COALITION POLITICS IN LESOTHO

A Multi-disciplinary
Study of Coalitions and
their Implications for
Governance

Editors

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LIST OF ACRONYMS

ABC	All Basotho Convention
ACP	Alliance of Congress Parties
AD	Alliance of Democrats
AG	Attorney General
AJA	Administration of the Judiciary Act
AMHC	All Mauritian Hindu Congress
ANC	African National Congress
BAC	Basutoland African Congress
BAP	Basotho Action Party
BBDP	Basotho Batho Democratic Party
BCP	Basutoland Congress Party
BDNP	Basotho Democratic National Party
BNP	Basotho National Party
CAM	The Comité d'Action Musulman
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CID	Criminal Investigation Division
CMW	Convention on the Protection of the Rights of all Migrant Workers and Members of their Families
CORD	Coalition for Reforms and Democracy
COVID-19	Coronavirus Disease of 2019
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organisations
DC	Democratic Congress
DCEO	Directorate on Corruption and Economic Offences
DPL	Democratic Party of Lesotho
DPP	Director of Public Prosecutions
ECF	Extended Credit Facility

ECK	Electoral Commission of Kenya
EMB	Election Management Body
FIU	Financial Intelligence Unit
FORD	Forum for Restoration of Democracy
FPTP	First-Past-The-Post
GDP	Gross Domestic Product
GNU	Government of National Unity
HRC	Human Rights Committee/Council
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Commission of Jurists
IFP	Inkatha Freedom Party
IMF	International Monetary Fund
IPA	Interim Political Authority
JIMC	Monitoring and Implementation Committee
JSC	Judicial Service Commission
KANU	Kenya African National Union
KSC	Kenya Social Congress
LCD	Lesotho Congress for Democracy
LCN	Lesotho Council of Non-Governmental Organisations
LCS	Lesotho Correctional Services
LDF	Lesotho Defence Force
LHWC	Lesotho Highlands Water Commission
LLA	Lesotho Liberation Army
LMPS	Lesotho Mouted Police Service
LP	Labour Party
LPC	Lesotho People's Congress
LPF	Lesotho Para-Military Force
LWP	Lesotho Workers Party
MCA	Millennium Challenge Account

MEC	Movement for Economic Change
MFP	Marematlou Freedom Party
MMM	Mouvement Militant Mauricien
MMP	Mixed Member Proportional
MPs	Members of Parliament
MSM	Mkenya Solidarity Movement
NARC	National Rainbow Coalition
NASA	National Super Alliance
NDPC	National Dialogue Planning Committee
NEC	National Executive Committee
NIP	National Independence Party
NLF	National Leaders' Forum
NRA	National Reforms Authority
NSS	National Security Services
NUL	National University of Lesotho
NYS	National Youth Service
ODM	Orange Democratic Movement
PAC	Public Accounts Committee
PDP	Peoples Democratic Party
PEFA	Public Expenditure and Financial Accountability
PFD	Popular Front for Democracy
PM	Prime Minister
PMSD	Parti Mauricien Socialiste Democrate
PMU	Police Mobile Unit
PNU	Party of National Unity
PR	Proportional Representation
PSIC	Public Sector Investment Committee
PSIP	Public Sector Investment Programme
RCL	Reformed Congress of Lesotho
RLDF	Royal Lesotho Defence Force

SACU	Southern African Customs Union
SADC	Southern Africa Development Community
SGR	Standard Gauge Railway
SMM	Single Member Majoritarian
SMMEs	Small, Micro and Medium Enterprises
SMP	Single Member Plurality
SOMILES	SADC Observer Mission to the Kingdom of Lesotho
SOU	Special Operations Unit
TNA	The National Alliance
TRC	Transformation Resource Centre
TRC	Truth and Reconciliation Commission
UDF	United Democratic Forum Party
UPR	Universal Periodic Review
URP	United Republican Party
WDM	Wiper Democratic Movement

COALITIONS IN LESOTHO, KENYA AND MAURITIUS: A MIRROR OF TENSION BETWEEN DEVELOPMENTAL VALUE COALITIONS AND POLITICAL EXIGENCIES

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1 Introduction

Most studies on coalition politics on the African continent have paid much attention to the rationale for coalition formation and less on coalitions' utility (Karume, 2003; Kadima, 2006; Oyugi, 2006; Biegon, 2008; Shale, 2007; Kapa & Shale, 2011). Although coalitions have existed as early as the 1960s on the continent for national and local spheres of government, they only gained traction in the past two decades. Mauritius has had coalition governments since the mid-1970s. At the same time, in the early 1990s and early 2000s, the Kenyan political landscape became a breeding ground for some of the coalitions that have changed the political landscape in the East African nation to date. In 2012, a hotly contested election in the Kingdom of Lesotho ushered in coalition politics that have arguably thrown the country into a dark political abyss. Using the case studies of Lesotho, Kenya, and Mauritius, we submit that coalitions on the continent are yet to offer tangible dividends in socio-economic development. We hold that there ought to be a balance between the democratic value of coalitions and developmental outcomes. The former cannot be pursued in lieu of but as a means to attain the latter.

Much of the literature's preoccupation has focused on why and how coalitions are formed and less on their accountability and value addition. The three countries offer comparison in terms of coalition types, the theoretical rationale for their formation and their impact on party systems. Secondly, the three countries share commonality as members of the Commonwealth in terms of electoral systems. Thirdly, we assess how the Kenyan and Mauritian politics marked by deep ethnic identities and Lesotho's politics that do not have

manifest identity complexities shape coalitions. Put differently, to generate comparative lessons for the rest of the continent of Africa, the chapter navigates the historical evolution of political culture and institutions and their impact on party coalitions in the three countries.

This chapter comprises five sections. After this introduction, the second section provides conceptual clarity on coalitions and their types to locate and analyse the cases of Lesotho, Kenya and Mauritius. The third section delves into the theoretical landscape within which we anchor our main argument on value addition. In the fourth section, we further explore the notion of developmental value coalitions to demonstrate that coalitions are not an end in and of themselves but as vehicles to an end which entails generating socio-economic dividends of democracy. The fifth section of the chapter makes conclusions emerging from the three case studies.

