the concept recognises the necessity of government, it also insists upon limitations placed upon its powers. In essence, constitutionalism is an antithesis of arbitrary rule. Constitution, therefore, is "a formal document having the force of law, by which a society organises a government for itself, defines and limits its powers, and prescribes the relations of its various organs ... with the citizens" (Nwabueze, 1973: 2). For parliaments to function effectively and efficiently, they must operate within a Constitutional framework because "Constitutions are especially important in determining the territorial distribution of powers within the state" (Hague, 1993:261). Similarly, Locke (1991) argues that, "The first and fundamental positive law of all Commonwealth is the establishment of the legislative power; as the first and fundamental natural law, which is to govern even the legislature itself, is the preservation of the society, and of every person in it" (Locke,1991: 355-6). The importance of Constitutions in this regard cannot be overemphasised. This is because Constitutions set the rules and powers of the governors and the rules of the political game (Watson, 1989: 51-64; Lijphart, 1984). Beetham (1991) opines that, for power to be legitimate, it should not only be based on the three Weberian principles of traditional, legal rational and charismatic authority, but "it must conform to established rules" (Beetham, 1991:16; Schwarzmantel, 1994:16). Therefore, Constitution forms the crucial aspect, and in this case, a rule-binding instrument. This implies that MPs are bound to subscribe to their Constitutions, whether they liked it or not. In exercising their mandates, MPs have to respect Constitutional rules and, therefore, not to act in an arbitrary manner. Holmes argues that Constitution, as a higher law, "is a device for limiting the power of government...it disempowers short-sighted majorities in the name of binding norms" (Holmes, 1995: 135). Hague sees it as a "state code in which the powers of, and relationships between, institutions are specified in considerable detail" (Hague, 1993: 262). Like most democracies, Lesotho has a Constitution, which regulates the behaviour between

public authorities and their citizens (Plotke, 2000: 1-7). This notwithstanding, the parliament of Lesotho has experienced major challenges apart from the formation of parties in parliament.

In analysing these unparliamentary practices in Lesotho parliament since 1993, this paper is divided into six sections. The next section provides a conceptual framework about the Westminster model that Lesotho inherited from Britain in 1966. The third section discusses the implications of floor crossing and the formation of three political parties in parliament. The fourth section focuses specifically on discrimination of opposition parties by the ruling party during the 6th and 7th parliaments. The paper will then analyse these dramatic and unparliamentary developments that took place during early days of the seventh parliament. The conclusion is on the main argument of the debate.

The Westminster Model

The model has been able to provide measures to address parliamentary process in many countries. The British politics has developed a unique tradition as a result of the Westminster model. The system pays much attention to the crown, the parliament, executive and the political parties. The system also places much emphasis on the doctrine of parliamentary sovereignty and accountability. It was the nature of this complexion of British political system that gave rise to what was then called the Westminster Model (Mackintosh, 1982). What is central to this model is parliament. To enter parliament one must be elected. Therefore, “the voters elected the parliament, and from the parliament were chosen the Ministers of the crown, who were accountable to parliament for their actions” (Dunleavy, 1992: 340). The elected government under this model is the ultimate source of authority. The exercise of executive powers depends on retaining the support of parliament, which was elected by the people (Dunleavy, 1992).

According to this model, parties compete for the right to form government. They sell their party programme to the electorates so that they can have the opportunity to oversee, direct the formulation and implementation of government policy within rules and procedures and under conventions of an elected parliamentary system. Therefore, “the leader of the party with the largest number of elected members in the House of Commons is assumed to have had his policies approved and therefore has a mandate to carry them through in government” (Read, 1993:70). The Westminster model posits that, “British governments are formed by the party which wins most seats in the House of Commons.... Usually, this is the party which also controls the majority of seats” (Read, 1993: 66). Furthermore, the Westminster system, advocates for an ideal of a sovereign body elected by the citizens in a country. This body is empowered to make and unmake governments, to pass and amend legislation. The body is also empowered with the power to make the Ministers accountable to protect the rights of all citizens (Dunleavy, 1992).

