

**MOSHOESHOE II AND HIS STRUGGLE AGAINST  
CONSTITUTIONAL MONARCHY, 1960-1970**

**BY**

**MAHAHABE SELEBALO**

**A THESIS SUBMITTED IN FULLFILMENT OF THE REQUIREMENT  
FOR THE DEGREE OF**

**MASTER OF ARTS**

**IN THE DEPARTMENT OF HISTORICAL STUDIES  
FACULTY OF HUMANITIES**

**NATIONAL UNIVERSITY OF LESOTHO**

**SUPERVISOR: PROFESSOR T.H. MOTHIBE**

**AUGUST 2019**

## ABSTRACT

The goal of this study is to document Moshoeshoe II's struggle against constitutional monarchy in the period 1960-1970, during which he struggled to find a satisfactory position in both the pre and post-independence constitutions. The first decade of his reign was marked by his attempts to fight against Lesotho becoming a constitutional monarchy. In addressing this issue the study relied on primary sources that include oral interviews with those closest to Moshoeshoe II and members of political parties who were active in the 1960's. The study also relied on archival material like proceedings of the Basutoland National Council, press releases of the Government of Lesotho and newspaper articles.

This study demonstrated that the concept of constitutional monarchy in Lesotho originated in the 1950's. This was a period of great political and constitutional development. The study identified five factors which influenced the beginning of constitutional monarchy in Lesotho. The development of three political parties in the 1950's was one of the first indicators that Lesotho was heading towards constitutional monarchy because they represented alternative leadership to the Paramount Chieftainship. During this period administrative reforms were also introduced which greatly undermined the power of the Paramount Chieftainship. British concern over native administration in Basutoland led to the formation of the Administrative Reforms Committee which was formed to investigate native administration and make recommendations. The exclusion of the Legislative Council from the report of the committee led to the Basutoland National Council demanding legislative powers. This demand for legislative power by the Council became another indicator that Lesotho was heading for constitutional monarchy. The regent Paramount Chieftainess 'Mantšebo Seeiso did not do much during this time to fight for the power of the Paramount Chieftainship. When Moshoeshoe II became Paramount Chief in 1960, he had to perform his duties as dictated by the constitution. A situation he was unwilling to accept.

Moshoeshoe II's early life and education had a great impact on his struggle against constitutional monarchy. He was a product of a polygamous family and was brought up by his step mother the regent Paramount Chieftainess 'Mantsebo and his own mother 'Mabereng. The two had completely different views of how he was to be raised and clashed often. The installation of Moshoeshoe II to the Paramount Chieftainship was surrounded by much controversy. The regent Paramount Chief and her advisors wanted his installation delayed until he completed his studies at Oxford but his mother 'Mabereng fought for his immediate installation with the help of some of his uncles and the leader of the Marema-Tlou Party Seephephe S. Matete. After much struggle he was eventually installed to the Paramount Chieftainship on the 12<sup>th</sup> March 1960. The key players in his installation became key players in his struggle against constitutional monarchy. The main player being Chief Leabua Jonathan who had served as one of the advisors of the Paramount Chieftainess but had resigned and went on to form the Basutoland National Party, a party that led Lesotho into independence.

By the time Moshoeshoe II was installed as the Paramount Chief the country had undergone political and constitutional reforms that made it difficult for him to change the position of the Paramount Chief in the Constitution. Soon after his installation in 1960 Moshoeshoe II embarked on a series of activities in an attempt to change the constitutional position of the Paramount Chieftainship. He had to rely on the approval of the National Council, which had become a Legislative Council, to have the constitution amended. This presented a challenge because at that time the Paramount Chief could only nominate fourteen members to the Legislative Council and forty out of the eighty members of the Legislative Council were commoners who were members by virtue of the District Council elections. In 1962, two years after his installation to the Paramount Chieftainship, Moshoeshoe II set up a Constitutional Commission with the aim of finding out the view of the people on the kind of constitution

they wanted for independent Lesotho. The people who made up the commission were mostly members of political parties who had their own views on the constitutional future of Lesotho and the monarchy in particular. When the Commission published its report, it was with the recommendation that the Paramount Chief in Lesotho should have powers similar to those of the British monarch. Two constitutional conferences were held in London following the publication of the report, the first one was in 1964 and it was followed by the 1966 Constitutional Conference. Both these conferences enforced the recommendation of the Constitutional Commission to give the Paramount Chief limited power in government.

Despite Moshoeshe II's attempts to fight against Lesotho becoming a constitutional monarch, on the 4<sup>th</sup> of October 1966 Lesotho gained her independence and Moshoeshe II became a constitutional monarch. Moshoeshe II continued with his struggle even after independence leading to a confrontation between him and Prime Minister Leabua Jonathan. The overall conclusion is that after independence, the Prime Minister used the College of Chiefs and the Senate to bring Moshoeshe II under the control of government. He also introduced laws like the Chieftainship Act 1968, which made it impossible for the chiefs to support Moshoeshe II in his struggle against constitutional monarchy. Moshoeshe II's struggle against constitutional monarchy ended in 1970 when Prime Minister Leabua Jonathan declared a State of Emergency and suspended the constitution.

## ACKNOWLEDGEMENTS

My sincere gratitude goes to my supervisor Professor T. H. Mothibe for his guidance and patience and to Professor M. Thabane who was also my supervisor during the early stages of my research. I am also grateful to the following members of the Department of Historical Studies at the National University of Lesotho for their support and encouragement, Ntate K. Ketsi and 'Me T. Seloma.

A heartfelt gratitude to my former lecturer Dr M. Mushonga. Thank you very much Ntate I would not be where I am today if not for you. You nurtured my love of history and made me take the road less taken and that has made all the difference, for that I will always be grateful.

To my friend and counsellor Mrs S. Mushonga, thank you for always being ready to listen to my sob stories. My gratitude also goes to 'Maneo Ralebitso, we travelled a very long road together and your encouragement and support made it all possible. Thanks to my colleague Ms Boitelo Mosuhli for taking her time to edit my work even when she had her own load of work to deal with.

All this would not have been possible without the support and encouragement of my family. My mother, who was always there to listen while also taking care of my son, My three brothers, Matheabeng, Fetang and Falamang thank you very much for always having my back and to my sister Ausi Mokhotsako, thank you for being the best sister in the whole world and for always being there when I need you. Lastly, a heartfelt gratitude to my sister in law 'Matsiame Selebalo for allowing me to invade her space when I needed a corner to hide.

A special thank you to the following people who set aside time from their busy schedule to help with my research, Ntate Kuena Phafane, Ntate Tšeliso Makhakhe, Morena Moramang Seeiso, Morena Mathealira Seeiso, Ntate Vincent Malebo, Ntate Verney Molise and Ntate Sephiri Motanyane.

## DECLARATION

I Mahahabe Selebalo declare that this dissertation is the result of my own independent work. To the best of my knowledge this thesis contains no material that has been previously submitted. I have made the effort to indicate where contributions of others are involved.

Signed.....

Date.....

**CERTIFICATION**

This is to certify that the candidate has met all the requirements for the award of the Master of Arts in History under the Department of Historical Studies, National University of Lesotho in August 2019.

Supervisor..... Date.....

