

PART III

**POLITICAL CULTURE, CITIZEN
PARTICIPATION AND DEMOCRATIC
DEVELOPMENT**

PARLIAMENT AND DEMOCRATISATION IN LESOTHO

Victor Shale

INTRODUCTION

While there has been significant progress on Africa's democratisation process to date, it has to be equally acknowledged that the progress remains largely limited to the holding of regular elections and improvements in civil and political liberties. Put differently, the African continent has without doubt succeeded to inculcate electoral good practices in recent years but has underachieved in ensuring that the performance of the representatives and institutions born out of the electoral process match this achievement in terms of empowering them to carry out their mandate. Thus, as Matlosa (2007a:57) rightly observes, extending the gains beyond electioneering to the pressing issues of good governance and accountability still remains a gap in most African countries.

It is no exaggeration to say that one of the most critical pillars of representative democracy – parliament – has been neglected to a certain extent in terms of capacity building of the requisite skills necessary for both the institution and the members of parliament (MPs) to deal with their day-to-day endeavours effectively.

Although parliaments today are (and without contradicting oneself) arguably more democratically constituted and in most cases better equipped with constitutional powers than before, we cannot be content that this is in itself the end product. The desired outcome should be their ability to translate those powers into action in a quest to ensure democratic governance.

It is pertinent therefore to ask the following critical questions. To begin with, we should ask whether or not parliaments are living up to their constitutional obligations as custodians of the interests of ordinary citizens. Do they hold governments to account? Again, do they have the capacity to execute their main functions, namely: representation, legislation and oversight? And lastly, what are they doing to cope with internal and external factors that affect their effectiveness to contribute to the democratisation process? Using Lesotho as a case study, this chapter seeks to address these questions.

The chapter begins by looking at the role of parliament in democratic governance. The background to Lesotho's system of governance is covered next. This is followed by an examination of the political environment and the role of parliament. Given the limited space, the role of parliament since independence cannot be adequately covered in this chapter. Focus is therefore on the sixth and the current seventh parliaments. The rationale for looking at these parliaments is that a parliamentary reform programme is under way which started in the former parliament and is expected to be entrenched in the latter. The conclusion wraps up the chapter.

THE ROLE OF PARLIAMENT IN DEMOCRATIC GOVERNANCE

There is firm consensus that parliaments are critical pillars in democratic governance. There is also no denying the fact that the three arms of government – namely, the legislature, the judiciary and the executive – are not the custodians of power in and of themselves (Henshall 1992:130). Instead, it is the people who are at the end of the day the owners of power. This idea is expressed eloquently by Kjaer (2004:20): 'The basis for political authority is the sovereign people who exercise this power indirectly through elected representatives.'

The legislative assembly defines the common interest of the nation and oversees the government's implementation of its decisions. Corroborating Kjaer above, February (2007:14) appositely states that the purpose of parliament is to improve the quality of government. She adds that a litmus test for an effective parliament is its ability to link the people and the executive. It has also become an article of faith that in order for parliament to carry out its mandate as a custodian of the common weal, it needs to be able to perform three major functions, namely: representation, legislation and oversight. These are very briefly looked at *seriatim*.

Parliament consists of people who are democratically elected by voters through universal adult suffrage to represent voters in advancing their interests in parliamentary debates. Molukanele (2007:40) indicates that other than elections, the constitutions of some countries make provision for the presidential appointment of representatives, often to accommodate interest groups and people with disabilities. Under the first-past-the-post (FPTP) electoral system, such people represent interests of the people who elected them in constituencies, while in the case of proportional representation (PR) they represent all people who voted for their political party.¹

Irrespective of the electoral system, parliament should in essence reflect public opinion. David Beetham (2006:13) poignantly captures this:

The first criterion of a democratic parliament is that it should be representative of the people. In the first instance this means that parliament should

reflect the popular will as expressed in the choices electors make for their representatives and for the political parties in whose name they stand. A parliament that is significantly unrepresentative in this respect, whether through deficiencies in electoral procedure or the electoral system, will to that extent forfeit legitimacy, and be less able to reflect public opinion on the important issues of the day. A democratic parliament should also reflect the social diversity of the population in terms of gender, language, religion, ethnicity, or other politically significant characteristics.

