

**Impact of Floor Crossing on Party Systems and Representative Democracy: The
case of Lesotho**

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Introduction

There is a firm consensus in both academic and policy discourse that political parties are a central linchpin of representative democracy. Representative democracy is surely unthinkable without political parties. Parties are among the key political institutions that provide an anchor for a working representative democracy. However, political parties require, among other things, internal cohesion, democratic and visionary leadership, intra-party democracy and constructive management of internal conflicts as well as mutually beneficial inter-party relations if they are to add value to representative democracy. Without the above virtues political parties on their own, and through the legislature, may not play their role effectively as agents of representative democracy.

This paper discusses the impact of floor-crossing on party systems and representative democracy in Lesotho. The paper will focus mainly on major floor-crossing developments which have led to party breakaways and changes of government in parliament through ‘political migration’ of politicians. These developments happened in 1997, 2001 and 2006 (details later). We invoke the notion of migration in this debate deliberately. Migration is often associated with human movements within countries or across countries. Within countries, it involves movement of people mainly from rural to urban areas and across countries it involves movement of people from less developed to relatively well developed countries. At the heart of migration is a prospect for improved socio-economic condition when one moves from a place of origin to a place of destination. We invoke this notion to suggest that a similar mindset is at play in floor-crossing or political migration in legislatures, namely that a politician or politicians move from one party to another with a hope that prospects for accessing state power are greater with the new rather than the old party.

While floor-crossing or political migration, in and of itself, is not necessarily undesirable in a democracy, if not well-managed, it accentuates the proliferation of parties, a trend that may have adverse effects upon already fragmented party systems and fledgling representative democracies, such as the one prevailing in Lesotho. In the discussion that follows, we intend to find out how faction-fighting and splits in parties which in turn leads to floor crossing in parliament impact on Lesotho representative parliamentary democracy. We will make three distinct, albeit interrelated, arguments namely:

- i. Floor-crossing (political migration) in Lesotho, although permissible constitutionally, undermines the country’s representative parliamentary democracy;
- ii. Floor-crossing (political migration) in Lesotho is also a clear manifestation of Lesotho’s fragmented party system which is not sufficiently robust for the institutionalisation of democracy; it therefore reinforces the fragility of the country’s democracy, since the country’s historic political transition of 1993; and
- iii. Given that floor-crossing (political migration) is a feature of the constituency-based electoral system that Lesotho inherited from the British in 1996, with the reform of the electoral model towards more proportionality and the adoption of the Mixed Member Proportional system it was assumed that this problem would

be redressed, but recent developments suggest that this is not the case; in fact the country's current political crisis is marked more by fragmentation of the party system which directly and indirectly destabilises parliament and other spheres of the governance realm.

Following these introductory remarks, we will provide a brief political context to our discussion on floor-crossing and its impact on party systems and representative democracy. The linkage between floor-crossing and electoral system will be the next subject of our discussion. This will be followed by a discussion on the linkage between floor-crossing and party system. We will then explore the possible impact of floor-crossing on parliament and representative democracy. Before concluding the paper, we will also outline immediate challenges posed by the 2006 floor-crossing and the emergence of the new political party. The conclusion wraps up the debate and sums up our main observations.

The Political Setting

Lesotho is a parliamentary democracy with a dualistic governance system. In this system the government is headed by the Prime Minister, while the state is headed by the King. Lesotho, therefore, operates the Westminster political system whereby the Prime Minister is appointed by the King on the advice of State Council from a party with majority of seats in Parliament to become the Head of Government. The King, himself remains the Head of State by virtue of his traditional status which is hereditary. In this way, Lesotho operates a fairly unique governance system that blends modern democratic systems with traditional governance system; a rare hybrid system in Southern Africa.

Like all other countries, government in Lesotho operates through three main organs namely the executive, the judiciary and the legislature, while two others namely the bureaucracy and the security establishment play supplementary and subsidiary roles. Typically, the executive tends to dominate the other organs of the state. For the purpose of this paper focus will be on the legislature. The country has a bicameral parliament (i.e. the Upper House or Senate and the Lower House or National Assembly). The 33-member Upper House or the Senate is constituted through appointments made by the King on the advice of the Prime Minister. The majority of the appointees are Principal Chiefs from the country's 22 Wards. The 120-member National Assembly (the Lower House) is the elected house. The main law-making organ of the state is the lower house while the upper house holds it accountable and delays the passing of bills.