2 The coalition politics: Conceptual entry point

Conventionally, political party coalitions are conceived as organised collective parties that pursue a common goal. However, as it will be demonstrated in the case studies, this is not always the case. In some instances, coalitions are formed to pursue conflicting interests, which necessitate a minimum agenda convergence. In most instances, coalitions may be between two or more opposition parties or between a ruling party and an opposition party or several opposition parties (Kadima, 2006; Kapa & Shale, 2011). When forming coalitions, parties usually enter into a formal commitment, a memorandum of understanding (MoU), to pool their resources together. In the MoU, the parties set the coalition goals, coalition framework and outlook, structure, division of labour and power distribution.

The predominant types of coalitions in the literature are power-sharing (*sui generis*), grand coalition, the government of national unity, and coalition governments. We briefly look at each *in seriatim*. Power-sharing (*sui generis*) occurs in societies that are chronically divided by deep ethnic, racial, religious or other social cleavages. They are engineered to minimise friction between the groups and to promote decision making by consensus. On the other hand, a government of national unity is a type of coalition where transitional measures are adopted following a conflict situation. It holds the belligerent parties together to restore constitutionalism.

The 1994 South African and the 2008 Kenyan and Zimbabwean experiences are cases in point (Baregu, 2009). It follows, therefore, that the *sui generis* and the GNU coalitions serve ends *à la* Lijphartian consociationalism. Ashiagbor and Tørå (2015) posit that coalition governments usually occur when no single political party wins a clear majority in the parliament. In parliamentary systems, typically, the largest party in the parliament reaches an agreement with like-minded parties to form a cabinet, a legislative majority and a basis for government. Based on the coalition's policy agreements, the cabinet includes

representatives from the different member parties. Its policy proposals are typically supported by members of parliament (MPs) drawn from member parties. Main parties of a country form grand coalitions. These parties often have the largest electoral support; hence, their coalescing and maintenance of the coalition can be tricky due to their propensity to contest state power as individual parties. In the following sections, we look at the three selected countries to determine which of the foregoing coalition typologies obtain.

2.1 *Lesotho*

The Kingdom of Lesotho is a parliamentary, constitutional monarchy whose governance system is analogous to the Westminster type. It operates a Mixed Member Proportional (MMP) electoral system, introduced in 2002. The MMP is a combination of the First-Past-the-Post (FPTP) and Proportional Representation (PR) electoral systems. National Assembly (NA) comprises 120 elected members of parliament (MPs), of which 80 are on an FPTP basis and 40 on a Proportional Representation (PR) basis. Since its independence from Britain on 4 October 1966, Lesotho has scarcely enjoyed prolonged political stability. The country experienced a de-facto one-party rule from 1970 to 1986, a military dictatorship from 1986-1993, the intra- and inter-state institution conflicts especially involving the security forces between 1994 and 1996, post-election violence in 1998 and again in 2007. There is extensive analysis of these historical epochs and need not detain us here (Khaketla, 1971; Weisfelder, 1972; Makoa, 1996; Mothibe, 1999; Machobane, 2001; Matlosa & Pule, 2003; Elklit, 2008; Matlosa, 2017; Shale, 2017; Thabane, 2017). Suffice to mention that Lesotho's political instability continues to manifest since the country entered a dispensation of coalition politics in 2012.

The 2012 Lesotho general elections did not produce a clear winner in terms of the requisite constitutional threshold of 61 seats for the formation of the government. Before this election, the Independent Electoral Commission (IEC) reformed the electoral system to address the post-2007 election-related conflict over the distribution of parliamentary seats. Three election pacts were formed ahead of the 2007 elections. The Lesotho Peoples' Congress (LPC), the Basutoland African Congress (BAC) and Mahatammoho formed the Alliance of Congress Parties (ACP). The All Basotho Convention (ABC), the Lesotho Workers Party (LWP) and the Social Democratic Party (SDP) also entered into an electoral pact. The then ruling Lesotho Congress for Democracy (LCD) also agreed with the National Independent Party (NIP). Among these three election pacts, the APC was the only adequately constituted alliance in compliance with the electoral law because it registered with the Independent Electoral Commission (IEC) as one entity for the 2007 elections. The other two registered with the IEC as independent parties.

The problem arose when the IEC allocated seats after the announcement of the election results. The major contention was the two main political parties, the ABC and the LCD, violation of the MMP electoral system when they entered into election pacts with the LWP and NIP, respectively yet registered to contest elections as separate entities, unlike the APC, which as explained above, registered as an electoral pact. With the LWP and NIP, the ABC and LCD respectively mobilised their supporters to vote for the ABC and LCD in the constituency ballot, and LWP and NIP in the party ballot. Therefore, the supporters effectively voted twice as if they were different voters while they ipso facto belonged to different parties. They gave the ABC and LCD and their allies extra seats that ought to have been allocated to the other smaller parties (Shale, 2021).

The post-2007 elections reform eliminated double voting and produced more accurately the electoral support of contesting parties. However, it also inadvertently created conditions for a hung parliament as the electoral competition gap between major parties narrowed when the previously “inflated” support was eliminated by the electoral reform. No one party secured enough seats (61 seats) to form the government alone. Therefore, the electoral outcome forced the parties to enter into negotiations to form the government.

The negotiations ushered in Lesotho’s first coalition government comprising the ABC, Basotho National Party (BNP) and LCD in 2012. None of these parties reached the 61 parliamentary seats required to form the government as an individual party. The coalition only lasted three years as another coalition government replaced it in 2015. This coalition comprised seven political parties and was led by the Democratic Congress (DC). The other parties were the LCD, NIP, Popular Front for Democracy (PFD), Basotho Congress Party (BCP) LPC, Basotho Batho Democratic Party (BDP), and Marematlou Freedom Party (MFP). The second coalition also failed to complete a full 5-year election cycle as a third coalition government replaced it in 2017, made up of the ABC, Alliance of Democrats (AD), BNP and Reformed Congress of Lesotho (RCL). This 2017 coalition government was replaced by a grand coalition comprising the biggest parties, the ABC, and the DC in 2020. The two partners are each supported by several small parties. We will later explore the formation and fluidity of these successive coalitions. Still, we may point out here that they were marred by logic-defying political bickering, intra- and inter-coalition party competition at the expense of service delivery and development. They have transmogrified into conflict-breeding machines, the result of which was “*ho itja sekhababa*” (which in Sesotho means devouring one’s umbilical cord).