As is the norm, the election of these representatives should conform to the set principles and guidelines governing democratic elections. In the context of Africa these principles are the African Union's Declaration on the Principles Governing Democratic Elections in Africa, the Southern African Development Community (SADC) Principles and Guidelines Governing Democratic Elections, the EISA/ECF Principles of Election Management and Monitoring and the SADC Parliamentary Forum Norms and Standards for Elections in the SADC Region. Depending on the electoral system, the voters also choose who represents them in government.

The government is expected to execute the laws that are passed by parliament, implement policies and spend money allocated by parliament to improve the lives of the people. The oversight function fundamentally allows parliament to ensure that government does carry out its mandate in accordance with set rules and regulations. Most importantly, it ensures that government spends money in line with budgetary provisions. Parliament uses parliamentary committees to execute this function. As Hughes (2006:6) correctly reminds us, parliaments that run short of this function leave room for the abuse of executive power by the executive branch – the consequence of which is the erosion of the very democratic values and practices that parliament is meant to safeguard.

The oversight function entails a principle of accountability which is manifested in vertical and horizontal directions. Mark Schacter (2000:1) cites that through parliament, government is held accountable to the people. Through this vertical linkage between the owners of political power, the people and the government, the latter should be responsive to the people's needs, which are conveyed by the democratically elected representatives.

It is for this reason that Krause (2006:26-27) strongly argues that floor crossing in parliament distorts the meaning of representation in a democracy and creates distrust in political institutions as well as distorting the relations between the voters and politicians. Horizontal accountability involves state institutions created to check parliament's inefficiencies. These include bodies like the ombudsman and the anti-corruption institutions. To be sure, this also applies to the three branches of government (the executive, judiciary and legislature) inasmuch as they are expected to be autonomous.

Parliament is the supreme law-making body in a country. This includes debating draft laws (bills), approving them and amending laws. The bills go through different stages varying from one country to another. Conventionally, the bills have to be fully discussed before being made into law. In carrying out its legislative function, the legislature works closely with the executive where the latter proposes the legislation and the former makes a final call on what ultimately becomes law. The important point to underscore here is that as it goes about making law, parliament has an obligation to ensure that such a law protects, rather than violates, the people's interests. In order for this to be guaranteed, the presence of opposition parties in parliament is indispensable. It is within the framework of these three functions that parliament adds meaning to democracy. It is against this background that the following section addresses the key questions raised earlier. To achieve this, the chapter uses Lesotho as a case study.

THE SYSTEM OF GOVERNANCE IN LESOTHO

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 has a bicameral parliament consisting of the Upper House (Senate) and the Lower House (National Assembly). The 33-member 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 other 11 senators are appointed from distinguished members of the community. The 120-member National Assembly is the elected house. Typical with the British Westminster system, 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 (Matlosa & Shale 2007).

Since its independence from Britain in 1966, Lesotho has had seven parliaments. During their tenure Lesotho has gone through political turbulence which has had, and continues to have, ramifications on the character of the state institutions, particularly parliament in terms of its ability to perform its function.

FLASH BACK ON ELECTIONS AND IMPLICATIONS ON REPRESENTATION

It is important to begin with a caveat that politics in Lesotho has always been a zero-sum game often accompanied by aggressive and counter-aggressive measures. The country's historical epoch ranges from being a multiparty democracy to a monopoly state, then a military dictatorship and back to the current multipartyism. Multiparty democracy was re-introduced in 1993 following one-party rule (1970-1986) and military rule (1986-1993). The Basotho Congress Party (BCP), which had

just returned from exile, emerged victorious in the 1993 general elections winning all 65 parliamentary seats (see Table 1). The 1993 elections were conducted using the FPTP electoral model.

There is a plethora of literature that points to the unintended consequences of the BCP landslide victory. We mention just two here. First, as can be seen in Table 1, the BCP victory meant that Lesotho essentially had a one-party parliament as all the opposition parties were left out.² Under these circumstances, a dominant party system was created and parliament therefore failed to meet the description of the representative function as discussed above. Second, given the country's political history, the election results and therefore the composition of parliament denied parliament the opportunity to act as a vehicle for national healing and reconciliation by being inclusive of all political opinions.