Although Lesotho is a parliamentary democracy, one prominent feature of the country's political landscape has been its political instability since its independence in 1966. While it is not the task of the present paper to investigate the factors behind the entrenched culture of instability in Lesotho, we note that in many ways this instability has tended to undermine the institutionalisation of the country's democracy over time. Our interest is to find out the extent to which fragmentation and faction-fighting within political parties, especially those represented in parliament, tends to fan and fuel this instability (see Matlosa and Sello, 2005; Kadima, Matlosa & Shale, 2006).

As will become clear in the discussion below, the politics of floor-crossing in parliament have a dynamic interface with electoral systems and party systems. This is so because an electoral system facilitates formation of parliaments and party systems determine the way political parties operate and interrelate both within and outside parliament.

The Electoral System and Floor-Crossing

Upon its political independence in 1966, Lesotho adopted the British Westminster system of governance including its plurality-majority electoral system. Through this system, a country is divided into constituencies and each constituency elect one representative to parliament and the winner of an election secures a victory on the basis of a simple plurality of votes. That is why the system is also often referred to as the First-Past-the-Post (FPTP), or the winner-take-all, system. Representatives are elected into parliament as individuals even if endorsed by political parties. They enter parliament as individuals representing their constituencies. It is this feature of the FPTP that then allows the members of parliament the latitude to move (or migrate) from one party to another in parliament (cross the floor) as and when they deem fit. Such movement of MPs, although allowed by the constitution, permissible on the basis of the electoral system and governed by the parliamentary rules and regulations (Standing Orders), tends to have other unintended consequences such as the fragmentation of the party system, destabilisation of parliament and undermining the legitimacy and accountability of MPs and above all denuding the political value of representative democracy.

The major floor-crossing that shook Lesotho’s political system under the FPTP electoral system happened in 1997 following a historic transition from military dictatorship to a multi-party democracy in 1993. The major political development that solidified the 1993 transition was the election of the same year. The outcome of the election race was a landslide victory for the BCP as illustrated in Table 1 below.

Table 1: General Election for the National Assembly, 1993

Contestants	No. of Votes	% of Votes	No. of Seats
BCP	398 355	74.7	65
BNP	120 686	22.6	0
MFP	7 650	1.4	0
Other	6 287	1.2	0
Total	532 978	100	65

Source: Matlosa, 2002.

The BCP won all the 65 constituencies and hence all the parliamentary seats in the National Assembly leaving all the other parties in the cold even though they had together garnered about 25% of the total votes.

While this development may have come as good news to the winning BCP which then formed a new government in a democratic dispensation, this political success came with political costs too. Not only did the new BCP government confront a plethora of challenges including conflicts with the security forces and the monarchy, but importantly for our discussion here the party faced an internal menace: faction-fighting and power struggles. Thus, the political honeymoon for the newly elected BCP proved brutally ephemeral. Disagreements began to surface over the leadership of the party and the sharing of the spoils emanating from the control of the state. Consequently, tensions began to mount and the one-party parliament began to develop internal cracks as opposition emerged within the monolithic ruling party.

This internal feuding within the ruling party was not based upon any ideological or policy differences, but rather on leadership tussle involving the party bigwigs. The political tug-of-war between the factions within the BCP resulted in a rupture of the party. This development followed a Special Conference of the BCP organized by the party leader, Ntsu Mokhehle which convened at the Cooperative College on the 7th June 1997 attended by about 1000 delegates from all the constituencies. According to the then party leader and Prime Minister, the main purpose of that Conference was to deliberate on internal problems of the BCP which had for over a year witnessed legal battles while preparations for the 1998 elections lagged far behind (see Hansard, Third Meeting-Second Session of Fourth Parliament, Monday, 9th June 2006). At that conference, a decision was taken to establish a new party-a breakaway group from the ruling BCP. This development culminated in the emergence of a splinter group known as the Lesotho Congress for Democracy (LCD).