2.2 Kenya

From independence in 1963, the Kenya African National Union (KANU) led Kenya until 2002 when it was ousted from power by an opposition alliance. The country experienced a *de facto* one-party system (1969 to 1982), a *de jure* one-party state (1982 to 1991) and a

multi-party system from 1991 following a constitutional amendment. The 1992 and 1997 elections were contested under the FPTP electoral system that allowed KANU to win elections with simple majority votes that fell significantly below 50% of the total votes cast. Incumbent president Daniel Arap Moi won presidential elections with 36.8% in 1992 and 40.51% in 1997 (Electoral Commission of Kenya Results in 1992; 1997).

Pre-election alliances and coalitions have been a permanent feature of Kenya's political landscape characterised by constant splinters and balkanisation of ethno-regional alliances since the advent of multi-party democracy in the early 1990s. Most notable was the Forum for Restoration of Democracy (FORD) creation in August 1991, an alliance of old-guard politicians who fought for Kenya's second liberation from the KANU autocratic regime (Khadiagala, 2010). The liberation from British colonialism was dubbed as the first liberation by the opposition political class. During the 1992 and 1997 elections, KANU successfully pursued the strategy of divide and rule of the opposition alliances in electoral competition. For instance, the indomitable force of FORD, which was instrumental in a successful push for the return to multi-party democracy, was neutralised by KANU by orchestrating for the breakup of the alliance FORD-Kenya led by Jaramogi Oginga Odinga and FORD-Asili led by Kenneth Matiba during the 1992 elections. In the 1997 elections again, through the same KANU tactics, the opposition failed to coalesce around a single candidate to oust KANU from power.

Drawing from their past failures, two opposition movements comprising fifteen political parties led by, among others, two prominent politicians, Raila Odinga and Mwai Kibaki, among other political stalwarts, coalesced in 2002 to form the National Rainbow Coalition (NARC). NARC forged a formidable pre-electoral alliance that compellingly ousted President Arap Moi's KANU, which had been in power since independence. However, it soon experienced a fallout largely attributed to the controversies around the distribution of coalition dividends among the coalition partners. The tensions within the NARC culminated in a spectacular defeat of President Kibaki in a constitutional referendum in 2005 when he attempted to change the Constitution to grant excessive powers to the presidency. He was fiercely opposed and defeated by Raila Odinga-led opposition bloc of parties under a newly formed movement called the Orange Democratic Movement (ODM).

The ODM referendum victory was widely seen as a referendum against Kibaki. It set the stage for a throat-cutting electoral contest in the 2007 general election between Kibaki and Odinga. Kibaki of the Party of National Unity (PNU) controversially won the 2007 general elections even though, in a twist of ironies, the Chairperson of the Electoral Commission of Kenya (ECK) later claimed he did not know who won those elections (Shale, 2010). The elections were followed by gruesome post-electoral violence between December 2007 and early 2008 that threatened to decimate its delicate political fabric. Post-electoral violence

resulted in the death of at least 1 200 people and 300 000 became internally displaced and refugees with attendant regional socio-economic effects that were palpable not only in East Africa but also in the eastern parts of the Democratic Republic of the Congo (Gerenge, 2014).

Within the context of political and institutional reforms that were carried out in the post-2007 transition period under the aegis of the Government of National Unity between Mwai Kibaki and Raila Odinga, a new constitution was adopted in 2010 through a referendum. The 2010 Constitution substantially redefined the country's political, social, and economic architecture. With particular regard to the electoral system, the new system was designed to promote inclusive politics. In a departure from the previous simple majoritarian system noted earlier, Article 138 (4) of the Constitution stipulates that:

A candidate shall be declared elected as President if the candidate receives:

- a) more than half of all the votes cast in an election; and
- b) at least twenty-five per cent of the votes cast in each of more than half the counties.

Despite the raft of constitutional reforms that also involved introducing devolution, Kenya still maintained a relatively strong presidency, which was arguably the product of self-serving elite bargaining. This was in anticipation for future ascension to political power.

In the new political dispensation and leading up to the March 2013 general elections, two major coalitions emerged. The first one was Jubilee, formed in 2012 composed of the National Alliance (TNA) of Uhuru Kenyatta, the United Republican Party (URP) of William Ruto, the National Rainbow Coalition (NARC) of Charity Ngilu and the Republican Congress Party of Kenya (RC) of Najib Balala. The other one was the Coalition for Reforms and Democracy (CORD), also formed in 2012 and led by the ODM of Raila Odinga, Wiper Democratic Movement (WDM) of Kalonzo Musyoka, and FORD-Kenya of Moses Wetangula, among others. The other CORD members were Kenya Social Congress (KSC), KADU-Asili, Peoples Democratic Party (PDP), Mkenya Solidarity Movement (MSM), Chama Cha Uzalendo, Muungano Development Movement Party of Kenya, United Democratic Movement, Chama Cha Mwananchi, and Federal Party of Kenya. There was a third coalition, the Amani alliance, established in January 2013 under the leadership of Musalia Mudavadi. Although comparatively small, it could have bolstered the NASA votes, which could have made it difficult for the Jubilee to win the 2013 elections. Its members were the United Democratic Forum Party (UDF), KANU and New Ford Kenya

From the foregoing, two main coalition types have existed in Kenya since independence. These are a coalition government (2002-2007), a power-sharing coalition (2008-2013) and another coalition government (2013-2017). Apart from the 2008 power-sharing arrangement, all the coalitions were negotiated ahead of the elections such that the

distribution of key positions and division of labour among the partners was predetermined before the polls and used to mobilise electoral support. The 2010 constitutional reform partly introduced an electoral system that makes pre-election alliances and the formation of coalitions almost indispensable in the democratic architecture of the country in a bid to promote politics of geometrical tolerance across the deeply divided socio-political spectrum.