Lesotho, like other former British colonies, such as Canada, New Zealand, Botswana and Australia inherited this system from Great Britain. All these countries are liberal democracies. In this system as discussed above, the party in each case that wins a majority of seats in the national assembly forms the government and thus has a mandate to put its manifesto into legislative effect (Hague, 1993; Dearlove, 2000). This Westminster system is a constituency focus model which implies that representatives must secure benefits of his or her party and assume a party focus which also “ implies that the legislator's main allegiance is to the party to which he or she belongs” (Hague, 1993:293). This also means that there should be accountability. The electors must have maximum control over their representatives/delegates. For that reason, “the process of governance must not only be accountable and participative but also transparent. The process of governing needs to be visible and understandable to the population. As such, it will reassure them that it is trustworthy, and encourage their support and co-operation, rather than risking their alienation” (Harris, 1998: 349). This is vital in young democracies like Lesotho. All political parties in this process must change their behaviour in order to ensure that there is transparency in the policy-making process and that public participation is sustained. In this way the government will be accountable to the governed. This is an essential ingredient to any transitional democracy like Lesotho.

Accountability features most clearly in elections, because if voters do not like the record of government in power or their political party they can vote it out of office. Democratic governance in Lesotho has been experiencing major challenges. In most cases, one party has changed seats in parliament more than once. What is even more interesting is the emerging pattern of the formation of parties in parliament and the consistent breach of parliamentary norms and values as espoused by the Westminster model. This phenomenon has posed interesting questions in different quarters. For Constitutional lawyers the explanation of this trend could be justified by a legal positivist view, which argues, among others, that every issue or event must derive its source from the due process of the law. If the formation of the party was Constitutional then, there is no legal impediment for that action. After all the Constitution is very clear, a party with the majority members in the legislature can form government and therefore, has fulfilled its mandate to govern. To political scientists, however, the question is the manner in which a party is formed and most importantly where it was formed. Parliamentarians are duly elected by the national mandate to represent the views of the electorates. If it so occurs that they need to renew their mandate, they must go back to the electorates. So the question of the majority of parliamentarians to cross the floor is not necessarily challenged as long as they do not undermine the public mandate. We can, by the same analogy argue that, parliamentarians have been sent to parliament by electorates to represent their views and certainly, one of those views is not to form a political party.

What must be noted is that the legislature is a representative body of the citizenry (Birch, 1993; Hague, 1993: 292; Lijphart, 2000). The concept of representation is not a straightforward one, since it has four conceptual meanings of interests that a parliamentarian must strive to represent, namely:

- a) The group that forms his constituency, which may be a social class or religious group;
- b) The country as a whole, “whose broad interests might transcend those of any group or party; or the legislator's own conscience which provides moral and intellectual judgement about appropriate political behaviour” (Danzinger, 1998: 133; Hague, 1993: 292).
- c) The political party to which a parliamentarian owes loyalty; and
- d) The most important function of a legislator is to represent the interests of the governed.

In most states, it is possible for a legislator to represent these four conceptions without a deeper conflict in dealing with the problem of representation. However, in some cases legislatures seem to lack choices, mostly in undemocratic states and democratic one-party dominant states, like Uganda, Namibia and Zimbabwe. The common characteristics of these states are the diminished independence of the legislators' role. The legislators under these conditions “where their actions are dictated by the political leadership, act as little more than 'rubber stamps'. This position would probably characterise the behaviour of a legislator in Cuba or Zimbabwe” (Danzinger, 1998:133).

At the heart of any political dispensation, there has been a running disagreement of the concept of representation. The dispute had revolved around the question of how elected representatives should conduct themselves. Should they conduct themselves in the national assembly or act in accordance with the mandate given to them by their constituents or should they renege their mandate and act as trustees for the public interests? These debates, have continued to persist in contemporary democracies. However, what is important to be noted about members of parliament is that “what establishes their status as representatives is that they have been appointed by a certain process of election. This is their defining characteristic” (Birch, 1993:70).