External Examiner..... Date.....

Head of Department..... Date.....

## **DEDICATION**

This work is dedicated to my son Keketso Selebalo and my mother 'Mamatheabeng Selebalo

## LIST OF ACRONYMS

BAC.....	Basutoland African Congress
BCC.....	Basutoland Constitutional Commission
BCP.....	Basutoland National Party
MTP.....	Marema-Tlou Party
MFP.....	Marema- Tlou Freedom Party
BNP.....	Basutoland National Party
BNC.....	Basutoland National Council
CRC.....	Constitutional Reform Committee
ARC.....	Administrative Reforms Committee

## LIST OF TABLES

<b>TABLE</b>	<b>PAGE</b>
<b>Table 2.1:</b> Members of the Constitutional Reform Committee	<b>27</b>
<b>Table 3.1:</b> List of the Sons of Moshoeshoe who attended the August 1957 meeting called by Prince Bereng Seeiso	<b>47</b>
<b>Table 4.1:</b> List of fourteen people nominated to the Legislative Council by the Paramount Chief	<b>60</b>
<b>Table 4.2:</b> Members of the Basutoland Constitutional Commission	<b>62</b>
<b>Table 4.3:</b> Chiefs and Senators who pledged to support Chief Leabua Jonathan in his bid for control of the armed forces.	<b>74</b>
<b>Table 4.4:</b> Basotho delegates to the 1966 Independence Conference	<b>80</b>
<b>Table 5.1:</b> Principal and Ward Chiefs who recanted on the advice they rendered to King Moshoeshoe II after the Thaba- Bosiu tragedy	<b>102</b>
<b>Table 5.2:</b> Chiefs who refused to recant on the advice given to King Moshoeshoe II after the Thaba- Bosiu tragedy	<b>103</b>

## TABLE OF CONTENTS

<b>CONTENT</b>	<b>PAGE</b>
Abstract .....	i
Acknowledgement.....	iv
Declaration.....	v
Certification.....	vi
Dedication.....	vii
List of acronyms.....	viii
List of tables.....	ix
<b>CHAPTER ONE: INTRODUCTION</b>	
Background.....	1
Literature Review.....	5
Statement of the Problem.....	8
Aims of Objectives of the Study.....	9
Research Methodology.....	9
Summary of Chapters.....	10
<b>CHAPTER TWO: THE BEGINNING OF CONSTITUTIONAL MONARCHY IN LESOTHO, 1950-1960.</b>	
Introduction.....	12
The formation of political parties.....	13
The Administrative Reforms.....	18
The Regent Paramount Chieftainess and the question of her advisors.....	31
The Basutoland National Council and the origins of constitutional monarchy.....	32
The 1959 constitution and the origin of constitutional monarchy.....	35
Conclusion.....	37

**CHAPTER THREE: MOSHOESHOE II'S EARLY LIFE AND ITS IMPACT ON HIS STRUGGLE AGAINST CONSTITUTIONAL MONARCHY**

Introduction.....39

Early life and childhood..... 40

Tertiary education.....42

Lifestyle and interests.....43

The regent Paramount Chieftainess and the call to install Bereng to the Paramount Chieftainship...45

“Ha a beoe”.....47

Conclusion.....57

**CHAPTER FOUR: THE BEGINNING OF MOSHOESHOE II'S STRUGGLE AGAINST CONSTITUTIONAL MONARCHY, 1960-1966.**

Introduction.....58

The impact of the Legislative Council.....59

The establishment of the Constitutional Commission and its impact on the power of the Paramount Chief .....62

Moshoeshoe II appeals to the people.....68

The role of political parties in the struggle.....69

The Independence Conference of 1966.....77

Conclusion.....85

**CHAPTER FIVE: THE STRUGGLE BETWEEN THE KING AND THE PRIME MINISTER OVER EXECUTIVE POWERS**

Introduction.....87

Lesotho's independence and its adoption of the Westminster system of system of government.....88

The tragedy at Thaba-Bosiu.....90

The monarchy and the College of Chiefs.....92

The 1968 Chieftainship Act and its impact on Moshoeshoe II's struggle against constitutional monarchy.....97

Prelude to the 1970 elections: The conflict between the King and the Prime Minister continues.....106

The State of Emergency I declared.....	109
Moshoeshoe II is sent into exile.....	111
Conclusion.....	112
<b>CHAPTER SIX: CONCLUSION.....</b>	<b>113</b>
<b>BIBLIOGRAPHY.....</b>	<b>125</b>

## CHAPTER ONE

### INTRODUCTION

#### Background

On the 4<sup>th</sup> of October 1966 Lesotho gained her independence and became a constitutional monarchy,<sup>1</sup> with the King as the Head of State. This study focuses on the struggle of Moshoeshoe II against Lesotho becoming a constitutional monarchy. Moshoeshoe II's struggle against the constitutional monarchy began in 1960 when he was installed as the new Paramount Chief of Lesotho (then known as Basutoland). His reign in the period 1960-70 was dominated by his attempts to secure what he saw as a suitable position for the Paramount Chieftainship (before 1966) and the monarchy (after 1966) in the independence constitution. The study gives attention to the period between 1950 and 1970. This is because talks on the constitutional monarchy in Lesotho began in the 1950s and the struggle of Moshoeshoe II against constitutional monarchy ended in 1970. The struggle ended when Prime Minister Leabua Jonathan declared a state of emergency and suspended the independence constitution which had made the King of Lesotho a constitutional monarch.

The 1950's and 60's have often been described as the period of Africa's liberation from colonial rule and Lesotho was no exception. This was a period of great political development in Lesotho. Three political parties were formed during this period and they had an impact on the constitutional developments that occurred in Lesotho in the 1950's and 1960's. In 1952, Ntsu Mokhehle formed the first Lesotho political party which he named the Basutoland African Congress (BAC). Between 1952 and 1960, two more political parties were formed.

---

<sup>1</sup> Constitutional monarchy is a form of government in which a monarch, usually a king or queen is the head of government but performs his duties within the parameters of a constitution, [www.thoughtco.com](http://www.thoughtco.com), 02/08/2019.

These were the Marema-Tlou Party (MTP), which was formed in 1957 by S.S. Matete and the Basutoland National Party (BNP) which was formed in 1959 by Leabua Jonathan.

The formation of these parties set in motion the fight for self-rule, a fight which ultimately led to constitutional developments. The British concern over native administration in Basutoland in the early 1950's led to the formation of the Administrative Reforms Committee (ARC), under the chairmanship of Sir Henry Moore. Constitutional developments in Basutoland in the 1950's began with the establishment of this committee. The British hoped that the findings of the committee would be the first step towards introducing Basotho to a more representative system of government. The aim was that as time went on Basotho would gradually be given more responsibility in government.<sup>2</sup>

The members of the Basutoland National Council (BNC)<sup>3</sup> hoped that the committee would recommend legislative powers for the council. Since its formation in 1903, the BNC had always been advisory in nature and had no legislative powers. When the committee published its report (which came to be known as the Moore Report), there was no provision for the BNC to become the Legislative Council. A public outcry over the recommendations of the committee resulted in the BNC demanding legislative powers. The composition and terms of reference of the committee did not comply with the recommendations of the BNC. The Council had recommended a representative for both the BNC and the Paramount Chief in the composition of the committee, a recommendation the British chose to ignore. There was fear within the Council that through the recommendations of the ARC the British authorities aimed to govern Basutoland according to their own laws.<sup>4</sup> The BNC's demand for more power led to the formation of yet another committee. This one was called the Constitutional

---

<sup>2</sup> House of Commons Parliamentary Debates, 17<sup>th</sup> March 1955, <https://books.google.co.ls>, 02/08/2019.