Table 1
Lesotho National Assembly election results, 1993

Political party	No. of votes	% of votes	No. of seats
Basotho Congress Party	398 355	74.7	65
Basotho National Party	120 686	22.6	0
Marematlou Freedom Party	7 650	1.4	0
Other	6 287	1.2	0
TOTAL	532 978	100	65

Source: Matlosa 2002

The absence of opposition in parliament led to fissures from within the BCP. This resulted in the formation of the Lesotho Congress for Democracy (LCD), which took over government in 1997 by virtue of its majority seats in parliament after floor-crossing. Against this backdrop, the 1998 elections were conducted under a very tense political environment as the LCD tried to consolidate its grip on power while the BCP, still struck by the turn of events, mounted a fierce campaign to dislodge the former.

Table 2 shows the 1998 election results which, as with the previous election in 1993, saw the ruling party taking all but one parliamentary seat.

Table 2
Lesotho National Assembly election results, 1998

Parties	Votes	%	Seats
Lesotho Congress for Democracy	355 049	60.7	79
Basotho National Party	143 073	24.5	1
Basotho Congress Party	61 793	10.5	0
Marematlou Freedom Party	7 460	1.3	0
Others	16 244	2.9	0
Total	584 740	100	80

Source: IEC Lesotho

Table 3
Lesotho National Assembly election results, May 2002: FPTP and PR seats

Party name	Votes cast	% votes cast	No. of FPTP seats	No. of PR seats
Lesotho Congress for Democracy	304 316	54.8	79	-
Basotho National Party	124 234	22.4	-	21
Lesotho People's Congress	32 046	5.9	1	5
National Independent Party	30 346	5.5	-	5
Basotho African Congress	16 095	2.9	-	3
Basotho Congress Party	14 584	2.6	-	3
Lesotho Workers' Party	7 788	1.4	-	1
Marematlou Freedom Party	6 890	1.2	-	1
Popular Front for Democracy	6 330	1.1	-	1
National Progressive Party	3 985	0.7	-	1
Others (9 parties)	7 772	1.4	-	-
Total	554 386	99.9	80	40

Source: Lesotho Independent Electoral Commission (IEC)

The dominance of one party in parliament in terms of the number of seats occupied significantly changed following the 2002 election (see Table 3). These elections were conducted under the mixed member proportional (MMP) electoral model which was introduced in the aftermath of the 1998 political conflict. The results of the 2002 general election were met with accolades from across the globe. Acclaimed by Elklit (2002:1) as Africa's first MMP election, it brought political peace and stability for the first time in Lesotho's history. Smaller opposition parties which did not get any seats under the FPTP ballot were also represented in the sixth parliament through the compensatory vote. After this election, parliament's credibility was enhanced in a sense that it accommodated the smaller parties.

THEORETICAL FRAMEWORK

Achieving political stability is one thing and making political institutions function properly is another. The challenge to Lesotho has therefore been to ensure that the representative character of the sixth parliament translates into addressing the key questions raised above. The next section looks at the extent to which the parliament of Lesotho answers these questions. Using the Competing Principals theory, this chapter argues that during both the sixth and seventh parliaments of Lesotho, the oversight and legislative functions have been compromised in pursuance of party unity.

This theory begins with the assumption that in the legislature, decisions are taken through voting often driven by three distinct sources, namely: cohesiveness, discipline and agenda control. According to Carey (2007:93) cohesiveness implies that elections produce legislative parties whose members have similar preferences. Discipline, however, refers to the combination of carrots and sticks generally administered by party leaders and used to reward voting loyalty and to deter or punish breaches in discipline. Agenda control implies that those who control the flow of legislative traffic steer it so as to determine whether proposals that would divide a given party or coalition come to a vote.

The thrust of the theory is that when more than one principal controls the resources to influence the legislators' votes, divergence of these principals will divide the legislators and therefore weaken party unity. Carey (*ibid*) indicates that unlike in presidential systems, 'in parliamentary systems, the party leadership is the principal most influential over any given legislator, and in the case of government parties, the legislative party leaders and the executive are one in the same'. Furthermore, the leaders control resources, appointments to key committees, the legislative agenda, office space, staff and other benefits.