The fact still remains however, that representation is at the root of National Assemblies and what these parliaments are all about. These bodies stand for the people and act for them. For Edmund Burke, an eighteenth-century statesman, in his celebrated speech in Brixton, England to the electors, he expressed the trustee and delegate approach even though it was later rejected by them. Burke argued that the delegate must ensure at all times for all intents and purposes that he or she reflects the aspirations and expectations of his or her constituents who elected him or her to represent them in parliament, while the trustee on the other hand uses independent judgement on behalf of his or her constituencies (Hague, 1993). He further declared that “your representative owes you, not his

industry only, but his judgement; and he betrays, instead of serving you, if he sacrifices it to your opinion” (Schwarzmantel, 1994:41).

In contemporary Lesotho parliaments, it appears that legislators are neither pure trustees nor delegates. They rarely vote according to the wishes of those who elected them, even though they still represent them. They are not purely trustees because they rarely use mature judgement when voting in the legislature but consider other exigencies. They are representatives who are constrained by party mandate and discipline, because “party loyalties cut across the traditional distinction between the delegate and the trustee” (Hague, 1993: 292). As a result, it is important to recognise that elected legislative members are representatives and this cannot be reduced to any different meaning of representation. Their representative status as explained above derived from a process of election, which gives them that role. Birch (1996) submitted that it was Hobbes who first argued that authorisation in parliament is acquired through the process of elected representation. Members of legislature have therefore, been authorised by the process of election to exercise certain powers. It is their defining characteristics, and they shall execute their party mandate because they are legal representatives until they step down, die or defeated. No matter how they behave in the national assembly they must defend their electoral mandate. In fact, it can also be argued that in practice, most elected representatives, while paying some attention to values and interests of their constituents, are also free to exercise their independent judgement about what is best for their party or country (Birch, 1996).

Therefore, a representative is someone who speaks on behalf of the people he is representing, but not closely tied by restrictions imposed by the constituency when making decisions in the National assembly during the debates regarding legislative programmes. This mandate/independence controversy is likely to hound many democracies and remain alive for a very long time because each represents a viable view of how an elected person should behave. In a pluralist society like Lesotho as elsewhere, representatives are made up of plethora of interests such as political parties which form programmes that appeal to certain interests in society. These parties aggregate interests and some common needs of the people and put them together in a relatively coherent manner or framework. They are crucial institutions, which represent people in politics (Schwarzmantel, 1994). Therefore, a representative in this sense describes a political party or a person who has acknowledged the duty of defending or advancing certain interests specified by his or her principal...but in all cases the function of this kind of representative is to achieve certain goals set by his or her principal, and the extent to which these goals are achieved is a criterion of successful representation (Birch, 1996:71).

In this case, the programme of principle (manifesto) describes the above goals, which a representative singly or in majority must engage all his or her energies to achieve. It can be argued from this perspective that the formation of a different political party, in parliament, falls outside the above goals described in the programme of principle. If that was the case for instance, it would be very difficult to sell that principled programme to the voters, that is, “elect me and once I am in parliament I will form a new political party and abandon the current one”. This could be a mammoth task indeed.