<sup>3</sup> The Basutoland National Council was an advisory body established in 1903 under the authority of the British High Commissioner. It was where domestic affairs of Basutoland were discussed and it consisted of not more than a hundred members, ninety four of whom were nominated by the Paramount Chief.

<sup>4</sup> Proceedings of the Special Session of the Basutoland National Council, March 1955.

Review Committee (CRC). The establishment of this committee marked another important step in constitutional developments in Lesotho. With political parties contending for the power to rule the country, it became important to decide the role of the Paramount Chief in government. The committee published its report on this matter in 1958. It recommended the establishment of a Legislative Council and gave substantial powers to an Executive Council, leaving the Paramount Chief with a very limited role to play in government. The report of the Constitutional Review Committee became the basis for the 1959 constitution and, according to the recommendations of the committee; the constitution stipulated that, “in the exercise of his powers and in the performance of his duties, the Paramount Chief shall consult with the Executive Council.”<sup>5</sup>

In 1960 when Moshoeshoe II became the Paramount Chief, he was bound to perform his duties according to the 1959 constitution. From the moment he was installed as the Paramount Chief of Basutoland, he made it clear that he did not support the position of the Paramount Chieftainship in the new constitution.

Early in 1960, Lesotho held her first District Council elections. District Councils in Basutoland were established in 1946 by the colonial authorities in an effort to facilitate greater involvement of commoners in the BNC.<sup>6</sup> Each district elected two representatives to the BNC. The 1960 elections were a great development because for the first time in the history of the BNC, the commoners became members of this council by virtue of elections, with a fifty per cent representation. On the day that Moshoeshoe II was installed as the new Paramount chief of Lesotho, the BNC became the Legislative Council. Out of the eighty members of the Council, the 1959 constitution accorded the Paramount Chief to nominate

---

<sup>5</sup> Basutoland Constitution Order in Council 1959

<sup>6</sup> B. Nyeko, “Resistance to Colonial Rule and the Emergence of Anti-Colonial Movements”, in N. W. Pule and M. Thabane (eds), *Essays on Aspects of the Political Economy of Lesotho 1500-2000* ( Roma: Department of History, National University of Lesotho, 2002), p. 147.

only fourteen members to the Legislative Council.<sup>7</sup> The reduction in the number of people nominated by the Paramount Chief had a negative impact on the power and influence of the Paramount Chieftainship in the BNC. Since the formation of the Council in 1903, the Paramount Chieftainship had always yielded a lot of power in the Council because when it was formed the Paramount Chief nominated more than ninety five per cent of the members. In 1960, when Moshoeshoe II became the Paramount Chief, the situation was such that the Paramount Chief was not part of the law making body in the country, a condition that Moshoeshoe II saw as being contrary to the culture and traditions of Basotho.

In 1962, Moshoeshoe II accepted the invitation of the British High Commissioner to appoint a Constitutional Commission.<sup>8</sup> One of the terms of the Commission was to find out the opinion of the people with regard to the power of the monarchy when Lesotho became independent. The Commission recommended carefully refined powers for the monarchy, in line with the British system of government.<sup>9</sup> The report of the Commission became the basis for the independence constitution and the bane of Moshoeshoe II's struggle against constitutional monarchy. In the following years, when Moshoeshoe II made any attempt to have the constitutional position of the Paramount Chieftainship changed, he was accused by Ntsu Mokhehle of going against the will of the people, (represented by political parties like the Basutoland Congress Party)<sup>10</sup> and the Basutoland National Party, who claimed the report of the Commission was the voice of the people.

Following the publication of the report of the Constitutional Commission, a constitutional conference was held in London in May 1964. It was at this conference that the British made it clear that they wanted a constitutional monarchy for Lesotho. They refused the

---

<sup>7</sup> Basutoland Constitution Order in Council 1959

<sup>8</sup> PRO.CO 1048/61, The Paramount Chief's Address on the opening of the Second Session of the Basutoland National Council, 26<sup>th</sup> January 1962.

<sup>9</sup> Report of the Basutoland Constitutional Commission, 1963.

<sup>10</sup> The Basutoland African Congress (BAC) was renamed the Basutoland Congress Party in 1958.

recommendation of the BNC to give control of the armed forces to the Paramount Chief, deciding to hold on to them until Basutoland became independent.<sup>11</sup> In 1965, the first national pre-independence elections were held and BNP won them. On the 19<sup>th</sup> of October 1965, Chief Leabua Jonathan<sup>12</sup> left Basutoland with a five-man delegation to negotiate the handing over of the powers that still remained in the hands of the British. The British handed over those powers to the government of Lesotho under Chief Leabua Jonathan.

In June 1966, the British invited the Basutoland government to another conference that was held in London to discuss the final stages before the granting of independence. The 1966 Independence Conference was concluded with the Prime Minister bestowed with a great deal of power over the Paramount Chief. Section 32 (1) of the Lesotho Independence Order 1966 decreed that “The King shall do all things that belong to his office in accordance with the provisions of this Constitution and of all other laws for the time being in force.”<sup>13</sup>

## Literature Review

Scholars such as L. B. B. J. Machobane, N. L. Mahao and W. C. M. Maqutu have written a great deal about constitutional developments in Lesotho, but limited attention has been given to Moshoeshoe II and his struggle against constitutional monarchy.<sup>14</sup> B. M. Khaketla presents a rather positive outlook towards the situation of the monarchy just before and immediately after independence.<sup>15</sup> Khaketla was the founding member of the Marema-Tlou Freedom Party

---

<sup>11</sup>B. M. Khaketla, *Lesotho 1970: An African Coup under the microscope* (London: C. Hurst & Co., 1971), p. 10.

<sup>12</sup> Chief Leabua Jonathan was elected to the District Council at Leribe in 1956, through which he became a member of the National Council. As a member of the Council he was chosen as one of the advisors of the Regent Paramount Chieftainess 'Mantšebo Seeiso. He was sworn in as Prime Minister of Basutoland on the 5<sup>th</sup> July 1965 and led Lesotho into independence.

<sup>13</sup> The Lesotho Independence Order 1966.

<sup>14</sup> See for example, B. M. Khaketla, *Lesotho 1970: An African Coup Under a Microscope*. ( London: C. Hurst & Co., 1971), W. C. M. Maqutu, *Contemporary Constitutional History of Lesotho* ( Mazenod: Mazenod Institute, 1990), L. B. B. J. Machobane, *Government and Change in Lesotho, 1800-1966: A Study of Political Institutions* ( London : Macmillan, 1990) and N. L. Mahao. *Constitutionalism. Legitimacy and Political Power: Towards an Understanding of the Problems of Good governance in Lesotho* PhD thesis, University of Western Cape, 1999.