Led by the Prime Minister, this newly established party enjoyed support of a majority of seats (40 MPs) in parliament and subsequently displaced the BCP (with 25 MPs), which had been catapulted into power by a popular vote. To the chagrin of the BCP, the new LCD constitutionally became the ruling party (simply on the basis of its numerical strength in parliament) and the BCP (despite its numerical strength conferred upon it by the 1993 election) was then declared an official opposition in parliament, a designation they publicly denounced. The fact of the matter, however, is that the LCD became a *de facto* authority which constitutionally replaced the BCP government, despite allegations of a *coup d'état*. That is why the new government was a constitutionally constructed authority between 1997 and the 1998 election even if it had not been put into power through a popular vote. Announcing the formation of the LCD in a press conference at the parliament buildings on the 9th June 1997, the Prime Minister declared that “since in this move we enjoy the support of a majority of MPs, there will be no change of government. Those who prefer to remain with the BCP, we wish them luck in their new role as official opposition in parliament. I request them to nominate the leader of opposition and submit the name to the Speaker of Parliament, so that government is able to accord him/her the requisite privileges” (Daily Hansard, Official Report of the Third Meeting-Second Session of Fourth Parliament, Monday, 9th June 1997). Immediately after the press conference, the Speaker of the National Assembly followed the announcement of the Prime Minister and exhorted the BCP to nominate and submit the name of the leader of opposition. A profound sense of political bitterness ensued as the

BCP felt cheated and unfairly elbowed out of power by the new LCD. This political bitterness, in part, explains the political instability that followed including the violent conflict that marked the 1998 election and its aftermath.

Thus, during the period between the establishment of the LCD and the general election in 1998, Lesotho's political landscape was marked by an enormous amount of political bitterness and tension among political parties. This landscape mired by tension set a perfect stage for an election that would be followed by a deep-seated and violent conflict in 1998. The LCD won the election overwhelmingly and the popular choice seemed to legitimise the 1997 split of the BCP and the emergence of the LCD, which ultimately assumed the reins of power simply on the basis of parliamentary majority. The outcome of the election is illustrated in Table 2 below.

Table 2: General Election for the National Assembly, 1998

Contestant	No. of Votes	% of Votes	No. of Seats
LCD	355 049	60.7	79
BNP	143 073	24.5	1
BCP	61 793	10.5	0
MFP	7 460	1.3	0
Other	16 244	2.9	0
Total	584 740	100	80

Source: Matlosa 2002.

It was, therefore, no consternation that the BCP and other opposition parties notably the BNP and the MFP would reject the election outcome and resorted to political violence that nearly plunged the country into a civil war. The LCD won 61% of votes but secured 79 seats out of a total of 80. As was the case with the 1993 election, the 1998 election produced a near-one-party parliament. Again as was the case with the post-1993 parliament, the LCD parliament was poised to experience internal problems especially relating to internal cohesion, faction-fighting and floor-crossing (political migration) in parliament. It, therefore, came as no surprise when LCD experienced a split hardly five years after its formation. Its Deputy leader left the party and formed the Lesotho Peoples' Congress (LPC) in October 2001. The LPC was registered with the Law Office on 8th October 2001. The existence of the party was formally announced in the National Assembly on the 12th October 2001. After being advised by a letter from the party's General Secretary, Mr Shakhane Robong Mokhehle, a younger brother of Ntsu Mokhehle, that some members of the party were MPs, the Speaker of National Assembly requested those involved to cross the floor. A total of 27 Members of Parliament (MPs) crossed the floor joining the LPC under the leadership of Mr. Kelebone Maope, former Deputy Prime Minister and Minister of Justice, Human Rights and Constitutional Affairs. The LPC then assumed the role of a political opposition in Parliament. After the floor-crossing, the Speaker of the National assembly made the following important observation:

Honourable Members, today we have reached a sad day for our democracy, although I am comforted by a sense of joy on your faces. As many of you know, floor-crossing in parliament often destabilises parliament as it is accompanied by a problem of accepting these new changes as well as ensuring cooperation among factions. Be that as it may, I truly and humbly appeal to everyone of you that during these trying times, you be vigilant. Everyone of you should remember that you are here in this House because of votes by the electorate; you were chosen among many contestants. The electorate chose you because they had trust in you given your understanding, compassion and appreciation of their problems. But above all you had shown trust in the eyes of the electorate (Daily Hansard, Official Report of the Third Meeting-Second Session of the Fifth Parliament, Friday, 12th October 2001).