The Competing Principals theory is therefore useful because it adequately explains the relationship between the legislators and their parties, and the impact of this relationship on decision making in parliament. It has to be acknowledged, however, that the theory's weakness is that it does not sufficiently account for the

role of smaller parties in the Lesotho legislature. This caveat notwithstanding, the chapter argues that the role of smaller parties is minimal given their limited number of seats.

PARLIAMENTARY REFORM PROCESS AND IMPACT ON PARLIAMENT PERFORMANCE

In the quest to be equal to its mandate, the sixth parliament embarked on a reform process in 2004. The reform programme sought to enhance parliament's capacity to deliver effectively and efficiently on its constitutional mandate. For a change, parliament was not entangled in inter-party and time-honoured post-election political conflicts stretching back to independence. The reform programme was driven by a 30-member Parliamentary Reform Committee. The committee was chaired by an opposition MP, the Honourable Rakuoane of the Popular Front for Democracy (PFD), which is also one of the smaller parties that entered parliament through the PR seats. The fact that this important process was spearheaded by an opposition party MP is indicative of the political tolerance and maturity which characterised the post-2002 election parliament in Lesotho.

The terms of reference of the Parliamentary Reform Committee included the review of parliamentary practices and procedures in relation to public business, the standing rules and orders, the inclusion of women in parliamentary governance, the committee system, the conditions of service for members and staff, and the accommodation and security arrangements for MPs (Parliament of Lesotho 2007). The committee was also expected to assess the merits and demerits of bicameralism in a democratic dispensation – a matter that has always been very sensitive given the relations between the two chambers of parliament – the National Assembly and the Senate.

One of the key objectives of the parliamentary reform exercise was to 'empower parliament as a custodian of values and principles of democracy to fulfil its constitutional mandate of legislation, oversight and representation' (ibid). To this end, one of the products of this exercise was the establishment of the parliamentary portfolio committees listed in Table 4. Once established, these committees were given the responsibility to elect their chairpersons from among themselves.

It is important to indicate that before the establishment of the committees listed in Table 4, there has only been one functioning parliamentary committee since 1993, namely the Finance Committee (Makoa 2004b:24). According to Chiwandamira, Øverland and Gilbert (2006:16) the powers and functions of the portfolio committees include ensuring accountability by all government ministries to the respective portfolio committees. They also have to maintain oversight of the exercise of executive authority and any organ of state in Lesotho. Furthermore, the committees have to consider or deal with bills, and subordinate laws tabled

in accordance with the law or other matters referred to them by the Speaker or by resolution of the National Assembly.

They also have to monitor, investigate, enquire into and make recommendations relating to the legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure, personnel, policy formulation or any other matter it may consider relevant or pertaining to the state departments or organs of state falling within the relevant ministerial portfolios. Parliamentary committees must also perform other functions, tasks and duties as may be prescribed by an act of the Parliament of Lesotho. The parliamentary committees are all allocated clerks to keep minutes of proceedings, and their reports are supposed to be availed to the National Assembly for discussion and decision (Parliament of Lesotho 2007).

Table 4
Parliament of Lesotho portfolio committees

Cluster	Portfolio Committee
Social	Health and Social Welfare, Education and Training, Gender and Youth, Sport and Recreation
Economic and Development	Finance and Development Planning, Trade and Industry, Cooperatives and Marketing, Labour and Employment, Agriculture and Food Security
Natural Resources, Tourism and Land	Natural Resources (Water, Lesotho Highlands Water Project, Meteorology, Energy and Mining), Tourism, Environment and Culture, Forestry and Land Reclamation, and Public Works and Transport
Law and Public Safety	Home Affairs, Public Safety and Parliamentary Affairs, Justice, Human Rights and Rehabilitation, Law and Constitutional Affairs
Prime Minister's Ministries and Department	Local Government, Foreign Affairs, Communications, Information, Broadcasting, Science and Technology, Public Service, Defence and National Security, and Parliamentary Affairs

Source: Parliament of Lesotho 2007

THE LAW-MAKING PROCESS

In theory, the parliamentary reform process has opened space for public participation in that individuals and organised formations of society can make submissions on bills to the portfolio committees. The constitution makes it clear how parliament goes about making legislation (Section 78). There are a number of key stages and readings through which a bill has to pass. These are the 'first reading', which is basically the introduction of the bill, followed by the 'second reading', which involves the debating of the principles of the bill. The third stage is the 'committee stage' where the finer details of the bill are dealt with.