Implications of Floor Crossing and formation of Political Parties in Parliament

The main parties in Lesotho, the LCD and the Basotho National Party (BNP) are known for their internal conflicts. These parties have been affected by series of defections and infighting as a result of party executive elections. The irony has been that these major parties (BNP and LCD), are supposed to be the drivers of democracy. They appear to suffer serious deficiencies in terms of internal democracy (Likoti, 2005). What appears to have been the major source of conflict in these parties has been the manner in which National Executive Elections were conducted. First, the incumbent leadership in these parties in Lesotho are known for their skilful manipulation of party elections in their favour. Since they oversee the election processes,

they ensure, by all means, that they get re-elected come the next party elections. Second, they have in most cases, nominated their party delegates to these conferences through corrupt means and empty promises. Third, while members at the grassroots level form party committees, they are often ignored where the leadership appear favouring a certain candidate or having policy differences (Likoti, 2005). Therefore, to be a member of the constituency committee does not guarantee one a place at the conference as delegate. Finally, the leadership has been able to exploit the weakness of party organisation in the country by ignoring party structures. It will be a mistake to expect undemocratic parties to drive and promote the culture of democracy in Lesotho (Likoti, 2005).

Under the first-past-the-post (FPTP) electoral system which forms part of Lesotho Mixed Member proportional representation (MMP), a representative is elected as an individual. This system gives MP latitude to migrate from one party to another (cross the floor) as and when he deems necessary. With the incessant conflict that pervades political parties in Lesotho, this system makes it easy for MPs to cross the floor and form parties. While both the Constitution and parliamentary standing orders allow this practice, it tends to produce unintended consequences. For instance, since 1997 three political parties were formed in Lesotho parliament. These are: the Lesotho Congress for Democracy (LCD) formed in July 1997, the Lesotho Peoples Congress (LPC) which broke from LCD on September 2001 and the All Basotho Convention (ABC) which also fragmented from LCD in October 2006. Most of these fragmentations resulted from intra-party conflicts.

The above fragmentations, according to Matlosa and Shale (2006) undermine the legitimacy and accountability of MPs and most definitely denudes the political value of representative democracy. The implication of this cross carpeting is that the legitimacy of parliament has been severely challenged by floor crossing as a result of intraparty conflicts. Parliament has to be regarded as legitimate and credible. Hughes (2006) argues that legitimacy derives not just from a country's Constitution, the institutional outcome of free, fair and frequent elections, but from the behaviour of parliamentarians, both in parliament and outside the legislature.

The manner in which these three parties were formed challenged the legitimacy of parliament because these parties lacked the mandate from the electorates. Their formation is not only unparliamentary, they were used to advance some individual MPs interests. In fact, in any democracy, representation forms the core of what parliaments are all about. A constituency focus implies that the main aim of an assembly member is to secure benefits, or provide services for the area that elected him (Hague, 1993: 293). Certainly, the formation of these parties (LCD, LPC and ABC) in parliament was not meant to secure benefits for BCP and LCD constituencies. Floor crossing in parliament does not only destabilise parliament, it also undermines political parties themselves.

The second factor that appears to motivate floor crossing is lack of intra-party democracy within Lesotho political parties. This feature has become a major source of conflict. In most cases, whenever parties develop internal conflict, they tend to resort to litigation. When this process fails, negotiations are not helpful either, hence, floor crossing becomes inevitable. Floor crossing therefore, tends to destabilise parties, “destabilise parliament and generate uncertainty in the process of nurturing and consolidating the country's new found democracy” (Matlosa and Shale, 2006:37-39).

One of the major weaknesses of the Westminster model is that it allows MPs to cross the floor without first seeking the mandate from electorate. The system does not compel MPs to consult before arriving at such crucial decision. This action undermines vertical accountability of MPs to their electorate. It is also clear that floor crossing tends to exacerbate problems of fragmentation in emerging democracies such as Lesotho where political parties lack strong structures.

Discrimination Against other MPs

Another challenge that befell Lesotho parliament was discrimination of PR parliamentarians in Lesotho parliament. The LCD, as a dominant party in parliament, during the 6th parliament in 2002 resorted to using its majority in its favour to pass unpopular legislation. Example is the Members of Parliament Salaries Act of 2003. In amending the 1998 Members of Parliament Salaries Act in 2003,

the government argues that, “Proportional representation MPs do not represent the electorate but their parties. So they cannot be given constituency allowances because they have no constituencies” (Makoa, 2005: 63). This 2003 Act polarised the Lesotho parliament to the extent that it was not easily feasible how democratic consolidation can be achieved under these circumstances.