<sup>15</sup> B. M. Khaketla, *Lesotho 1970: An African Coup Under a Microscope* (London: C. Hurst & Co., 1971), p. 87.

(MFP), a party that pledged to give its full support to the monarchy. As a member of MFP and former Privy Councillor to Moshoeshoe II, Khaketla provides first-hand account of the tribulations Moshoeshoe II faced in his struggle against constitutional monarchy. He provides a detailed account of the decisions reached in preparation for the independence, the decisions which ultimately made Lesotho a constitutional monarchy. He gives a detailed account of the 1966 Independence Conference which decided the fate of the monarchy in independent Lesotho.

Khaketla gives much attention to the struggles that Moshoeshoe II faced in his attempt to gain more power for the monarchy and his approach is useful in the study of Moshoeshoe II and his struggle against constitutional monarchy with its limitations. He focuses on the period just before independence, leading to the 1970 coup and its aftermath. His main focus is on the 1970 coup. This approach gives attention to the King as one of the key players in Prime Minister Jonathan's declaration of the State of Emergency in 1970.

Proctor examines Moshoeshoe II's struggle against constitutional monarchy from a perspective of a country struggling to adapt to a new system of government.<sup>16</sup> He offers an overview of Moshoeshoe II's refusal to accept constitutional monarchy. Proctor argues that the 1959 constitution was designed to foster Moshoeshoe II's development into a constitutional monarch.<sup>17</sup> He offers an overview of Moshoeshoe II's refusal to be a constitutional monarch, with the focus being on the period between 1959 and 1968 starting with the 1959 constitution and ending with the Chieftainship act in 1968.

---

<sup>16</sup> J. H. Proctor, *Building a Constitutional Monarchy in Lesotho* (Duke University: Committee of African Studies, 1969)

<sup>17</sup> J. H. Proctor, *Building a Constitutional Monarchy in Lesotho*, p. 65.

Weisfelder describes how Moshoeshoe II fought against the simulation of foreign institutions in constitutional developments in Lesotho.<sup>18</sup> He makes reference to how Moshoeshoe II advocated for parliamentary democracy that incorporated Basotho traditional political institutions. He goes further to state that the actions of Moshoeshoe II, both before and after independence, put him on a collision path with the elected government of Chief Leabua Jonathan. Weisfelder gives attention to the monarchy as a political institution struggling to find its place within a rather complicated political environment. His focus is however, on the relationship between Prime Minister Leabua Jonathan and the Basotho monarchy.

W. C. M. Maqutu approaches Moshoeshoe II's struggle against constitutional monarchy from a legal perspective.<sup>19</sup> He focuses on the impact of constitutional developments in Lesotho before 1966 on the monarchy. He gives an insight into the role played by the British in constitutional developments in Lesotho and how they contributed to diminishing the power of the monarchy in the independence constitution.<sup>20</sup> Maqutu acknowledges that there was a struggle for power between the monarchy and the Prime Minister. He describes the struggle as one sided in that after 1966 the Prime Minister had more power than the King and this situation gave him an advantage over the King. He draws attention to the position of the monarchy in the independence constitution. Though he makes reference to Moshoeshoe II's struggle to gain more power for the monarchy he does not state what the struggle entailed and how it affected the already precarious state of the monarchy.

Machobane examines the placing of the Westminster system of government in Lesotho.<sup>21</sup> He makes a rather short analysis of the stand of Moshoeshoe II on the position of the monarchy

---

<sup>18</sup> R. F. Weisfelder, "*Defining National Purpose : The Roots of Factionalism in Lesotho*", PhD thesis, Harvard University, 1974,

<sup>19</sup> W. C. M. Maqutu, *Contemporary Constitutional History of Lesotho*( Mazenod: Mazenod Printers, 1990)

<sup>20</sup> Maqutu, *Contemporary Constitutional History of Lesotho*, p. 36.

<sup>21</sup> L. B. B. J. Machobane, *Government and Change in Lesotho, 1800-1966: A Study of Political Institutions* ( London: Macmillan, 1990)

in the Westminster political system.<sup>22</sup> His reference to Moshoeshoe II and his bid for more power is made with an emphasis on the constitutional position of the monarchy as a political institution but says very little about the struggle of Moshoeshoe II against constitutional monarchy. His analysis ends with the coming of independence in 1966 and does not go further.

Thabane takes a different approach towards Moshoeshoe II and his struggle against constitutional monarchy.<sup>23</sup> He describes the struggle as “actions of a man who was desperate to take the reins of power in order to ensure his and his successors’ survival.”<sup>24</sup> Thabane views the struggle as a source of political instability in Lesotho in the period between 1966 and 1971. His interpretation of the role of Moshoeshoe II’s struggle as the source of Lesotho’s political instability in the late 1960’s provides a background to the plight of the monarchy at a later stage.

### **Statement of the Problem**

This study documents Moshoeshoe II’s struggle against constitutional monarchy and assesses its success and failure. His reign between 1960 and 1970 was dominated by his struggle to find a satisfactory position for the monarchy in both the pre and post-independence constitutions. The study therefore seeks to examine the challenges that Moshoeshoe II encountered and the attempts that he made to overcome those challenges. The research questions include: What were the factors that influenced Lesotho to become a constitutional monarchy? How did Moshoeshoe II justify his stand against the constitutional monarchy? What role did the British play in making Lesotho become a constitutional monarchy? What

---

<sup>22</sup> L. B. B. J. Machobane, *Government and Change in Lesotho, 1800-1966*, p. 276.

<sup>23</sup> M. Thabane, “The King in Politics in Lesotho, Background to the 17<sup>th</sup> Aout of King Letsie III, August-September 1994”, *Review of Southern African Studies*, 2:1, (1998)

<sup>24</sup> M. Thabane, “The King in Politics in Lesotho” , p.36

challenges did Moshoeshoe II face in his struggle and what steps did he take to overcome them?

### **Aims and objectives of the study**

The aim of this study was to document Moshoeshoe II's struggle against the constitutional monarchy in Lesotho in the period between 1960 and 1970. The objectives of this study were to (a) determine the circumstances under which Lesotho became a constitutional monarchy, (b) to examine the circumstances under which Moshoeshoe II began his struggle against the constitutional monarchy and (c) to investigate the volatile relationship between the King and the Prime Minister and how it affected Moshoeshoe II's bid for more power.

### **Research methodology**

Data was collected from both primary and secondary sources. Primary sources are mainly archival material and oral interviews. The archival material included the newspapers from the period between 1950 and 1970. Reference was also made to some newspapers printed before 1950. Some letters, official government publications and political party records were also consulted. The newspapers bring out the political and social mood of the period in question and help determine the attitude of different stakeholders in Moshoeshoe II's struggle for the monarchy.

Letters also provide a true reflection of the opinions and views of those who write them. For the study, the focus was given to the letters written between the British authorities and Moshoeshoe II. The minutes taken during the meetings attended by various key players in Moshoeshoe II's struggle against the constitutional monarchy provided information about the

views of those who attended the meetings. Official government publications included the circulars and memoranda from different government departments.

