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Promoting Human Security and Peacebuilding in Lesotho

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LESOTHO'S HISTORY has been marred by violence since gaining its independence from the United Kingdom in 1966. Its first full general elections were held in 1993. Since then, its politics have been characterised by attempted coups, fluid and unstable coalitions, a proliferation of political parties, and constant floor-crossing, worsened by a growing militarisation of politics. In the past year, factionalism within the ruling All Basotho Convention (ABC) has threatened the stability of the latest coalition government, with several unsuccessful attempts made to replace Prime Minister Moeketsi Majoro. This comes after former prime minister Thomas Thabane was forced to resign in 2020.

Elections have often been a tipping point for conflict; out of six elections since 1993, two (in 1998 and 2007) have required armed interventions by the Southern African Development Community (SADC). The country faces a deepening political and security challenge which could worsen with the forthcoming national and local elections, scheduled for September 2022. Despite the establishment of the National Reforms Authority (NRA), and subsequent proposals for change, the sequencing and implementation of the reforms could run into difficulties.

Despite objections, the Independent Electoral Commission (IEC) has forged ahead with a new delimitation of constituencies based on 2018 census data, which could also pose problems. Moreover, it is undecided about whether the national and local elections should be held at the same time, which could incur huge capacity costs. If these issues are left unaddressed, the country could enter a crisis with national and regional ramifications.

At a structural level, the causes of conflict in Lesotho include poverty, unemployment and inequality. In 2021 and 2019 respectively, poverty levels stood at 30,1 per cent, and unemployment (narrowly defined) at 22,5 per cent. (When discouraged job seekers are included, the unemployment rate was 38,3 percent.) According to the World Bank, Lesotho ranks in the top 20 per cent of the most unequal countries in the world, and is marked by high levels

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of corruption. It is currently ranked 165th out of 189 countries on the Human Development Index.

There are also catalytic triggers such as weakened legal institutions, a proliferation of cross-border arms trafficking, and political linkages to gangsterism. Lesotho is ranked 72nd out of 137 countries on the Bertelsmann Transformation Index, including 64th for political transformation (a 'highly defective democracy'), 86th for economic transformation ('very limited') and 103rd for governance ('weak').

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Similarly, it has slid down the Ibrahim Index of African Governance in terms of security, the rule of law, human rights, political participation and inclusion. Some of the worst declines relate to judicial processes, undue influence over the government, corruption, political pluralism, protection against discrimination, and the representation of women.

SADC has been facilitating a governance reform process which led to the establishment of the NRA in 2019. The 59 members of the NRA were inaugurated in February 2020 and were expected to conclude their work ahead of the 2022 elections, although some elements remain outstanding.

This Policy Brief explains some of the latest developments in terms of these reforms, before going on to look at some of the obstacles to peace. It then makes recommendations on the way forward.

Key messages

- * Immediate and long-term action must be taken to address Lesotho's looming crisis.
- * The failure to adopt the Omnibus Bill ahead of the elections could pose significant challenges for Lesotho's future political situation.
- * A lack of political will, the failure to avoid army interference in politics, growing political gangsterism, and the poor representation of women in politics are key challenges to building a sustainable peace.
- * A range of short- and long-term interventions is needed to prevent further conflict.

Recent developments

All eyes have been focused on the NRA since its inauguration, and what it will be able to achieve and finalise before the elections. It has a three-pronged mandate: legal reform; reforming institutions; and making recommendations for peace, national unity and reconciliation mechanisms. Its long-term goals include strengthening the rule of law, improving service delivery, and bolstering development and national stability.

It has largely focused on safeguarding the national reform process to ensure that citizens' voices are heard, which it has done through plenary discussions about new laws and policies. The seven key thematic areas are constitutional, parliamentary, security, justice, public service and media sector reforms. Across these areas, the NRA looks at topics such as the separation of powers, meritocracy in public service, human rights, women and youths, the

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reduction of public expenditure, and fighting corruption. Participants in the plenaries have also indicated that the NRA should come up with an inclusive transitional justice mechanism, focused on achieving a balance between justice and impunity, and developing a structure to deal with political conflicts.

The NRA intends to implement an eight-point plan between May and October 2022. However, there are some obstacles. Most importantly, all the constitutional proposals are supposed to be in place before elections, but this may not be possible as they are still being debated by the NRA's committees in the form of an Omnibus Bill, which encompasses all the recommendations. Some provisions require a simple majority, while others require a two-thirds majority. Some even require a two-thirds majority and a referendum which – given Lesotho's fragmented political parties – may be difficult to conduct.

Since the reforms disturb the status quo, it is unsurprising that the process has been met with infighting and opposition. For example, the main opposition party, the Lesotho Congress for Democracy (LCD), pulled out of the process after the government announced it would press treason and murder charges against its leader, Mothetjoa Metsing, related to a coup attempt against Thabane. Previously, it was decided that the charges be suspended until the reform process had been finalised.

Moreover, since some reforms deal with issues such as constituency representation, floor-crossing, political funding, and a proposal that prime ministers should only be removed from office by a two-thirds majority, reforms need to be agreed and implemented prior to the elections. Otherwise, the same problematic legal framework that was previously used would apply, and the reform process would have been in vain. The politically charged atmosphere is also not conducive for discussions about transitional justice and peace.