While the national Constitution forbids discrimination (The Constitution of Lesotho, 1993), it comes short of providing remedies for judicial intervention in a parliamentary stalemate. This has made it impossible for the aggrieved MPs to seek recourse from the courts in relation to the current discrimination. Since these Proportional Representation MPs are not seen as genuine/legitimate MPs, this has soured relations between the ruling party and the opposition parties. With its majority, the LCD has discriminated against opposition parties in various ways. First, by refusing to give due recognition to Proportional Representation MPs LCD has exacerbated confidence building measures between itself as government and opposition parties. Second, these PR MPs have been denied constituency allowance and fulltime state funded secretariat services at the constituency level which were given to the FPTP MPs who are predominantly members of the ruling party. After the 2002 election, the ruling party introduced constituency secretaries for all members of Parliament who won constituencies. This ensured that in all these 80 constituencies, there is a paid up secretary who serve members of Parliament including one opposition member who won one constituency. This made certain that the ruling party is able to function at the grassroots level unlike most opposition parties that were not extended this financial facility by the government.

While there are many definitions of democracy, there is a consensus among scholars that “a democracy can almost be defined in terms of the existence of an effective opposition because without these opposition parties, democratic consolidation cannot be achieved” (Shrire, 2000: 27). In most developing and developed countries, the media have been singled out as an agency which has been in the forefront of popularising and stressing “the indispensable role of opposition parties in protecting the interests and rights of citizens, monitoring government, and consolidating democracy”(Habib and Taylor, 2000: 52). There are several reasons why opposition parties are needed in democracies. Habib and Taylor quoted Jun and Ian Shapiro (1995) who argued that opposition parties,

...facilitated a peaceful alteration in government. Parliamentary parties are perceived as institutional sites where 'counter political elites... (can) organise and inform themselves so as to be able to contest for power'. Should such institutional sites not exist, 'crises for the government are correspondingly more likely to become crises for the democratic regime. (Habib and Taylor, 2000: 52).

The parliament has consistently refused to recognise and appoint the Leader of the Official Opposition. In the 2002 parliament for instance, the BNP had 21 MPs having acceded to the National Assembly via Proportional Representation just like NIP in 2007. The BNP struggled unsuccessfully for five years to be awarded the status of Official Opposition (Public Eye, March 02, 2007). These unparliamentary practices were also extended to the 2007 parliament where dramatic events unfolded.

Dramatic Developments of the Seventh (7th) Parliament

Following the 18th February 2007 snap election in Lesotho, the parliament was confronted by even more challenges. One of these related to parliament convening without the rest of the newly elected Members. On the 23rd February 2007 members of the opposition failed to turn up for the swearing in ceremony in the country's seventh parliament. They argued that they were not invited. The National Assembly clerk, Rethabile Maluke, maintained that these opposition parties were invited over the national radio and “this was the procedure that we used over the years. It is a

surprise that those same MPs who are now complaining never complained in 2002” (Public eye, March 02, 2007). This action was very unparliamentary to say the least. It shows the extent to which Lesotho parliament has degenerated into sloppy procedures more especially where public representatives were concerned. According to democratic conventions MPs have to be treated with respect as national representatives. They should not only be invited by a radio but be formerly and cordially written to. The fact that some ruling party members and three other parties attended the proceedings does not justify the above unparliamentary action. The consequences of this sloppy procedure, therefore, denied other parliamentarians their legitimate right to elect the Prime Minister of their Country, the Speaker of the National Assembly, the Leader of the official Opposition and the other party leaders. While the Leader of the Official Opposition was not appointed, the leader of the third largest party was appointed to take a seat in the Council of State. The exclusion of opposition parties from this swearing in ceremony of a democratically elected government as legitimate representative of the people directly challenged Lesotho democracy.