Moshoeshoe II's interaction with others, both at a political and personal level provided an understanding of his struggles. Personal interviews were held with members of the political parties who were politically active in the 1950s and 1960s. These people provided a better understanding of the attitude of their parties towards Moshoeshoe II and his fight against the constitutional monarchy. Members of Moshoeshoe II's family and those closest to him also provided personal views and a close perspective about Moshoeshoe II. They include his brothers, his former personal secretary and some politicians who knew him at a personal level. The secondary sources also played an important role in this study because they made reference to the primary sources that are not accessible at present.

## **Summary of Chapters**

**CHAPTER ONE** is the introduction to the study

**CHAPTER TWO** presents the origin of the constitutional monarchy in Lesotho in the period 1950-1960. It provides an analysis of the factors that influenced the beginning of the constitutional monarchy in Lesotho. These factors included the formation of political parties; the administrative reforms that took place in Basutoland in the 1950's, the regent Paramount Chieftainess 'Mantšebo Seeiso, The BNC and the 1959 constitution. The chapter examines the contribution of each of these factors to Lesotho becoming a constitutional monarchy.

**CHAPTER THREE** focuses on the man that Moshoeshoe II was. It first presents his life as a young boy growing up in Matsieng. The chapter gives a background to two dynamics of his family, the first being that he was the product of a polygamous family and second, that as the heir to the Paramount Chieftainship he was brought up by his step-mother Paramount

Chieftainess ‘Mantšebo and his own mother ‘Mabereng, both of whom had different views on how he was to be raised. The chapter also refers to his stay in England and the impact it had on his life. It also focuses on the controversy that surrounded his installation, with particular reference to the role played by the Regent Paramount Chieftainess ‘Mantšebo Seeiso, 1941-1960.

**CHAPTER FOUR** gives attention to the period 1960-1966. This is the most important period in the constitutional history of Lesotho; it is the period during which the last stages of the preparation for independence were made. The 1959 and 1966 constitutions made Lesotho a constitutional monarchy. This chapter presents the activities of Moshoeshoe II in his attempt to sway the nation away from the concept of a constitutional monarchy. The chapter also discusses the role of different stakeholders in the making of constitutional monarchy in Lesotho. These include the British colonial authorities, the legislative Council and the three major political parties (BCP, BNP and MFP).

**CHAPTER FIVE** focuses on the period between 1966 and 1970. This was a critical period for Moshoeshoe II’s struggle against the constitutional monarchy. Some laws were introduced, during this period, which hindered his struggle. It is the period leading to the 1970 general elections which put an end to his struggle against constitutional monarchy. The chapter further presents the relationship between the Prime Minister and the King, particularly in the months leading to the elections and the impact that this relationship had on the power of the monarchy in independent Lesotho.

**CHAPTER SIX** concludes the study. It is an assessment of Moshoeshoe II’s struggle against the constitutional monarchy and concludes that his struggle did not succeed.

## **CHAPTER TWO**

### **THE BEGINNING OF THE CONSTITUTIONAL MONARCHY IN LESOTHO, 1950-1960**

#### **Introduction**

This chapter traces the origins of the constitutional monarchy in Lesotho. It presents the factors that influenced the beginning of constitutional monarchy in the period between 1950 and 1960. It argues that five factors are critical in the beginning of constitutional monarchy in Lesotho; these are the development of three political parties in the years between 1952 and 1959, the administrative reforms that took place in the country in the 1950's, the regent Paramount Chieftainess 'Mantšebo Seeiso, the BNC and the 1959 constitution. The development of political parties denoted a significant change in the political system of Basutoland. They were formed during a period when the Paramount Chieftainship was at its lowest because of the reforms that had taken place in the 1930's and 1940's. Their formation was not only a symbol of political change, they also provided alternative leadership to the Paramount Chieftainship that had failed to sustain its power.

The administrative reforms that took place in Basutoland between 1950 and 1960 marked the beginning of constitutional monarchy. The British geared the reforms towards constitutional monarchy, a development catalysed by the presence of political parties. The regent Paramount Chieftainess 'Mantšebo did not make any effort to fight for the power of the Paramount Chief during one of the critical periods in the history of Lesotho. She ruled with the help of advisors who put their interests before those of the Paramount Chieftainship. The BNC also had its own role to play in the origins of constitutional monarchy. It was the Council that put in motion events that led to constitutional monarchy. The end result of all

these factors was the 1959 constitution which gave the Paramount Chief powers similar to those of a constitutional monarch.

### **The formation of political parties**

One of the earliest indicators that Lesotho was heading towards the constitutional monarchy was the formation of political parties in the 1950's. The 1950's and 1960's were a period of liberation throughout Africa and political parties played a crucial role. Shale describes how the formation of political parties in Africa became a symbol of freedom from colonial rule and how political parties represented change and a drive towards the democratic rule.<sup>25</sup> In Lesotho, the formation of political parties was influenced by the need for self-rule and the struggle against its possible incorporation into the Union of South Africa. Although these two issues were critical factors in the formation of political parties, it is what the formation of political parties denoted as far as the power of the Paramount Chieftainship was concerned that is principal to this discussion. Political parties presented a new challenge to the position of the Paramount Chieftainship. For the first time in history, people could look elsewhere for leadership.

The formation of political parties was an indication that Lesotho was driving towards a parliamentary system of government. Okwudiba contends that in Africa political parties were formed under the tutelage of the colonial master and that the democracy they sought was patterned after that of the mother country.<sup>26</sup> From its conception, the BAC, under the leadership of Ntsu Mokhehle advocated for a system of government similar to that of Britain, always maintaining that the Paramount Chief in Basutoland should have powers similar to those of the British queen. Constitutional and political developments in Basutoland in the

---

<sup>25</sup> V. Shale, "Political Parties and Political Instability in Lesotho" in M. Thabane (ed.), *Towards an Anatomy of Persistent Political Instability in Lesotho, 1966-2016* (Roma: Open Society Initiative for Southern Africa, 2017) p. 25-26.

<sup>26</sup> N. Okwudiba, *Introduction to Politics* (Nigeria: Longman, 1986), p. 130.

1950's and 60's were geared towards a system of government modelled along the lines of the Westminster system of government.

The first political party in Lesotho was the Basutoland African Congress (BAC), formed in 1952 by Ntsu Mokhehle. One of the reasons behind the formation of the party was Mokhehle's disgruntlement over the rule of the Regent Paramount Chieftainess 'Mantšebo Seeiso whom he felt was a weak leader who could not handle the challenges that faced the country.<sup>27</sup> The BAC was not formed only to lead the fight for independence and against incorporation but it was also formed to present alternative leadership to what they saw as weak leadership of the Paramount Chieftainship.

With the possibility of alternative leadership, the question of the role of the Paramount Chief in government became important. The BAC manifesto, when it was formed, called for a parliamentary democracy for independent Lesotho.<sup>28</sup> Weisfelder contends that the BAC was tentative in its proposal for Basutoland to have a legislative assembly, with the leading chiefs, which was controlled by an elected majority.<sup>29</sup> The development of political parties in the 1950s was a new development for Basotho and many still saw the Paramount Chieftainship as the pinnacle of government. This explains why Mokhehle advocated for a parliamentary system of government without excluding the Paramount Chieftainship and the chieftainship.