A year later (2002), Lesotho reformed its electoral system abandoning the FPTP system and adopting the Mixed Member Proportional (MMP) system. The point to emphasise at this juncture is that when the Lesotho electoral system changed from the FPTP to the MMP in 2002, it was assumed that the country's election-related conflicts would subside and the problem of floor-crossing in parliament minimised. This was not entirely the case as will become evident shortly. Within the framework of the new MMP electoral system, the size of Lesotho's national assembly was increased from 80 to 120 seats. Of the total seats, 80 are occupied through a constituency-based election (FPTP) and the additional 40 through the party-list system (PR). In this scheme of things, only MPs (120) elected through a constituency-based voting system can cross the floor in parliament and those elected through a party-based list system (40) cannot cross the floor and still retain their seats. In fact, the original intention of the Lesotho electoral designers was that following the 2002 election all subsequent election would be organised on the basis of 1:1 ratio of PR/FPTP seats in parliament. This has not yet been affected at the time of writing this paper, as the ruling party seemed to have developed cold feet over this matter.

The Party System and Floor-Crossing

Conventionally, there are four types of party systems. The one-party system obtains where only one party (the ruling party) exists and dominates the political scene and no other party has any prospect of dislodging it from power. The two-party system (duopoly) prevails in a setting where two dominant parties exist and both stand equal chances of constituting a government than any other party. A dominant party system denotes a system in which even if a multiplicity of parties exist in a given country, only one party exercises such profound hegemony that it tends to reproduce itself as the ruling party over a long duration of time in successive elections under conditions of fragmented, disjointed and enfeebled opposition parties. A multiparty system presupposes a political setting whereby many parties exist and all of them stand roughly equal chances of controlling state power. Looking at all these four party systems, Lesotho does not fit neatly into any one of them due in large measure to the fact that the country's party system is generally marked by fragmentation. Both ruling and opposition parties alike tend to experience fragmentation through internal faction-fighting and splits.

Not only do parties in Lesotho lack a culture of cooperating and working closely together for mutual gain, but internally parties tend to engage in unending faction-fighting which undermines their organisational cohesion and institutional effectiveness. This problem is even more acute for parties represented in parliament. Parties in Lesotho generally lack intra-party democracy and thus when conflicts emerge within them either this get resolved through the courts of law or if that route either fails or is seen as not a viable prospect by aggrieved factions, a party split is inevitable. Not only does this trend destabilise parties, but it tends to destabilise parliament and generate uncertainty in the process of nurturing and consolidating the country's new-found democracy. Of all the country's major political parties, none has been spared faction-fighting and splits over the past decade since the country re-introduced multi-party democracy.

Since the 1997 split of the BCP leading to the formation of the LCD and the further split of the LCD leading to the formation of the LPC in 2001, another major faction-fighting within the LCD has just recently caused political tremors within the ruling party. Following its overwhelming electoral victory in 2002 as illustrated vividly in table three below, the ruling LCD has not been spared Lesotho's age-old political cancer of fragmentation.

Table 3: General Election for the National Assembly, 2002

Main Parties	No. of Votes	% of Votes	No. of Seats
Lesotho Congress for Democracy	304 316	54.8	79
Basotho National Party	124 234	22.4	21
Basutoland African Congress	16 095	2.9	3
Basutoland Congress Party	14 584	2.7	3
Lesotho Peoples Congress	32 046	5.8	5
National Independence Party	30 346	5.5	5
Lesotho Workers Party	7 788	1.4	1
Marema-Tlou Freedom Party	6 890	1.2	1
Popular Front for Democracy	6 330	1.1	1
National Progressive Party	3 985	0.7	1
Total	554 386	100.0	120

Source: IEC, Results of the National Assembly Elections, 2002.