It is before and during the committee stage that the portfolio committees engage the public and stakeholders on the contents of the bill. In this way the public participates directly in the law-making process before the bill gets to the fourth stage, which is the 'report stage', where the portfolio committee reports back to the House on any proposed amendments. Public engagement is usually through written submissions and public hearings. To borrow February's words (2007:12), 'through public participation citizens can become ... co-creators of democracy alongside the state'. Once this has been done, the bill goes to the fifth stage which is the 'third reading', after which it is sent to the Senate for deliberation. After the Senate inputs, the bill is forwarded to the king for royal assent and becomes law.

There have been instances where the legislation process has not been a straightforward process for reasons varying from technical to deliberate obstruction. The bill on legal rights of married persons is a case in point. Traditionally, married women in Lesotho had the same legal rights as children; they could not buy land or borrow money without permission from their husbands. This bill had been stalled in parliament for about six years. It was not until the arrival of the United States' Millennium Challenge Corporation, whose criteria for aid to countries require, among others, the empowerment of women, that the bill saw the light of day.

Owing to government's need to apply and qualify for the Millennium Challenge Corporation's \$360 million aid package, parliament was recalled from recess in November 2006 and passed the bill in less than a week. As such, married women in Lesotho are now on an equal legal footing with their husbands. It can be concluded from this example that due to its dominance over parliament, the executive prioritises bills and has its hand on the levers that determine the speed at which a bill goes through the law-making process.

It must be acknowledged, however, that while the executive does have influence on the law-making process, the poor skills of parliament do not help to rectify this problem. There are requisite skills that parliamentarians need in order to play their role effectively. For instance, they need to have the capacity and expertise to do research which is vital for informing them on various issues

pertaining to their work. Since the establishment of the portfolio committees, parliament has not paid adequate attention to the question of legislators' skills in terms of law- and policy-making as well as oversight. Katrin Auel (2007:489) captures this by stating that 'effective parliamentary scrutiny depends not only on adequate information received in time, but also on the capacities of parliaments actually to deal with and process this information'.

Parliamentarians in Lesotho also make little or no effort to use the library to read about matters that do not necessarily fall under the portfolio committees in which they are members.³ Even more striking is the fact that not only do MPs make no effort to lay their hands on as much information as possible, but the parties themselves do not use their caucuses to discuss some of the issues in different portfolio committees so that their members can make informed inputs in the committees. As a result, MPs are usually not well equipped to participate in the parliamentary debates. This gives the more enlightened executive the leverage to push for the passing of bills without much debate. This is dangerous, particularly if legislating is seen as policy making.

PARLIAMENT'S OVERSIGHT FUNCTION

The parliamentary committees are supposed to enable parliament to fulfil its oversight prerogative by, among other things, calling the executive and other accounting officers to account. This is, however, not happening in the case of Lesotho largely due to the reasons advanced by the Competing Principals theory.

Makoa (2004a:24) reminds us that the parliamentary system has a fusion of power where members of the executive are also members of parliament. He corroborates this theory saying that MPs obey their party leaders. In other words, the problem here is that due to power centralisation within parties, party loyalty translates into loyalty to the executive. The majority of the chairpersons of the portfolio committees in the seventh parliament are ruling LCD MPs and they fail to assist the committees to exercise their oversight powers because they have to toe the party line. For them, the executive is their party executive.

In terms of the Competing Principals theory, National Independent Party (NIP) MPs suffer the same fate as LCD MPs. This is because the NIP and LCD entered an election pact on the eve of the 2007 elections. The arrangement was that the LCD would compete for the 80 constituency seats but also be on the NIP PR list for the 40 PR seats. The PR seats sharing was such that the first six candidates on the NIP PR list would be LCD members following a 6 + 4 (10) formula. After the elections, the NIP got 21 PR seats, more than the All Basotho Convention's (ABC) 17 FPTP seats (see Table 5).