The reforms that had taken place in the 1930's and 1940's had done much to diminish the prestige of the Paramount Chieftainship and the Chieftainship. The Native Administration Proclamation of 1938 stripped the chiefs of their powers and put both the chiefs and the Paramount Chief under the colonial authority while the Native Courts Proclamation of 1938

---

<sup>27</sup> B. Leeman, *Lesotho and the Struggle for Azania, Africanist Political Movements in Lesotho and Azania: The Origins and history of the Basutoland Congress Party and the Pan Africanist Congress*, Volumes one and two, 1780, 1966, University of Azania, 1985, London.

<sup>28</sup> Leeman, *Lesotho and the Struggle for Azania*, p. 71.

<sup>29</sup> R. F. Weisfelder, "*Defining National Purpose: The Roots of Factionalism in Lesotho*", PhD thesis, Harvard University, 1974, p. 185.

deprived the chiefs of their judicial powers and gave the Resident Commissioner the power to suspend or dismiss court officials as well as appoint members of the Native Court of Appeal.<sup>30</sup> The BAC was formed during the period in which the Paramount Chieftainship and the Chieftainship were still struggling to overcome the impact of these reforms. As Weisfelder aptly put it, “the BAC had replaced the monarch and the National Council as the most dynamic and aggressive force in articulating national goals and grievances”.<sup>31</sup> The formation of the BAC and its strive for a parliamentary system of government marked the beginning of the constitutional monarchy in Lesotho.

The second political party formed in Basutoland was the Marema-Tlou Party which was formed in 1957 by S. S. Matete. Matete had been a member of the BCP but had left the party because of its leader Mokhehle’s disregard for the need to install Bereng Seeiso as the Paramount Chief.<sup>32</sup> Matete was a member of the National Council and also served as one of the advisors of the Regent ‘Mantšebo Seeiso. Following the release of the Moore Report in 1954 and the constitutional debates which followed, Matete was dissatisfied with his post as advisor to the regent because his opinion was that a new Paramount Chief was needed.<sup>33</sup> The Moore Report exposed the weakness of native administration in Lesotho and left the Paramount Chieftainship in a vulnerable position. It also revealed the stand of the British on Native Administration in Basutoland and motivated the members of the BNC to fight for legislative powers. During the debates that followed the publication of the Moore Report, the statement made by the Resident Commissioner, when he explained the characteristics of a Legislative Council, made it clear that the establishment of a Legislative Council would

---

<sup>30</sup> N. L. Mahao, “The Law and Land Planning: An Overview of Customary, Colonial and Post-Colonial Initiatives” Paper presented at the international Conference on planning legislation in Africa, Maseru, 2-5 December 1991, p.14.

<sup>31</sup> R. F. Weisfelder, “Defining National Purpose: The Roots of Factionalism in Lesotho”, p. 180.

<sup>32</sup> R. F. Weisfelder, *Political Contention in Lesotho 1952-1965* (Roma: Institute of Southern African Studies, 1999), p. 37.

<sup>33</sup> Leeman, *Lesotho and the Struggle for Azania*, p. 71.

degrade the Paramount Chieftainship.<sup>34</sup> The Resident Commissioner explained that a Legislative Council is

One which makes laws affecting everybody in the territory. There is no appeal against those laws provided it passes those laws within its powers. For that reason it is essential that minorities are represented on a Legislative Council, officers of government, Europeans and, as the secretary of state has said, it would need an official majority<sup>35</sup>

The BNC's refusal to accept the Moore Report led to the establishment of the Constitutional Reform Committee. These constitutional developments prompted Matete to resign his post as advisor to the Paramount Chief and take up the cause to fight for the installation of Bereng before any constitutional changes could be implemented.<sup>36</sup> MTP was a party formed to fight for the installation of Bereng. The formation of the MTP is an important factor in the origin of the constitutional monarchy because it shows that the BAC posed a new kind of threat to the Paramount Chieftainship which the MTP was formed to fight for. The MTP's pledge to fight for the power of the Paramount Chieftainship presented a challenge to the BAC, a challenge that the BAC met by intensifying their stand to fight for a system of government where the monarchy did not play an important role in government. The third and last party to be formed in the 1950's was the BNP which was formed by Leabua Jonathan in 1959. Like Matete, Leabua Jonathan was also one of the advisors of the Regent Paramount Chieftainess.

The BNP was very clear from the start that it wanted Lesotho to be a constitutional monarchy. The BNP manifesto showed support to the chieftainship only on condition that the chieftainship was open to modernization.<sup>37</sup> The BNP wanted a democratic system of government which derived power from the people and not the Paramount Chieftainship. According to its manifesto, the "BNP followed that the direction of the government must be

---

<sup>34</sup> Proceedings of the Special Session of the Basutoland National Council, March 1955.

<sup>35</sup> Proceedings of the Special Session of the Basutoland National Council, March 1955.

<sup>36</sup> Interview with V. M. Malebo, 86 year old Member of Parliament and current leader of MFP, Maseru West, 7 July 2017.

<sup>37</sup> LNA, S/373, Basutoland National Party Draft Manifesto.

in the hands of Basotho and answerable to the Basotho public opinion”.<sup>38</sup> This manifesto was in line with the liberal political thought which pointed to a system of government in which “the sovereignty or supreme controlling power in the last resort is vested in the entire aggregate of the community”.<sup>39</sup> The key features of a liberal democratic state are periodic elections, the abolition of the powers of the monarchy and the division of powers within the state”.<sup>40</sup> The liberal stand of the BNP showed a party that would support a system of government where the monarchy had a limited role to play in government.

Though they had their reservations about the BAC, the British did not seem to have a problem with the formation of the BNP and what it stood for. On the 27<sup>th</sup> February 1959, during a meeting between the Resident Commissioner and the Paramount Chief’s advisors, the Acting Paramount Chief informed the Resident Commissioner about the formation of the BNP and raised his concern over the question of the Paramount Chief’s advisors as members of political parties.<sup>41</sup> The response of the Resident Commissioner was that he had read the constitution of the BNP and was satisfied with it. He went further to state that he saw nothing irregular with the Paramount Chiefs advisors being members of political parties. It was only when one of those advisors publicly attacked the Resident Commissioner and the Paramount Chief that the British saw the error of their ways in allowing the Paramount Chief’s advisors to be members of political parties. On the 4<sup>th</sup> of September 1959, during another meeting between the Resident Commissioner and the Paramount Chief’s advisors, it came out that the High Commissioner was not happy with the decision of the Resident

---

<sup>38</sup> LNA, S/373, Basutoland National Party.

<sup>39</sup> J. S. Mill, “*That the ideally best form of government is representative government*” in E. K. Bramsted and K. J. Melhuish (eds), *Western Liberalism: A History in Documents from Locke to Croce* (London: Longman, 1978), p. 303.

<sup>40</sup> D. Held, *Models of Democracy*. (California: Stanford University Press, 1996), p. 95.

<sup>41</sup> LNA, S/373 Basutoland National Party.