As was the case with the emergence of the LCD in 1997 and the LPC in 2001, this latest development has occurred about a year in advance of a general election scheduled for mid-2007. Just days following Lesotho's celebration of its 40 years of independence on the 4th October 2006, the Minister of Communications, Science and Technology, Mr. Motsoahae ThomasThabane, announced his resignation as cabinet Minister and as member of the ruling LCD. Given some tensions within the ruling party especially following its Annual General Meeting wherein Thabane himself had not been elected to the National Executive Committee (NEC), the grapevine had it that he may form a party.

Indeed, the Speaker of Parliament received a letter dated the 10th October 2006 advising her that “a new political party has been registered under the following name: All Basotho Convention. Some of the founding members of the said party are Members of the National Assembly”. Consequently, during the Thirteenth Meeting of the Sixth Parliament on Friday 13th October 2006, 17 members of the LCD crossed the floor of parliament and joined the All Basotho Convention (ABC). They were joined by Mr. L. Tsehlana MP for Mokhotlong Constituency number 79 who had been expelled earlier in February 2004 from the LCD, but did not lose his seat in parliament. This brought the total number of ABC MPs who joined opposition benches in parliament to 18.

This development has brought about a new opposition political party in parliament. The leader of the new ABC has advanced a number of factors including lack of implementation of agreed policies and corruption in the public sector, there is no gainsaying that uppermost in his decision to quit the LCD was the intensity of power struggles particularly around prospects for succession to the current party leader and Prime Minister, Pakalitha Mosisili. The party which gained 79 parliamentary seats (all constituency-based) following the 2002 general elections has now been reduced to 61 parliamentary seats. A new opposition party with 18 MPs, the second largest opposition to the main opposition, the Basotho National Party (with 21 MPs), has emerged. While before the latest floor-crossing the configuration of political power in the national assembly was such that the ruling LCD had 79 seats and the total opposition seats amounted to 51 parliamentary seats, now the LCD has 61 seats and the combined opposition seats amount to 59.

Table 4: Party Representation in the National Assembly following the Floor-Crossings

Parties	No. of Seats following the 2002 elections	Number of Seats following Floor-Crossing	Gain/Loss
Lesotho Congress for Democracy	79	61	-17
Basotho National Party	21	21	0
All Basotho Convention	...	18	+18
Basutoland African Congress	3	3	0
Basutoland Congress Party	3	3	0
Lesotho Peoples Congress	5	5	0
National Independence Party	5	5	0
Lesotho Workers Party	1	1	0
Marema-Tlou Freedom Party	1	1	0
Popular Front for Democracy	1	1	0
National Progressive Party	1	1	0

The question is whether or not this development strengthens or fragments further Lesotho's party system; enhances or inhibits the effectiveness of the legislature and ultimately strengthens or weakens the country's representative democracy. It is to these fairly complex issues that the next section now turns.

Impact of Floor-Crossing on Representative Democracy

It should be emphasised that Lesotho's politics tends to be marked by zero-sum nature of engagement of politicians across and within parties. This is explicable, in part, by reference to the country's poor resource endowment. A small, landlocked and impoverished Lesotho has always been mired by conflict-ridden politics, in part, because the political elite perceive politics (through parties and the legislature) as a license to access state resources. Given bleak prospects for accumulation in the private sector, the state becomes a major avenue for accumulation and that explains why contestation for state power among the elite becomes so fierce and has generated protracted violent conflicts in the past. This helps us pose even a bigger or complex problem: what exactly are prospects for building and sustaining representative democracy in poor countries without a sound economic base like Lesotho? This question is surely beyond the scope of our present discussion, but requires to be placed at the back of our minds as we discuss dilemmas of representative democracy in Lesotho.

But explaining the problem in structuralist (socio-economic determinants) terms alone may not tell us the full story. It is important also to emphasise the point that besides these structural determinants, leadership plays a crucial role in political parties, the legislature and democracy. Democracy requires democrats as its agents. If leaders are democrats, they are bound to embrace democratic ethos. If leaders are not democratic they are not likely to run parties in a democratic manner. If parties are not run democratically, they are bound to experience unending in-fighting and conflicts which may not be managed constructively resulting fragmentation and splits. As the old cliché goes, democracy cannot exist without democrats.