In the run-up to the 2017 general elections, the Jubilee coalition morphed into a political party founded on 8 September 2016 following the merger of eleven parties. The Jubilee party controversially won the October 2017 presidential elections against the National Super Alliance (NASA). NASA was an alliance formed by the Coalition for Reforms and Democracy (CORD) coalition that included other smaller parties, and it was led by Raila Odinga. The Supreme Court nullified the first round of the presidential election results in Kenya after NASA successfully petitioned the Supreme Court. The repeat presidential elections in Kenya were held on 26 October 2017 but were boycotted by NASA paving the way for Kenyatta to win. The nullification was a historical judicial outcome as it was the first time that the court nullified the results where the incumbent President had won. Malawi followed in 2019 on the same lane in nullifying the presidential results, paving the way for a repeat presidential election in 2020 where the opposition subsequently won the election.

2.3 *Mauritius*

Since independence from Britain in 1968, Mauritius has operated a unique mixed electoral system. It consists of two components: the First-Past-the-Post (FPTP) electoral system that has been operational since 1886 and the “best loser” system, both of which have led to countless permutations and combinations of pre-election alliances (Kadima & Kasenally, 2016). The FPTP comprises sixty members of parliament (MPs) elected through the FPTP formula in 20 constituencies of three members each. The compensatory Best Loser System serves to return three MPs among under-represented communities in parliament and two from the Island of Rodrigues (Sithanen, 2003; Kadima & Kasenally, 2016). The Best Loser System accepts four constitutionally accepted communities: Hindu, Muslim, Chinese, and General Population. Demographically, 51% of people are of the Hindu faith who migrated from different parts of India, 16% Muslim (also of Indian origin), 30% general population consisting of people of African origin, coloured and a small white minority and 3% Chinese (Sithanen, 2003:4).

Mauritius leads the pack in terms of a tradition of party coalitions in the Southern African Development Community region (SADC). It had coalition governments even before independence when the Labour Party (LP) and its allies won the 1967 general elections against the Parti Mauricien Socialiste Democrate (PMSD). The allies were the Independent Forward Bloc (IFB), the All Mauritian Hindu Congress (AMHC) – and the Muslim party/

the Comité d'Action Musulman (CAM). Therefore, the LP-led coalition ushered the country into independence in 1968 (Sinathen, 2003; Kadima & Kasenally, 2006). Since then, power alternates from one coalition government to another. Except for the first coalition government in 1967 negotiated after the elections, Mauritian coalitions are generally established ahead of the election. Parties agree on a common platform and programme, on the sharing of key posts, especially the top posts of Prime Minister, President, Deputy Prime Minister, Minister of Finance and the Speaker of the National Assembly.

Ethnicity plays a major part when parties coalesce despite mobilising on a national scale and portraying themselves as nationalist in outlook. The reality is that ethnic-based support is their lifeblood, and therein lies the peculiarity of Mauritian politics. For example, during the 1983 and 1987 elections, Kadima and Kasenally (2006:79) paint a picture of ethnic support lines where the “MMM had come to represent the urban areas, where the Creole and Muslim communities were largely located, while the MSM and LP reigned supreme in the rural areas...”. Sithanen (2003:5) adds that the allegiance and loyalties primarily along ethnic and sub-ethnic lines have made it impossible for a single party to win an overall majority of seats on its own to form the government. Parties are forced to negotiate partnerships beyond their support base to raise sufficient majorities for government formation.

Thus far, it is necessary to underscore the coalition typologies in Lesotho, Kenya, and Mauritius. Lesotho and Mauritius exhibit the coalition government attributes. On the other hand, Kenya has a coalition government interposed with power-sharing during its multi-party democracy. In all the cases, the coalition type has been a product of election system engineering, which promotes the accommodation of minorities.

3 Coalition causes and courses: Theoretical propositions

In accounting for coalition formation, coalition theories have focused on three main propositions. The first one is the cooperative game theory that gained traction through William Riker's (1962) seminal work, *The Theory of Political Coalitions*. The thesis of this explanation is the office-seeking (rent-seeking) tendencies of would-be coalition partners. It holds that parties' main reason to form coalitions is to maximise electoral economies of scale to form the government. According to Riker (1962), parties' aim was not to over-kill but to get a sufficient threshold to attain a majority. Hence, he opined that it was not necessary to form coalitions comprising many political parties. All that is required is a minimum winning coalition (Tsebelis & Ha, 2013; Kapa & Shale, 2014). The second strand is the Non-cooperative Game-Theory, which pays more attention to institutions than the size of coalitions. For this school of thought, institutions' role is key to determining a coalition, policy direction, and its longevity (Strøm & Müller, 1999; Kadima, 2006; Tsebelis

& Ha, 2013). Tsebelis & Ha (2013) provide clarity on this theoretical foundation of Baron's 1991 dimensions' model. They point out that:

...Baron develops a model with three parties in two dimensions based on two rules of selection: (1) a sequential rule for the selection of a *formateur* (candidate from the largest party); or (2) a random selection rule (where the probability of selection of a party is proportional to its size). Each process produced significantly different outcomes. The logic of Baron's model is that the *formateur* will apply a mixed strategy regarding which party to whom he will make the offer to join him in the government formation, and that each party will estimate its 'continuation value' in the government formation game (i.e. it will see what its utility is from rejecting the offer and letting the game continue according to the rules). In equilibrium, these utilities would be equal to each other. (The proposing party is indifferent between the two alternative proposals it can make, and both recipients are indifferent between accepting and rejecting.) As a result of this logic, 'equilibrium policy proposals reflect the parties' preferences out, as well as in, the government' (Baron, 1991:156).

The third theoretical proposition is agenda-setting based on regime type. Tsebelis & Ha (2013) call this the veto-players' approach. They maintain that the regime type, be it presidential or parliamentary, is key in shaping the coalition. They posit that:

...The distinction between these regime types is clear: a division of powers in presidential systems, stemming from separate elections of the executive and legislature and the lack of political responsibility of one to the other, and a collaboration of powers in parliamentary systems originating only from the election of the legislature, and the ability of the legislature and the executive to dissolve each other and go back to elections. (Tsebelis & Ha, 2013:4-5).