Commissioner to allow an active politician to remain as an advisor to the Paramount Chief because the decision went against the interests of the country as a whole.<sup>42</sup>

Political developments in Basutoland by 1959 were such that the majority of the members of the BNC were affiliated to political parties in one way or another. On the one hand the MTP had the support of some important chiefs whose fear was that constitutional reforms were moving towards the formation of a Legislative Council dominated by the commoners.<sup>43</sup> On the other hand, the BNP leadership was dominated by lesser chiefs and headmen.<sup>44</sup> The influence of party politics weakened the BNC as each member looked towards the interests of his own party, side-lining the monarchy in the process. In an interview that he gave in 1959, the General Secretary of BNP, T. S. Ntoampe, stated that any change on the chieftainship would be difficult to implement as long as the chiefs continued to dominate the BNC.<sup>45</sup>

Each of these three political parties had its own stand on the future of the Paramount Chieftainship but there is no doubt that each wanted a stake in government. What is clear is that they were formed to compete for the same power as the Paramount Chieftainship, it would then depend on each party how much power it was willing to impart to the Paramount Chieftainship.

### **Administrative Reforms**

By 1951 the Basutoland Council had evolved to allow the commoners to be members of the Council. This was because in an attempt to include the commoners in the decision-making processes, the British had, in 1946, established nine district councils and each district could

---

<sup>42</sup> LNA, S/373, Basutoland National Party.

<sup>43</sup> B. Nyeko, "The Independence Movement, 1952-1966" in N. W. Pule and M. Thabane (eds.), *Essays on Aspects of the Political Economy of Lesotho 1500-2000* (Roma: Department of History, National University of Lesotho, 2002), p.164

<sup>44</sup> R. F. Weisfelder, *Political Contention in Lesotho, 1952-1965* (Roma: Institute of Southern African Studies, 1999), p. 28

<sup>45</sup> *The Star*, 4<sup>th</sup> November 1959.

elect two representatives to the Council.<sup>46</sup> In 1951, during his address to the Basutoland Council, the High Commissioner made reference to the balance between the need for popular representation and the need to maintain the authority of the chieftainship. This led to the discussions on native administration which culminated in a member of the Botha –Bothe District Council suggesting immediate investigation of the administration of the chiefs. The motion was adopted unanimously by the members of the Council and it was suggested that a committee be appointed to examine the native administration in Lesotho and to make suggestions in that regard.

The Council proposed that the committee should include, (a) a representative of the chieftainship who was to be nominated by the Paramount Chief together with the sons of Moshoeshoe, (b) a representative of both the Basutoland National Council and District Councils who was to be nominated by the Basutoland Council and (c) one or two administrative officers who were to be nominated by the Resident Commissioner.<sup>47</sup> The full composition of the Administrative Reforms Committee, as the committee was called, and its terms of reference were never fully disclosed, though between 1952 and 1953 there were matters discussed in the Basutoland Council which were referred to the committee by the Council.

The motions passed in the Basutoland Council which were referred to the Administrative Reforms Committee included Motion 14, passed during the 49<sup>th</sup> Session of the Basutoland National Council which was about the haste achievement of the Local Government and decentralization. Two other motions which dealt directly with the office of the Paramount Chief were also referred to the committee. These were Motion 13 and 20, both of which dealt

---

<sup>46</sup> B. Nyeko, "Resistance to Colonial Rule", in N. W. Pule and M. Thabane (eds.), *Essays on Aspects of the Political Economy of Lesotho 1500-2000* ( Roma: Department of History, National University of Lesotho, 2002), p.147.

<sup>47</sup> Proceedings of the 47<sup>th</sup> Session of the Basutoland Council, 1951.

with the issue of the Paramount Chief's advisors. Motion 13 was about the appointment of the fourth advisor to the Paramount Chief while Motion 20 made a clear distinction of the duties of each of the advisors of the Paramount Chief.<sup>48</sup>

Although the suggestion to form the committee was made and approved by the Basutoland Council, its actual composition was decided by the High Commissioner and the British Secretary of State. They appointed the former Governor General of Ceylon,<sup>49</sup> Sir Henry Moore, to lead the committee with two appointees of the Basutoland Council acting as his advisers. The two appointees were Chiefs Nkuebe Mitchell and Kelebhone Nkuebe.<sup>50</sup> The Administrative Reforms Committee marked the beginning of the constitutional monarchy in two ways; firstly, it showed that the intentions of the British were for Basutoland to have a system of government where the monarchy was only ceremonial. Secondly, the recommendations of the committee became the basis of the National Council's demands for more power, a development that greatly reduced the power of the Paramount Chief.

The committee toured the country with the aim of finding out the opinions of Basotho on three issues, (a) the chieftainship, (b) the Basutoland and District Council and (c) the Treasury. The committee published its report in 1954 and it was only then that its terms of reference became known. The terms of reference of the committee, as published in its report, were to examine the structure of the native administration in Basutoland and to make the recommendations regarding its future development. The committee was to take into account the existing system of native authority and the need for more effective instruments of local government at district level.<sup>51</sup>

---

<sup>48</sup> Proceedings of the 49<sup>th</sup> Session of the Basutoland National Council, 1953.

<sup>49</sup> Ceylon is the British colonial name for present day Sri Lanka. The name was changed in 1972 when the country became a republic. Sir Henry Moore served as its Governor General from 1948-1950. Before then he had served in the British colonial office in Nigeria, Kenya and Sierra Leone.

<sup>50</sup> Proceedings of the Special Session of the Basutoland National Council, March 1955.

<sup>51</sup> Basutoland Report of the Administrative Reforms Committee, 1954.

Although Native Administration included the Paramount Chieftainship, the report said nothing about the power of the Paramount Chief. It however made some recommendations that greatly reduced the power of the Paramount Chief. The terms of reference referred to the ‘relationship of the local government structure and the central government and its officers’ but side-lined the Paramount Chief. Duncan asserts that through the appointment of Sir Henry Moore, the British hoped to ebb the tide of criticism by giving Basotho local government while holding on to the central government.<sup>52</sup>

The British hoped that giving Basotho local government would satisfy them enough to leave the central government in the British hands. By leaving out the role of the Paramount Chief in the terms of reference, the British made it clear that they did not regard the Paramount Chieftainship as an important part of native administration. The report showed that the British were more concerned with the native administration as it related to their role in government and that the recommendations of the committee were clearly intended to strengthen British authority in Lesotho at the expense of the Paramount Chieftainship and the Chieftainship. In its report, the committee stated,

Our proposals would help to avoid administrative delays and would enhance the Resident Commissioner’s prestige in Basuto eyes without in any way endangering the constitutional position of the High Commissioner. The High Commissioner is the supreme legislative authority and of course will continue to issue proclamations in that capacity as in the past.<sup>53</sup>

The recommendations of the committee left very little for the Paramount Chief to do in government. Paragraph 25 of the report recommended the setting up of a committee whose responsibility was to advise the Resident Commissioner. The committee would be called the Permanent Advisory Committee for Basutoland and would consist of the Resident Commissioner as president, the Paramount Chieftainess, her chief councillor and two

---

<sup>52</sup> P. Duncan, “*Basutoland in Transition*” [www.sahistory.org.za](http://www.sahistory.org.za), 16/06/ 2019, 15:20.