Lesotho's fragmented party system and factional politics undermine the parties and adversely affect the legislature. Put somewhat differently, the state of political parties determines the success or otherwise of a parliament borne out of those parties. From the tradition of one-party system during the heyday of the BNP rule (especially between 1970-1986) through the era of no-party system under the military regime (1986-1993), Lesotho's political system is currently marked by a fragmented party system characterised a proliferation of weak parties. This, in part, is a consequence of the overwhelming majority of the ruling party in parliament which breeds ground for factionalism- a phenomenon that would be less prevalent if there existed effective and strong opposition parties. Needless to say, the emergence of such parties has not been influenced by ideological differences but struggle for power. This is well illustrated by Mahao (1999) who shows that some members of the BCP made numerous attempts to oust the party leader. In this connection, it is worth noting, in fact, that all the major party splits and floor-crossing experiences in Lesotho have happened just as the general national election is in the horizon. This trend suggests that power struggle is a major

factor behind this trend. The combined effect of power struggles and the lack of intra-party democracy within political parties further compound their existential crisis and help us better understand and explain the splits and floor-crossing. Furthermore, floor crossing in Lesotho as elsewhere, happens without the consent of the rank and file membership hence some observers perceive floor crossing as unfair and a betrayal of the voters. Broadly, the impact of floor-crossing on Lesotho's representative democracy can be identified at five levels. First, floor-crossing changes the political complexion of the national assembly and alters the outcome of general election results. This means that a general election results can easily be altered by elite pacts and realignment of power in the national assembly. That explains why the LCD that received 79 parliamentary seats following the 2002 general elections now has 61 parliamentary seats. Second, proliferation of small and weak parties through floor-crossing further compounds the problem of fragmented party system in emerging democracies such as Lesotho. While multi-party system is good for democracy, it has its own dangers of proliferation of small parties with strong leaders. Third, when MPs cross the floor of parliament they are not compelled to consult their constituencies in advance and neither are the MPs compelled to seek a new mandate after crossing the floor. This situation undermines the vertical accountability of MPs to the electorate.

It is interesting to note that after the formation of the ABC, the leadership of the new party organised a public rally at Ha Abia (Lithoteng Constituency No. 34) on Sunday 22 October 2006 to introduce the party to the constituency which the party leader has been representing in parliament since the 2002 election under the LCD ticket. During the same day (22 October 2006), the LCD leadership including the secretary general, Mpho Malie, and the deputy leader, Lesao Lehohla, organised another public rally in the same constituency to with a view to come and explain to the electorate that their MP has reneged and left them in the lurch (see Mololi Volume 6 Number 41, 26 October 2006; Public Eye, Volume 10 Number 43, 27 October-2 November 2006). Fourth, it has also been observed that one of the weaknesses of political parties in Lesotho (and other emerging democracies in the region) is their lack of mutually reinforcing inter-party relations by way of cooperation and alliances where their ideological and programmatic positions coincide and open avenues for inter-party unity. Only recently, did three political parties in Lesotho namely the Basutoland African Congress (BAC), BCP and the LPC come together and form an alliance known as the Alliance for Congress Parties (ACP) aimed to contest elections under one banner in 2007. It is possible that the new electoral model that Lesotho has adopted, namely the MMP, is also having an effect on proliferation of small parties. While this model does have a feature of encouraging parties to form and proliferate, it also has another feature of encouraging party coalitions, power-sharing and national unity governments. Finally, if not well-managed, floor-crossing may undermine representative democracy in that if the electorate keep electing MPs who after a while would undermine that choice by switching political allegiances in parliament, the electorate may feel that the MPs tend to represent themselves. This situation may generate a legitimacy crisis for the MPs in the eyes of the electorate. This trend, may, in turn, result in declining public trust in the MPs and the parties. Available data from the Afrobarometer surveys suggest that public trust in political parties is declining in all SADC countries and opposition parties are the hardest hit compared to ruling parties.

The Immediate Challenges Posed by the 2006 Floor-Crossing

At the time of writing this paper, the political temperature in Lesotho seemed to be on the rise possibly due to the anxiety caused by the emergence of a new political player in the country. Undoubtedly, this development has transformed the complexion of party representation in parliament overnight as we demonstrated earlier in this paper. Not only that. Other developments are at play too. Two of these are important.