The agenda-setting school of thought as espoused by Tsebelis pays attention to both the number of players and the ideological distance of individual or collective actors whose agreement is necessary to change a status quo (agenda-setting power). He regards presidential systems as having a greater number of veto-players and more considerable ideological distances than parliamentary systems. In addition, in presidential systems, the legislature controls the legislative agenda, while in parliamentary systems the executive controls the legislative agenda.

For purposes of this chapter, we regard the foregoing propositions applicable in some cases but they do not adequately explain other instances on the African continent, as illustrated in the discussion on coalition courses. There is no gainsaying that the causes of coalition formation are almost universal, but this is not necessarily the case with their courses. Courses are the evolutionary trajectories taken by the coalitions, midwifed through historical, socio-economic, political and cultural conditions and peculiarities that shape and infringe on the process and progression of developmental agenda. We not only interrogate coalitions in Lesotho, Kenya, and Mauritius to decipher whether they formed to close ranks to seek rent (*cause*) but also their value addition in terms of whether they address development policies (*course*). We contend that coalitions emerging from the preceding milieu of causes

must espouse developmental values by design rather than by mere choice to offer policy direction that deals with the pre-existing societal imbalances that persistently pose threats to the social and political order.

3.1 Lesotho

The causes of the Lesotho coalition governments match the cooperative game theory rationale. The motive is largely to seek rent by political elites and, by extension, to benefit from the fiscus in an economy characterised by extreme poverty and limited, if any, alternatives for wealth accumulation (Kapa & Shale, 2014). To elucidate the rent-seeking behaviour, Bhorat, et al. (2017) offer a plausible connection: the development process entails adopting policies and direct or indirect resource allocation to respond to the challenges and create a modern transformed industrialised economy that can support the wellbeing of society. The resource allocations are the rents which when done, result in a flow of potential benefits to specific economic actors (whether these are businesses, households, or public institutions). The competition to access these flows creates the conditions for rent-seeking. Therefore, legal, ethical rent-seeking, such as lobbying or legal interventions, benefit certain groups. Rent-seeking can also be corrupt, however, and lead to state capture and repurposing. Corrupt rent-seeking behaviour can undermine the development agenda by diverting resources into the hands of unproductive elites.

Kapa (2008) describes Lesotho political parties as elite circulation instruments wherein the parties' names are different. Even so, the leading faces have been seen in the country's politics before, albeit under different appellations. He contends that none of these elites during their time in public office has articulated or implemented any inconsistent policies with the neo-liberal ideology since the return to multi-party politics in 1993. He adds that the policy-influence thesis (institutional theory) also seems to be less plausible in the context of Lesotho. Thus, even the proposition by Wade Jacoby (2017) suggests that grand coalitions such as the one entered into by the All Basotho Convention and the Democratic Congress seek to pursue policy goals unreachable in smaller coalitions is negated. As we intimated above, some of the theoretical explanations do not fit in some of these case studies. For instance, the rent-seeking theory runs short of explaining all the elements of the causes of coalition formation in Lesotho. Therefore, its offering on the course of the coalition would be equally limited. Similarly, the *formateur* thesis is limited with regard to the causes of coalition formation in Lesotho and their courses. We offer two brief additional explanations to the causes, which intrude on the country's potential course and progression.

The first one is the preservation of the political elite against a common threat. Lesotho's volatile political history is marred with conflict and gross human rights violations committed by different governments and political elite, which have never really been addressed (*Mail &*

Guardian, 2016). These unresolved political and historical issues are sources of the cyclical and intractable political conflict, and they compound mistrust and hostility between and among political elites.

Lesotho cannot be said to have transitioned from conflict. It is only beginning to move in that direction with the current national reforms process that deals with some of the root causes of the conflict. However, we hasten to point out that there is no guarantee that the reforms will achieve this from a distance. Frankly speaking, the process seems to be highly dominated by the political elite, and that is a dangerous sign that portends possible self-serving outcomes for the political elite. In the meantime, coalitions appear to provide a safe space for some political leaders who form them. When they are formed after the elections, there is hardly any consultation with the rank-and-file membership. The *maferehano* (which literally means “courting” in Sesotho) for coalition formation is the preserve of party leaders and their inner circle (the national executive committees [NEC] of part of these committees as it also depends on factionalism). The decision on who to partner with is highly influenced by the personal rivalries of the party leaders.

Some of the political elite are suspected of corruption and perpetration of past human rights violations. They find sanctuary in the political capital generated from coalitions compared to single parties. Incidents of actual or attempted politically motivated disruptions to transitional justice measures since the coalition dispensation are common, with protagonists claiming that transitional justice is weaponised to purge them. Scanlon and Muddell (2009:10) define transitional justice as many judicial and non-judicial approaches to address past human rights abuses, including gender-based violence (our emphasis). To illustrate the tension between elite preservation through coalition arrangements and transitional justice, the following examples are worth mentioning, albeit briefly.

Firstly, the Lesotho Defence Force’s alleged refusal to hand over soldiers suspected of the 2014 attack on police headquarters and murdering a police Sub-Inspector to the criminal justice system. On the face of it, this was a case of the army’s intransigence and exercise of its options on how those accused officers were to be prosecuted. However, it has since emerged that some of the then coalition leaders were implicated somehow, judging by the fact that they are now being prosecuted with the suspected army officers (*Lesotho Times*, 2020). This case is yet to play itself out in the courts of law. Its relevance to this point is the possibility that the army’s defiance enjoyed a political backing for the army’s sake as much as for elite preservation ends. Secondly, it is the government’s failure to unequivocally support the investigations of the assassination of Lieutenant General Maaparankoe Mahao in 2015 and other alleged crimes, including acts of torture, kidnapping, and extrajudicial killings by the security agencies that are intricately connected with some political elite (Jordan, 2015). All these examples illustrate contributory factors that have influenced the cause, sustained, or punctuated course of coalitions in Lesotho, with some coalitions having collapsed in the process.