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Challenges to peace

Political will

As noted earlier, politicians may drag their feet on the forthcoming national reforms and the Omnibus Bill. Failure to reach agreement will mean that reforms will not be implemented ahead of elections, and the same political system would apply. As experience has shown, the current system is highly problematic and has significant potential to trigger violent conflict. As such, political will is needed to make these initiatives a success. But what is political will?

Dr Khabele Matlosa, former Director for Political Affairs at the African Union Commission and a Visiting Professor at Wits University, asserts that political commitments made by leadership should be responsive to citizen's demands. Political will requires three conditions: active citizen engagement and a vibrant citizenry, visionary and transformative leadership, and effective and resilient institutions. However, Lesotho suffers from high levels of corruption and nepotism. In 2021, Lesotho scored 38/100 on the Corruption Perceptions Index, which was worse than the year before. As mentioned earlier, Lesotho also scores poorly on governance and rule of law-related indices.

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Security Sector Reform (SSR)

Once criticism of the reform process is that not enough attention has been paid to security sector reform. The problem became particularly noticeable in 2014 when the commander of the Lesotho Defence Force (LDF), Lieutenant-General Tlali Kamoli, attempted a coup against Thabane's government, resulting in Thabane fleeing to South Africa. Following SADC intervention, Thabane was provided with a protected return, and an agreement was negotiated to bring elections forward by two years to 2015. Thabane was defeated, but soon after his former defence chief General Maaparankoe Mahao was shot dead.

SADC then conducted a judicial commission of inquiry, which made several recommendations for improving Safety, Security and Reliability (SSR). Few were implemented.

Thabane returned to office in 2017, and soon after, Lieutenant-General Khoantle Motšomotšo, the Defence Chief appointed to deal with the proposals, was also shot and killed. SADC subsequently approved a regional standby force and a technical assessment team, with further advice on SSR.

Thus a first step to addressing Lesotho's conflict should be to assess which of the SADC recommendations have been implemented to date, and which are still outstanding.

Those who have committed crimes should be held accountable, while a transitional justice mechanism should also address issues of security. The Lesotho Mounted Police Service also requires further reform and training.

Gangsterism

Lesotho has one of the ten worst murder rates in the world, even worse than South Africa's. In November 2021, 75 firearms were stolen from the Mafeteng Police Station, with three police officers confessing to selling the guns to 'Famo' gangs. Famo was originally tied to local music but has increasingly been linked the killing sprees and illegal mining. There are also strong links between politicians and Famo musicians. In November 2021, the police started investigating the Lesotho Police Staff Association (LEPOSA) because it could not account for 159 firearms purchased for its members since 2014. There are also issues with the proliferation of cross-border arms trafficking, and the LDF has deployed a battalion to confiscate illegal firearms, especially from highlands dwellers.

Women, Peace, and Security (WPS)

To date, women are poorly represented in politics in Lesotho. The country scores 48,1/100 for gender on the Ibrahim Index of African Governance, with a downward trend. It scores 49.7/100 for political power and the representation of women, 29.7/100 for equal access to public services for women, and 25/100 for laws on violence against women. According to Freedom House, women are discouraged from running for office because of societal norms, and there are no parliamentary or party list gender quotas to ensure their representation. After the 2017 elections, only 23 per cent of parliamentary seats were held by women. Women are also portrayed negatively in the local media.

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The NRA has therefore proposed an increase in the number of parliamentary seats elected through proportional representation, which it believes will increase the number of women MPs. Lesotho has also signed a number of protocols, including United Nations Resolution 1325 on Women, Peace and Security. The UN supports the development of a national action plan, as part of the UN Peacebuilding Fund (PBF) National Security Sector Reform and Peacebuilding Project (NSSRPP).

Recommendations

Lesotho's national reforms seem promising, yet the potential for triggering a crisis is far from over. While the NRA has been good at gathering stakeholders to identify key elements of desired reforms, efforts to engage all citizens must continue as a priority. One lesson to be learnt from reform processes elsewhere (and inside Lesotho) is that it is easy to outsource processes to interested outsiders, but these are generally not successful.

Therefore, the people of Lesotho must take the lead in plotting the way forward for their democracy. In this regard, the SA-EU Partnership would do well to enter into a dialogue with the Basotho to see how it could help to deepen the peace process. There must be a balance between short-term interventions and long-term stability. Going into the elections without the necessary arrangements will be risky, and the building of peace infrastructures will take time. Short-term and long-term recommendations to the SA-EU Partnership are as follows:

- * Engage with political parties to emphasise the importance of translating the proposed national reforms into law well ahead of the elections.
- * Support the IEC in planning for the elections, including the rollout of civil education about the new demarcations.
- * Engage with the media to increase awareness of responsible reporting.
- * Strengthen the role of national civil society election observers, with a focus on the role of women.
- * Ensure that political parties sign a pledge of commitment to an electoral code of conduct.
- * Establish a robust national infrastructure for peace with a clear focus on conflict prevention and transitional justice, drawn from dialogue with Basotho citizens.
- * Provide training and other support to the LDF and LMPS in order to address gangsterism.
- * Continue strong citizen engagement to develop strategies that enhance socio-economic upliftment, promote gender equality and address corruption.
- * Support Lesotho in developing clear benchmarks for SSR that are continuously assessed, and in holding perpetrators accountable.

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