In another development, some opposition parties raised strong objections to the election outcome and engaged in a number of activities in support of their discontent. Firstly they objected to what they termed a deliberate exclusion of the leader of National Independent Party (NIP) in parliament. For instance, the leader of ABC requested the Speaker of the National Assembly to facilitate that the house discussed the issue of Anthony Clovis Manyeli, leader of NIP who by circumstances surrounding his party's alliance with the LCD was left out among Lesotho parliamentarians being sworn in. The ABC request was raised in a form of point of order. This was contrary to parliamentary Standing Order Number 12, which deals with the appointment of new members of parliament appearing on the gazette submitted to parliament by the IEC. The Speaker argued that, the name of Manyeli did not appear in the list before the house. She submitted that only those in the gazette produced by the IEC could be sworn in as Members of Parliament and she subsequently ruled the request out of order. Leaders of Marematlou Freedom Party (MFP) and BNP who supported the ABC request were also ruled out of order on the same issue. Consequently, these leaders staged a sit-in in the National Assembly until late at night when they were forcefully removed by the police and the national army.

Subsequent to the above developments, the ABC, LWP, BNP and MFP notified the Speaker of the National Assembly of their resolution that they have formed a parliamentary coalition and thus have nominated the leader of ABC as their leader. This communiqué was submitted to the Speaker in May 2007. In her response on September 8th, 2007, the Speaker read her ruling and declared that the coalition was unacceptable. She based her decision on Section 3 (Interpretation Section) of the Members of Parliament Salaries Act No.18 of 1998, which requires that the Leader of Coalition shall be a person leading a party or coalition of parties commanding 25 percent of the total membership of the National Assembly seats. She further concluded that, whether the parties have 31 seats or not, “for all intents and purposes, there is no legal body called 'coalition of political parties'. The request for coalition would therefore not be granted. The only circumstances under which the requested recognition would be lawfully due, would be by merging or bringing (the parties) together to form one entity”(Public Eye, October 05, 2007).

For second time since 2002 parliament, the Speaker of parliament still could not appoint leader of the Official Opposition. The Speaker Assembly refused to grant the leader of ABC the status of the Official Leader of Opposition despite having won 17 constituencies and gaining additional 10 PR seats from his coalition partner the Lesotho Workers Party and after the other parties namely, MFP, and BNP had written to the Speaker declaring that they had formed a coalition with ABC and altogether having 31 seats in parliament, BNP 3 PR seats and MFP 1 PR seat. According to the Independent Electoral Commission (IEC), the ABC was supposed to be the main opposition in parliament (Watchdog, February, 26, 2007; March, 05, 2007). However, the parliamentary Speaker saw it differently.

Opposition parties provide a viable institutional outlet for people who are unhappy with the government performance. It is through these institutions that government will be kept in check. Therefore, opposition parties present a constant reminder to the government that if its performance is not up to standard they will be removed from power come the next elections. Sustaining their attack on the ruling party enabled them to be perceived by prospective voters as a viable alternative to the ruling party. Furthermore, it can be argued that, “a viable parliamentary opposition facilitates institutional arrangements that enable the performance of a variety of public interest functions” (Habib and Taylor, 2000: 52). In most cases, the opposition has an interest in keeping the government on its toes because this will make prospective voters see them as a better alternative to the government. By consistently engaging the government, the opposition parties are able to monitor and hold the government to account in a way that an ordinary citizen could not because they ask awkward questions both inside and outside parliament. They are also able to expose corrupt practices and excesses of government.