Another account for the formation of coalitions in Lesotho is the notion of *Lela-le lapileng ha le na tsebe* (which in Sesotho means that an empty intestine has no ear, which also signifies that a hungry man knows no reason because his logic is overwhelmed by the urge to eat) (Shale, 2017). Whereas in the past political elites would hop from one party to the other to secure their income, they now innovatively use coalitions to be in government, not to respond to the challenges besetting the country, but to tap from the allocated rent that often flows through corrupt means. One of the traits of coalitions motivated by the preservation of the political elite is the lack of accountability to the electorate. Cheibub and Przeworski (1999:225) quoted in Maravall (2010:86), define accountability as: “a retrospective mechanism in the sense that the actions of rulers are judged ex-post by the effect they have.” They consider accountability as the main instrument to preserve “rule by the people” adding that the only effective weapon of popular control in a democratic regime is the capacity of the electorate to vote a party out of power based on its performance. Maravall points out that coalition governments make this popular control of incumbents difficult because citizens are not able to hold the many groups and individuals involved in a coalition government accountable.

3.2 Kenya

Current literature has accorded significant attention to the role of ethnicity and the attendant arithmetic calculus (cause) that inform elite bargaining. This has in effect resulted in the formation of alliances and coalitions in a bid to maximise chances for winning elections in Kenya and on the continent of Africa more generally (Gandhi & Reuter, 2013; Matlosa & Shale, 2013; Owuor & Kadima, 2014; Chaisty, et al., 2018). We have highlighted earlier some of the epoch-making coalitions in Kenya. We now shift our focus to the causes and courses to the 2013-2017 Jubilee coalition. The Jubilee coalition warrants closer examination since it is the first to have formed and won two successive presidential elections, in 2013 and 2017, respectively, since the promulgation of a new constitution in 2010 after the gruesome 2007/2008 election-related violence. By their nature, first- and second-generation elections following [election-related] armed conflict tend to generate distinct electoral politics, which are typically different from ordinary cycle-based elections (Gerenge, 2017). Innately, electoral politics that follow widespread violent conflicts, as was the case of Kenya in the post-2007 and post-2010 constitutional dispensation, tend to be saddled with peace and developmental mantras in a bid to break from the dark past and create a political and social renewal of the society.

In the run-up to the 2013 general elections, Uhuru Kenyatta and his running mate William Ruto were facing an indictment by the International Criminal Court (ICC) for allegedly masterminding the 2007/2008 post-electoral violence perpetrated mostly by Kikuyu and Kalenjin ethnic communities on opposing fronts. Like the causes of the Lesotho

coalitions as explained above, the Jubilee coalition was formed largely in response to the political and individual survival of the two alleged protagonists, who were on opposing sides during the 2007 violent general elections. Kenyatta was one of the political bigwigs in the Kibaki camp, while Ruto was in the opposing Odinga camp. The two, therefore, portrayed the elections as a referendum against the Western-backed ICC (Gerenge, 2014). The ICC factor makes the Jubilee coalition a peculiar case to cooperative game theory because it was driven by rent-seeking motives and a quest to thwart an external threat to individual survival. The pursuit for transitional justice kept the Kenyan society deeply divided and raised the stakes ahead of the 2013 elections. The alleged crimes against humanity committed during the 2007/2008 electoral violence called for the prosecution of those who bore the most responsibility in the violence at the ICC. Thus, the question of transitional justice and the urgency for a peaceful outcome also became subject to instrumentalisation across the political spectrum during the 2013 general elections.

The Jubilee Coalition Manifesto – the policy blueprint on what the coalition promised to deliver to the citizens once elected to govern, contained significant policy and economic proposals which included balancing ethnicity in addressing historical distributive injustice (Jubilee Manifesto, 2013-2017). In this regard, the manifesto offered the substance of value-coalition. However, to guarantee victory, and mindful of the external threat, the Jubilee also maximised on ethno-regional mobilisation rather than mere developmental value-addition promises. This approach became the main fulcrum that catapulted Jubilee to power in 2013 against an equally formidable ethnic-driven CORD led by Odinga.

Consequently, salient ethnic identities remain entrenched and the country deeply divided in the ensuing period following contested elections in 2013 (International Crisis Group, 2013) and during the first term of the Jubilee government through various public sector appointments of predominantly Kikuyu and Kalenjin tribes. According to Owiti (2014:552):

...in the 20-member cabinet, the Luhya, Luo, and Kamba communities (the second, fourth and fifth largest ethnic communities as per the 2009 census, and which make up roughly a combined 40% of the national population) each have only one cabinet secretary. The Kikuyu and Kalenjin communities on the other hand, which make up the core of the governing coalition and constitute roughly 30% of the national population, each have six cabinet secretaries.

To understand the picture portrayed by Owiti above, it is easy to fall into the trap of adopting the ethnic cliché analysis by looking at the predicament as a perpetuation of ethno-regional domination. Such analysis' high logic would lead to a suggestion of equitable distribution of cabinet appointments among the ethnic groups that constitute the Jubilee coalition to contribute to social cohesion. A nuanced explanation should be in terms of the coalition courses. It must be remembered that the new Kenyan Constitution provided for a

technocratic cabinet which was a departure from the era where the cabinet were also MPs. Thus, the new constitutional dispensation sought to create a technocratic competency-based cabinet. In keeping with this constitutional outlook, it was to be expected, therefore, that the dominant Kikuyu and Kalenjin component of the Jubilee coalition would seek to dominate agenda-setting *à la* Baronian *formateur* thesis in place of the constitutional prescripts of ethnic balance. This agenda-setting dominance is also in sync with the rationale for a coalition's cause under the institutional theoretical model. Therefore, this theoretical perspective negates Owuor and Kadima's (2014) belief that coalitions necessarily promote social cohesion. Notably, the Kenyan case study shows that coalitions continuously restructure the dichotomies of ethno-regional salient identities, thereby creating persistent clamour for distributive justice in society. Therefore, social cohesion cannot be sustained through party coalitions alone but must include conscious developmental policy shifts that transform the social and economic imbalances of society.