Due to the arrangement between the LCD and NIP described above, the LCD can comfortably rely on 82 MPs out of a total 120 MPs whenever there is voting in the House, unless the two parties part ways.

Most members of the executive are senior leaders of the ruling LCD. Interestingly, three ministers, who are also senior party members, got into parliament through the NIP PR list having lost elections in their constituencies.⁴ Only three others are Senate appointees.⁵

It is argued here that the NIP MPs are compromised as they cannot divorce themselves from the LCD line for fear of jeopardising their positions in parliament, which owes to the pact with the LCD. They cannot move away from the group-think and scrutinise the LCD government executive to which they have contributed two ministers by default. This situation renders them a rubberstamp of the executive, just like the LCD MPs.

Table 5
Lesotho National Assembly election results and seat allocation summary,
February 2007

Party	FPTP seats	% of FPTP seats	Total party (valid votes)	% of total party votes	Party's allocation of compensatory (PR) seats	Total number of seats	% of PR seats +FPTP seats
ABC	17	21.3	None	0.0	0	17	14.3
ACP	1	1.3	20 263	4.6	1	2	1.7
BBDP	0	0.0	8 474	1.9	1	1	0.8
BCP	0	0.0	9 823	2.2	1	1	0.8
BDNP	0	0.0	8 783	2.0	1	1	0.8
BNP	0	0.0	29 965	6.8	3	3	2.5
LCD	61	76.3	None	0.0	0	61	51.3
LWP	0	0.0	107 463	24.3	10	10	8.4
MFP	0	0.0	9 129	2.1	1	1	0.8
NIP	0	0.0	229 602	51.8	21	21	17.6
NLFP	0	0.0	3 984	0.9	0	0	0.0
PFD	0	0.0	15 477	3.5	1	1	0.8
Total	79	100.0	442 963		40	119	100.0

Source: Independent Electoral Commission, Lesotho

Jolobe (2007:24) establishes a direct link between the legislature's ability to perform oversight and intra-party democracy. For him, lack of intra-party democracy leads to fragmentation of parties, which in turn ferments political intolerance.

Under these circumstances the party often evokes the disciplinary instrument, which in terms of the Competing Principals theory makes use of the carrot and stick approach. It must be pointed out that this is often not a long-term solution to political party problems. We have stated elsewhere that lack of mechanisms to manage internal differences in political parties in Lesotho leads to tension and eventual splits.⁶ This has been more so with the ruling than with opposition parties (Matlosa & Shale 2007:45).

There have been instances where dissenting views by MPs have been punished by parties in parliament. For example, during the sixth parliament the ruling LCD expelled its MP from the Mokhotlong district following his alleged misconduct. The MP was charged and then subjected to the party's disciplinary process. After being found guilty of the charges against him, he was expelled from the party by the national executive committee and the expulsion was further endorsed at the LCD annual general conference. Even though the MP appealed against the party's decision in the courts of law, he lost his appeal and was until late 2006 an MP without a party in parliament (Kadima et al 2006:28). The validity or otherwise of this incident is beyond the scope of this chapter, save to affirm Jolobe's view that judging by the court battles between this MP and his party, tensions within a party in parliament whether involving one or more MPs affects the performance of parliament.

The weakness of parliament is made worse by the fact that MPs of the other parties have been systematically trivialised. During his research on Lesotho's parliament, Makoa (2004b) discovered that there is discrimination against PR parliamentarians and that they are not regarded as equal to the FPTP MPs. The discrimination is seen, for example, in the amendment to the 1998 Members of Parliament Salaries Act which deprives PR MPs of the same financial support accorded to their FPTP counterparts. The constituency winners also get funds for mobilising people for rural community projects. Makoa (ibid:13-14) says that the justification used by the ruling party for discriminating against PR MPs is that they are not representing the people (through constituencies) but their parties.

Joel Barkan (2004) provides an overarching explanation for generally poor parliamentary performance in most developing countries. This, he asserts, is due to the weak position of parliaments against a strong executive. There is no denying Barkan's argument. However, he does not explain what causes the weak position of parliament. The Competing Principals theory used in this study is useful to provide an explanation.