Firstly, at this time the country is making plans to undergo the African Peer Review Mechanism (APRM). Through this self-assessment mechanism, Lesotho's governance architecture will be assessed in terms of robustness and any possible deficits that need redressing. There is no doubt that one of the major deficits of Lesotho's governance architecture is the fragmentation of its party system which often destabilises government. This is likely to feature in the APRM report as one of the weaknesses of Lesotho's new democracy. Following the signing of the Memorandum of Understanding (MOU) between Lesotho and the APRM Secretariat which took place on Wednesday 15 November 2006, the Lesotho APRM process, led by Dr. Chris Stals (member of the APRM Panel of Eminent Persons), is now officially underway. It is expected that the APRM process will be completed by mid-2007. This is a sensitive process that requires political stability as it unfolds. Otherwise, if instability sets in, the whole APRM process is likely to be adversely affected. There is no gainsaying that intra-party instability may have ripple effects of destabilising inter-party relations. This may, in turn, trigger political instability at a national level, if not well managed. This is more so in the context when the country is preparing for a general election in 2007. This leads us to the second important development underway in Lesotho today relevant to this discussion.

Secondly, Lesotho is scheduled to hold its general election in 2007. With the emergence of a new political party, the political environment towards this election is increasingly becoming electric by the day. Political reaction of Lesotho's main political actors, especially the ruling party, to the floor-crossing development and the subsequent emergence of the ABC may either trigger instability or ensure a stable environment ahead of the 2007 elections. Political violence should be avoided by all means, because the political environment within which the election will take place is crucial in determining the credibility of the process and the legitimacy of its outcome. On Friday 24 November 2006, His Majesty the King dissolved the parliament. In terms of the constitution and the electoral law, following the dissolution of parliament by the King, an election has to be held within 90 days. During its meeting of the 29 November 2006, the State Council made a decision that the general election will be held on the 17th February 2007. This is a snap election. Fortunately, the opposition parties have retracted from their earlier threats to boycott the poll. They have committed to take part in the snap election despite challenges around adequate preparation time (voter registration, selection of candidates, candidates nomination, training of party agents, resource mobilisation, party campaigns etc). Voter registration closes on Friday, 08 December 2006. The IEC is already making preparations for the poll.

Conclusion

Political parties play a critical role in the functioning of representative democracy. For parties to play their rightful role in the nurturing and consolidation of democracy, they must exhibit considerable degree of internal cohesion and institutional effectiveness. We have argued in this paper that political parties in Lesotho lack internal cohesion and institutional effectiveness as agents of democracy. Consequently, Lesotho's party system is generally fragmented. In this situation parties are not stable. Both ruling and opposition parties experience internal discord and disharmony marked by conflict and faction-fighting and these often lead to splits.

When this happens, not only parties suffer as political institutions key to democratic politics, but other institutions suffer as well. These include the legislature. The legislature is one key political institution for representative democracy wherein parties play an active role in the law-making process. But the legislature is as good as its constituent parts (i.e. MPs who are members of political parties). If the constituent parts are weak and fragmented, the legislature is bound to be adversely affected. Faction-fighting within parties triggers break-away and splits and proliferation of parties through floor-crossing in the legislature.

The major party splits so far in Lesotho's new democratic dispensation have been in 1997 (emergence of the LCD due to the BCP split), in 2001 (emergence of the LPC due to a split within the LCD) and in 2006 (emergence of the ABC from the LCD).

In 1997, the then ruling Basotho Congress Party (BCP) experienced a split which led to the formation of the Lesotho Congress Party (LCD) led by the then Prime Minister, Ntsu Mokhehle. In a parliament of 65 seats, all won by the BCP during the 1993 elections, about 40 BCP Members of Parliament (MPs) crossed the floor and joined the newly established LCD. Given that the new LCD had a majority of MPs in parliament in relation to the then ruling BCP which was left with about 25 MPs, the former became a new government and the latter instantly became the main opposition in parliament.