3.3 Mauritius

The Mauritian coalitions exhibit the cooperative game theory's attributes similar to the Lesotho and Kenyan coalitions. Having survived what Phaahla (2019:5) refers to as "potentially destabilising elections of 1967 which served as a referendum for the country to sever ties with Great Britain", Mauritius' political culture was from the beginning set on a slippery route of coalition politics. From the first coalition in 1967, all coalitions were rent-seeking arrangements. Whereas the 1976 post-election coalition between the Labour Party (LP) and the Parti Mauricien Socialiste Démocrate (PMSD) was, according to Kadima and Kasenally (2016:152), ideological, this may have meant little as they reacted aggressively to the formation of the leftist party, the Mouvement Militant Mauricien (MMM). They sum up the objectives of the 1976 post-election coalition as having been about the self-interest of the losing parties, the preservation of the national economic bourgeoisie who had been frightened by the MMM's socialism, and the external forces threatened by the MMM's leftist ideology. Therefore, it follows that in this case, Mauritius offers a variation in terms of the pure rent-seeking logic. It shows that over and above the rent-seeking ends, class considerations and external dynamics such as the potential communist threat can influence the coalition cause.

Interestingly, though, the perceived external threat does not necessarily come in the form of a formidable force such as communism only. The existing literature suggests that political parties leverage ethnic diversity for rent-seeking ends throughout the different coalition formations. This is axiomatic in Mauritius. However, we argue that those who seek to form coalitions do not always have a choice but to consider coalescing with ethnic group-based parties, big or small. Whereas Baron's model makes a persuasive argument that the *formateur* (leader/candidate of the bigger party) applies discretion on which party

to coalesce with, the Mauritian case study reveals that ethnic groups' trump card is their residual power. Their common shared attributes, such as traditions, ancestry, language, history, society, culture, nation, and religion, make them more powerful, cohesive, and influential than politicians would care to admit. This means that because ethnic groups/societies have the effect of shaping the environment within which political parties exist, parties must either establish proper structures in those societies or form coalitions with parties entrenched in those societies (Shale, Moloi & Nemaheni, 2011).

Regardless of their size, ethnic groups' exclusion from a coalition or failure to accommodate their interests could be to the detriment of the *formateur* more than to themselves. Therefore, a consideration to invite ethnic group-based parties even if they are from small ethnic groups is a rent-seeking move as much as it is a calculated move to prevent the threat that an ethnic group could pose if its interests are excluded from the coalition. Hence, we find a problem with Kadima and Kasenally's analysis when they point out that the MMM, which had the "certainty" of sizeable electoral support from the Muslim community's decision to ally with a Hindu-backed party as a risk-mitigating measure (2016:138). Yet, they suggest that certain political parties in Mauritius and, by extension, their coalition partners, operate a carrot and stick policy – encouraging and rewarding ethnic groups that support them while punishing those that oppose them. This analysis is contradictory as it portrays ethnic groups as helpless victims in a political game. We argue that, on the contrary, ethnic groups possess residual power or social capital that most parties lack.

Drawing from the three case studies, we note that preservation, as in Lesotho, is one of the causes beyond the rent-seeking motives. The external transitional justice threat and the ICC process were among the Jubilee coalition formation considerations in Kenya. Finally, in Mauritius, rent-seeking motives were accompanied by the equally pressing exigencies for pacifying the ethnic groups.

4 Developmental value coalitions

There is no doubt that coalitions will continue to manifest due to different causes and will pursue various courses in their evolution. There is an abundant supply of political elite and political class to give oxygen to coalitions. However, what is doubtful is whether the citizens can keep up with the self-serving political elite by holding them accountable for their political acrobatics and outcomes to ensure that the coalition courses yield collective dividends for the citizenry. According to Häusermann (2006:5), value-coalitions of parties form alliances based on a premium of shared values and beliefs, which are made possible in a consensus democratic institutional context. The three case studies suggest that coalitions do not always form for reasons advanced by Häusermann. Although the Kenya constitution provided for a consensus-based democratic context that allows value coalitions to thrive,

political exigencies loomed largely. In the cases of Lesotho and Kenya, we have noted how transitional justice, which is aimed at adding value to societal transformation, was and continues to be undermined through coalitions. Illustratively, after Jubilee formed the government, they used the government machinery to mobilise continental pressure against the ICC, including through the African Union (AU) and its leaders were both subsequently acquitted.

Coalitions causes and courses also impact party systems and, in turn, on the value of the coalitions to transformative and developmental agendas. The Lesotho, Kenya and Mauritian coalitions have significantly impacted on the overall political culture and the interaction among parties and between parties and governance institutions. We use the Kenyan case to elucidate this point. The Jubilee Coalition's campaign against the ICC during the 2013 elections served its purpose to the extent that the leaders were acquitted and transitional justice for the common good was undermined. The party system has equally been affected by the coalition. Firstly, when Kenyatta's case was dropped in December 2014, Ruto's continued until 5 April 2015, creating tension between the two leaders and their supporters. The Kalenjin community leaders (Ruto's ethnic group) regularly voiced their concern that while Kenyatta used state power to clear his name, he had abandoned their man (Banda, 2016). After the bruising 2017 electoral contest, which we indicated earlier saw the presidential results nullified, President Kenyatta and his arch political rival Raila Odinga buried the hatchet. In a show of reconciliation, they publicly shook hands (dubbed as the 'handshake' in political communication in the country) and committed to put the election disputes behind them and pursue the common good for Kenya.

We consider the "handshake" as having been the launch of another type of coalition between the Jubilee Party and NASA. Although this was not declared as a coalition as conventionally known, it resulted in the Building Bridges Initiative (BBI) whose expected outcomes include constitutional reforms that could see the creation of Prime Minister and Deputy Prime Minister positions. The handshake partners justify the BBI as the quest to balance the distribution of public office positions across different ethnic groups to promote social cohesion. The handshake has caused consternation in the Ruto camp, which suspects it is a bid to derail Ruto's succession bid and possible ascension to the presidency in 2022 (Kiruga, 2020). As a result, Ruto's supporters in Jubilee (some of whom are Senators and MPs) have now formed a new political party, the United Democratic Alliance (UDA). Notably, in a microcosm demonstration of future political intent, the UDA fielded candidates for the March 2021 by-elections to compete against Jubilee candidates (Ng'etich & Nyamori, 2021; Kibor, 2021). Clearly, this is a manifestation of a fragmented party system that does not augur well for a country with deep socio-political cleavages.