The ruling by the Speaker of Lesotho National Assembly was not only unfair but also unparliamentary because the ruling party, LCD was in an identical coalition with the National Independent Party (NIP) which was also supported by the National Constitution Section 87 (2). This Section allows coalition of political parties and Section 95 (h) argues that the Speaker shall appoint the Leader of Opposition and the leader of the opposition party or coalition of parties having the next numerical strength to the Council of state. It has been difficult to know why the Speaker ignored the Constitution in her refusal to honour the Opposition coalition. The fact of the matter is that the position of Official Leader of the Opposition is created by the Constitution, and not by the Members Salaries Law. That law she cited was simply meant to make it difficult for the Leader of the Opposition to get benefits that goes with the status. It was for this reason that the Speaker's ruling sent shock waves to political scientists in Lesotho.

The role of the opposition is important for the consolidation of democracy in the country. The Opposition's main role is to question the government of the day and hold them accountable to the public. The Opposition represents an alternative government, and is responsible for challenging the policies of the government and producing different policies where appropriate. A Leader of the Opposition is responsible for representing the Opposition at state functions, meetings with dignitaries and other important events. One of the most important jobs of the Opposition is to constantly question the Government. “Any Government has to remain answerable to the public at all time. A good Opposition can put the spotlight on serious issues, and have them resolved quickly” (Likoti, 2007: 9). Therefore, being in Opposition is not just about opposing the Government. In fact, “there are occasions when the Opposition agrees with the Government. If the solution proposed by the Government has wide support, and is soundly based, then it's only natural for the Opposition to agree”(Likoti, 2007: 9). It is inconceivable for the Speaker of the National Assembly to refuse to bless this opposition which is needed by Lesotho polity.

In the aftermath of the February 17 2006, a member of the ABC, Mr. Tsotang Mophethe who lost the Matlakeng constituency was invited to parliament to be sworn in as an MP. What shocked most people was to see Mophethe being sworn in as a Member of Parliament for the area on Thursday 15th March 2007 (Public eye, March 30, 2008). He was supposedly taking the place of the rightful winner for LCD, Mr. Mothobi Nkhahle. Mophethe stunt came to an abrupt end five days later when the parliament realised the mistake. He was accordingly stripped off his title and kicked out of parliament. What remained to be explained was, why this un-parliamentary swearing in of an

unelected individual? Why was this not spotted before? The Speaker of the 7th Parliament informed the house that Mophethe was not an MP. She went on to explain the procedure that must be followed for one to become an MP but came short to explain the circumstances that led to Mophethe being sworn in.

When the Speaker was asked about this unparliamentary act, she refused to reply (Public eye, March 30, 2008). In fact, a faxed document from the IEC listed MPs who were to be sworn in on March 15th. In the list Mophethe's name appeared as number 24. The list was read before MPs and Mophethe's name was called. On the other hand, the Hansard of the National Assembly report on March 15th 2008 pitted Mophethe as number 25. These were some of the irregular activities that were performed by the 7th parliament of Lesotho. It is in fact unparliamentary for any person who was not elected to be sworn-in in parliament (Public eye, March 30, 2008). These dramatic events have certainly tarnished Lesotho's fragile democracy and its parliament.

Conclusion

According to Westminster model, Members of parliament enter parliament only through the ballot. They can either gain access as independent or party representatives. It is therefore, improper for the above parties (LCD, LPC and ABC) to enter parliament on a different party mandate and subsequently reconvening themselves into different political parties which were never voted into this house. It is safe to conclude that Lesotho electorate was betrayed in June 1997, October 2001 and in September 2006. These actions were not only unparliamentary but undermined the Westminster model, Constitutional principles and representative democracy. The fact of the matter is, MPs enter parliament, because they have been elected on a clear programme of principles (mandate).

The discrimination of other parliamentarians in parliament by the ruling party is not only unconstitutional but unparliamentary more especially when MPs are supposed to earn equal salary and benefits. This challenging behaviour must change if Lesotho democracy has to be consolidated. The dramatic developments in the 7th parliament have become a major cause of concern.

Since no government is infallible, it is bound to make some mistakes. It is the role of the opposition to raise these issues and correct government. The relevance of the opposition in parliament cannot be overemphasized.

Note:

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