A good example to substantiate the view of weaker parliaments versus a strong executive is the Lesotho executive's notorious decision to allow its members and other senior officials holding statutory positions to buy government vehicles under the Government of Lesotho Vehicle Scheme. This decision caused much public dissatisfaction, but the executive went ahead and sanctioned it legally. PFD leader Advocate Lekhetho Rakuoane attempted to thwart this by making

a motion to parliament to exercise its authority and to disallow the provision of the MPs' salaries (Amendment of Schedule) Regulations 2006, which government wanted to amend and apply in retrospect following a public outcry regarding the vehicle scheme (LENA 2006; Rose 2006). This was a retrospect application because government had already sold its three-year-old luxury vehicles for only 1% of their original value to the executive and senior officials. Ministers bought C-Class Mercedes-Benzes for as little as R3,000. Holders of statutory positions bought Toyota Camry cars for R1,700.

Despite strong objections from opposition parties in parliament, this scheme went ahead because the LCD commands the majority of parliamentary seats and comprises a powerful executive. Following the single competing principals phenomenon, the majority of MPs voted against the opposition, and this irrespective of whether the opposition motion was in the public interest.

CONCLUSION

Making use of the case study, this chapter has sought to answer three key questions. First, does parliament deliver on its obligations to represent, legislate and scrutinise the executive? Second, does parliament have the capacity to carry out this mandate? And how does parliament cope with the challenges that negatively affect its performance?

The chapter began by illustrating through election results that a parliament which is not representative of a cross-section of the political parties creates an unstable political environment, which in turn affects its performance. It was also highlighted that while electoral reform brings about political stability, emphasis should be on creating functioning state institutions.

One point that has been emphasised consistently in this chapter is that due to fusion of the executive and legislative powers in Lesotho's parliamentary system, the executive has overwhelming power over the legislature. The chapter has used concrete examples to demonstrate that as a result of this, the legislature finds it difficult to exercise its constitutional powers.

An additional point highlighted in the chapter is the low level of awareness among MPs due to the absence of relevant capacity training as well as the legislators' own lack of interest to familiarise themselves with different subjects. As a result of this, and facing the dominance of the executive, MPs are understandably scared to challenge the executive which appears to be so much more knowledgeable.

While it is axiomatic that opposition parties are vital in checking on the executive, the chapter argues in the same breath that in Lesotho this is difficult because it has serious repercussions on MPs' future career prospects. Intra-party democracy, or lack of it, therefore influences the way in which such a parliament performs.

On the other hand, the opposition parties do not possess the requisite numerical strength to pose any challenge to the dominant ruling LCD. Besides, they have been systematically deligitimised through resource discrimination so that they not only have no required numbers but also have no financial resources to mobilise the public. Under these conditions the executive is able to exercise unfettered powers, as seen in the case of the vehicle scheme.

Finally, it can be concluded against this backdrop that the parliament of Lesotho is not able to fulfil its obligations successfully due to the factors mentioned above: that is, irrespective of whether from ruling or opposition parties, MPs fail to represent the citizens' needs and aspirations. It is abundantly clear that MPs are prisoners of the dominant principal – the executive – which ensures its grip on power by fiat.

ENDNOTES

- 1 Independent candidates also represent community views from their own constituencies.
- 2 Although there was a by-election in 1994 which saw the newly formed Sefate Democratic Union (SDU) led by Bofihla Nkuebe get into parliament, it is contended here that the status of parliament did not change.
- 3 This was expressed to the author by the Likhetlane Constituency MP Hon. Moremoholo during a telephone interview, 3 July 2008.
- 4 These are the Minister of Education and Training, Minister of Trade and Industry, Cooperatives and Marketing as well as the Minister of Tourism, Environment and Culture.
- 5 These are the Minister in the Prime Minister's Office, the Minister of Employment and Labour and the Minister of Finance and Development Planning. The Finance Minister was defeated in the LCD primary elections while the other two ministers had lost elections in their constituencies.
- 6 The LCD split from the then ruling BCP in 1997. In 2001 the Lesotho People's Congress split from the LCD and in 2006 the LCD experienced yet another split giving birth to the ABC.