On the surface, Lesotho, Kenyan and Mauritian cases show that in their different appellations, coalitions would appear value-additive. A more in-depth look shows that this is not necessarily the case. In effect, they are instruments of a political rope-skipping game where political elites repeatedly jump in and out of power. For example, the 2012 ABC, BNP and LCD coalition in Lesotho was formed for rent-seeking and as a repudiation of the Democratic Congress (DC), which had engineered a power grab from the LCD through a parliamentary process in 2011. In 2014 the LCD jumped into power with the DC after it fell out with the ABC, which led to the 2012 coalition. The ABC and DC hopped into a grand coalition government in 2020, leaving the LCD in the cold, at least for now. Yet, not long ago, these two parties were sworn political foes, especially after the ABC leader Thomas Thabane fled Lesotho and lived in exile in South Africa from 2014 to 2017, citing fears for his life under Prime Minister Pakalitha Mosisili's led DC.

In Kenya, it should be recalled that during the watershed general elections in 2002, William Ruto was with Raila Odinga and Mwai Kibaki in the NARC coalition, which jettisoned KANU out of power. Then, both Ruto and Odinga skipped out of the NARC to form the ODM while Uhuru Kenyatta, a KANU leader affiliated to the PNU led by Kibaki. Ahead of the 2013 elections, Ruto and Uhuru jumped out of their camps (ODM and PNU, respectively) and established the Jubilee Coalition, which contested 2013 against Odinga's new coalition home, CORD. We have pointed out that since 2018 Kenyatta's Jubilee party is in unofficial courtship with Odinga's ODM and, we must add, to the chagrin of the other NASA members who have been left out of the handshake courtship and are understandably disappointed as they see this development as a betrayal by Raila. Thus, this is a political rope-skipping game par excellence that has nothing to do with the value-coalition objective.

Mauritius is no different. Kadima and Kasenally (2016:140) remind us that the country is prone to the never-ending permutations and combinations to which political parties lend themselves. They add that the various coalition governments reveal a systematic pattern of triumphant electoral victory followed by alliance decay and an early poll. In what appears to be similar to the cases of Lesotho and Kenya, Kadima and Kasenally further point out that the Mauritian political parties "have forged alliances with other parties that have been historically and ideologically in opposition to them or with the very parties with whom relationships broke down when they were in a coalition government" (2016:140). This was notably the case in the recall of the LP leader, Sir Satcam Boolell to the corruption-accused MSM coalition government that had fired him and his party from the MSM/LP/PMSD coalition in the first place.

Besides the impact of coalitions on party systems, coalitions have not necessarily enhanced accountable governance premised on developmental value cooperation among the partners forming the government, as illustrated through various multi-million-dollar

scandals that have rocked coalition governments. Cases of suspected or actual corruption in which senior coalition governments' leaders were implicated in Lesotho are illustrative. These include (a) the 2012 Matala road construction saga where the then Deputy Prime Minister was charged with illegal authorisation of a construction contract worth millions of Maloti. He was alleged to have had suspicious deposits of USD 23 429 and USD 8 428 in different banks (Kapa, 2017) (b) the 2015 multi-million Bidvest saga where the Minister of Finance was alleged to have pocketed over 4 million Maloti for the hiring of government vehicle fleet (Lesotho Times, 2017), and (c) the awarding of a contract to a controversial Chinese businessman in 2018 after the introduction of the *Agricultural Marketing (Wool and Mohair Licensing) (Amendment) Regulations, 2018*. The regulations prohibit exporting wool and mohair unless prepared, brokered, traded, and auctioned in Lesotho ostensibly through the facility of the controversial Chinese businessperson's facility, which is the only facility in the country. Although no charges of corruption have been made, this case is often cited as a corrupt activity by the court of public opinion because of the involvement of the Chinese businessperson. He has previously been fingered in dubious government dealings.

In Kenya, during the first term of the Jubilee coalition, the government was rocked with a raft of corruption scandals. These include scandals such as Eurobond loan, primary school education laptops projects, National Youth Service (NYS), Standard Gauge Railway (SGR) and so forth to the extent that one of the leading anti-corruption champion in Kenya dubbed the Jubilee Government as the most corrupt in the post-independent history of Kenya (Githongo, 2016). In a countrywide research survey carried out by Kenya's anti-corruption commission in 2016, 75% of the population thought there was a remarkably high level of corruption in the country (BBC, 2016). Similarly, as mentioned earlier, the MSM coalition government in Mauritius was rocked by corruption scandals, especially in the mid-1980s.

Based on the foregoing, the three case studies clearly show that value coalitions remain substantially nominal. They cannot be established and sustained through politics of patronage, which include sharing of public appointments between the coalition's partners to the detriment of the rest of the members of the political community.

5 Conclusion

This chapter has shown that Lesotho, Kenya, and Mauritius have vibrant political cultures marked by highly competitive elections. It has become a norm that no one party can win elections to form a single-party government in these countries. It is fitting, therefore, to make the following conclusions. Firstly, we conclude that at the heart of coalitions is the quest to pursue and safeguard elite circulation amorphously through political rope skipping instead of the impetus for developmental value cooperation. The various coalition governments'

behaviour (skipping into power), fallouts (jumping out of power) and reunions attest to this conclusion. Secondly, because of the high premium placed on elite survival, political party coalitions can become vehicles for countervailing efforts aimed at restorative justice. Hence, we believe that future research needs to accord further attention to political party coalitions' impact on transitional justice. Thirdly, even if the coalitions' public policy pronouncements (in their agreements, manifestos or through statements by leaders) are value-ridden, the three case studies have shown that coalitions continuously restructure the dichotomies of ethno-regional salient identities. They create persistent clamour from citizens for equitable and accountable distribution of the dividends of coalition type governments. Fourthly and finally, coalition governments are, therefore, arguably poised to be confronted with paradoxes that mirror the tension between nominal developmental value-coalition and political exigencies' realism.

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