In 2001, the LCD suffered a split when a new party, the Lesotho People's Congress (LPC), under the leadership of the LCD's then Deputy Prime Minister and Minister of Justice, Human Rights and Constitutional Affairs, Mr Kelebhone Albert Maope, was formed and became one of the opposition parties in parliament following another major floor-crossing. Out of a parliament of 65 MPs, 27 crossed the floor and joined the new LPC.

Recently in October 2006, the LCD suffered another major split when yet another new party emerged in parliament through floor-crossing in the form of All Basotho Convention (ABC) led by former Minister of Communications, Science and Technology, Mr. Motsoahae Thomas Thabane. About 17 MPs crossed the floor and were joined another MP who had been expelled from the LCD earlier on in February 2004 bringing the number of MPs for the ABC to 18.

Two interesting common features of these floor-crossing developments in Lesotho are that (a) all of them involved leadership squabbles and some degree of intra-party conflict; and (b) all of them happened while a national election was in the horizon (the 1997 floor-crossing preceded the 1998 election; 2001 floor-crossing preceded the 2002 election and the 2006 floor-crossing precedes the forthcoming election of 2007).

We conclude that while floor-crossing is permissible within the country's constitutional framework and electoral system, it tends to further fragment Lesotho's party system, destabilise its parliamentary system and thereby undermining its new-found representative democracy. While the Lesotho Prime Minister, Pakalitha Mosisili, has bemoaned continuous split within his ruling LCD (in 2001 and in 2006), he exhibits confidence that the new parties do not pose an electoral threat to his party, arguing that the LCD will still win the forthcoming general elections in 2007, the same way that the party won the 2002 general election following the 2001 split and floor-crossing (see Mololi Volume 6 Number 41, 26 October 2006). Whatever the outcome of the 2007 elections, there is no doubt the emergence of the new party in parliament and the split of the ruling LCD will weigh heavily on the nature of the configuration of power and the electoral contest including which way the political wind will blow following the election itself. It is worth noting that a snap election is now scheduled for 17 February 2007. Registration of voters closes on Friday, 8th December 2006. Preparations by both political parties and the IEC for the 2007 poll are already underway.

Recommendations

The following four main recommendations flow from the discussion above. In particular, these recommendations relate directly to our three main arguments raised in the paper around (a) floor-crossing and representative democracy; (b) floor-crossing and party system; and (c) floor-crossing and electoral system.

1. It has been established in the discussion above that in many respects, floor-crossing (political migration) may run counter to the deepening of representative democracy in Lesotho, in particular by destabilising parliaments. It is highly likely that one of the factors behind declining public trust in the legislature has to do with floor-crossing. The National Assembly of Lesotho is currently undergoing a major transformation process through a Parliamentary Reform Committee (PRC), headed by Lekhetho Rakuoane. The reform process should, among other things, look into how best to contain the adverse effects of floor-crossing on the legislature, guarding against loss of public trust in this democratic institution;
2. The building and sustainability of a strong and durable party system is, in part, dependent upon resources that parties have both during and between elections. Political parties require a whole range of resources if they are to become effective agents of representative democracy namely human, technological, infrastructural and financial. Of all these, it is the financial resources that parties need most. In this regard, it would be worthwhile for Lesotho to consider introducing public funding of parties represented in parliament for

their institutional development beyond just election campaign (as is the case presently). It is highly possible that lack of resources and the lure of resources elsewhere is one of the contributory factors for intra-party factionalism which leads to splits and floor-crossing (political migration);

3. We also found out that one of the major triggers for faction-fighting within parties, splits and ultimately floor-crossing (political migration) has to do with lack of intra-party democracy and mechanisms for constructive management of conflicts. Political parties in Lesotho need to make deliberate efforts to institutionalise internal democratic mechanisms as well as internal mechanisms for constructive management of conflicts; and
4. Floor-Crossing (political migration) in many ways subverts electoral systems and the mandates that the electorate give to the MPs and in this manner, it runs counter to the expected vertical accountability of MPs to their constituencies (i.e. the electorate). In order to institutionalise vertical accountability as an important ingredient of representative democracy, Lesotho needs to consider a constitutional provision for recall of the constituency-based MPs by the electorate, in cases where there a feeling that the MP no longer lives up to the expectation of the constituency.

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