<sup>53</sup> Basutoland Report of the Administrative Reforms Committee, 1954, p. 27.

advisors, the government secretary, the financial secretary and two other senior officials who were to be nominated by the Resident Commissioner.<sup>54</sup>

What the committee recommended was to take power away from the Paramount Chief and the chiefs and give it to the central government which was controlled by the British colonial authorities while downgrading the power of the Paramount Chief to being the advisor to the Resident Commissioner. The observation of the committee with regard to the power of the Paramount Chief was that,

In Basuto eyes he is at once the custodian and embodiment of Basuto National aspirations. He is regarded as the head of the Basuto government to whom all Principal Chiefs, Ward Chiefs, Chiefs and headmen are subordinate. No chief, however powerful can claim to share authority with him, once his status has been formally recognised and declared.<sup>55</sup>

The committee also recommended a reduction in the size of the Council, if it was to effectively carry out the additional functions they recommended, and went further to suggest that the Resident Commissioner and the Paramount Chief should formally open the session and then retire. The reduction in the size of the Council reduced the power of the Paramount Chief as many of its members had been the nominees of the Paramount Chief and the suggestion for the Paramount Chief to formally open a session and retire was more in line with the role of a constitutional monarch as per the Westminster system of government.

Following the publication of the report of the committee, a special session of the Basutoland Council was held for eight days in March 1955. The sole purpose of the session was to discuss the recommendations of the Administrative Reforms Committee or the 'Moore Report' as the report of the committee was called. In her address during the opening of the special session the Paramount Chief said,

I hope that on behalf of the nation members will express their views freely and without fear. This is not a new thing because you have often been told in this Council that you must understand that you are here to serve the nation which reposes its confidence in you and which

---

<sup>54</sup> Basutoland Report of the Administrative Reforms Committee, 1954, p. 6

<sup>55</sup> Basutoland Report of the Administrative Reforms Committee, 1954, p. 7

believes that you will represent it truthfully and that you will guard jealously and fight for its right and welfare.

Since the publication of this report I have been listening carefully to the views of the people until the time of the meetings of the District Councils and I know what views had been expressed by the people. I have also seen the strong opinions which were published in the press for and against the report.

I want to make it clear to you Councillors that it is your duty and indeed you must express clearly without fear your views without neglecting those of the people you represent.<sup>56</sup>

The statement of the Paramount Chief that members should express their views freely and without fear had a great impact on the debates that followed. Members often used her words as reference when the Resident Commissioner who was also President of the Council tried to rein in members of the Council during the debates. The President was put on the defensive when a disagreement between him and some of the councillor's over the direction the debates should follow led to Councillor Khotso Moroka asking whether the President intended to safeguard his own interests at the expense of the interests of the people.<sup>57</sup> This set the tone of the Special Session as members continued to question the intentions of the British colonial authorities with regard to native administration in Basutoland.

The debates on the Moore Report in the National Council united the members like nothing ever did but they also signified great doom for the Paramount Chieftainship. The Moore Report made it clear to the members of the Council that the British were not prepared to grant the Council any legislative powers. It was the omission of a Legislative Council from the report that motivated the Council to fight for more power. The power of the Paramount Chief lost prominence in the fight for more power for the Basutoland Council.

The Moore Report was condemned by the majority of the members of the Council. There were two main factors behind the condemnation of the report. The first was the composition of the committee which was very different from what the Council had suggested when the

---

<sup>56</sup> Proceedings of the Special Session of the Basutoland National Council, March 1955.

<sup>57</sup> Proceedings of the Special Session of the Basutoland National Council, March 1955.

motion to form the committee was accepted by the Council. The second was its terms of reference which members felt were not of any benefit to Basotho. Speaking on the report of the committee, Councillor Matete from the Qacha's Nek District Council said,

The terms of reference contained the question of Local government which was not in the people's mind, and the same applied for the relationship with the central government ...I did not see the Paramount Chief's representative on the committee nor representatives of District Councils. There was a long list of people who had given evidence, many of whom were Europeans, including officials, traders and missionaries.<sup>58</sup>

Still speaking on the report of the committee, Leabua Jonathan from the Leribe District Council stated that,

The terms of reference had been decided on by the High Commissioner without reference to the Council. In some districts people wanted to give evidence about a Legislative Council but the committee had said that this was outside its terms of reference. Thus neither the committee itself nor its terms of reference were those asked for by the Basutoland Council.<sup>59</sup>

The issue of a Legislative Council and the committee's refusal to consider it became the focal point of the Council in its condemnation of the Moore Report. Many members of the Council were not happy with the fact that there was no mention of a Legislative Council in the report. The intentions of the British regarding the native administration in Basutoland became suspect when they excluded the Council from all things relating to the committee. In deciding the composition of the committee, the High Commissioner set aside all the recommendations made by the Council and also excluded the Council in the formulation of its terms of reference.

In the end, the Council rejected all the recommendations of the Moore Report but the seeds of the desire for self-government had been sowed. Though it was not intentional, Sir Henry Moore's exclusion of the Legislative Council from his report laid the foundation of the constitutional monarchy in Lesotho. It was that exclusion that drove the members of the BNC to demand more power for the Council and that meant less power for the Paramount Chief.

---

<sup>58</sup> Proceedings of the Special Session, 1955

<sup>59</sup> Proceedings of the Special Session, 1955

After the Moore Report, the demand for the BNC to become the Legislative Council rose to high levels. Although the BNC wanted to become a Legislative Council, it became clear during the debates that the British were reluctant to grant Basotho their wish for the Legislative Council. The Resident Commissioner, in his capacity as the President of the Council, made an effort to explain what a Legislative Council entailed in the way that would dissuade the members of the Council from the Legislative Council. He stated that the Legislative Council made laws that affected everybody in the territory (including the minorities) and that such laws could not be appealed against; the minorities had to be represented and there was to be an official majority.<sup>60</sup>

The President made it clear to the members of the Council that in a country with a Legislative Council it was only the Executive Council that made policy. It was clear from what the President said, that the Paramount chieftainship would have a very limited role to play in government if the BNC became the Legislative Council. The question of the power of the Paramount Chief and the Chieftainship was raised a number of times during the debates on the Legislative Council. Chief Theko Makhaola warned the members to be careful in their wish for the Legislative Council because its establishment would take away the power of the Paramount Chief, who would have to answer to the Council.<sup>61</sup>

The members of the Council wanted the Council to have the power to make the laws, as was the case when it put together the Laws of Lerotholi.<sup>62</sup> The British were determined to make sure that if there was to be any Legislative Council, it would be on their terms and not according to the wishes of Basotho, as the members of the Council, hoped. When it became clear, to the chiefs in the BNC, that the Legislative Council, as explained by the Resident

---

<sup>60</sup>Proceedings of the 51<sup>st</sup> Session of the Basutoland Council, September 1955

<sup>61</sup> Proceedings of the 51<sup>st</sup> Session of the Basutoland Council, September 1955

<sup>62</sup> The Laws of Lerotholi were a set of traditional laws put together by the National Council soon after its formation in 1903. The aim of the Council was to write down the laws of Basotho as enforced in the days of Moshoeshoe I. They were called Laws of Lerotholi because he was the reigning Paramount Chief in 1903 when the laws were codified.

Commissioner, would mean less power for the chieftainship, the Council voted in favour of a Council that had the power to make the laws on all the internal affairs.<sup>63</sup> Though commoners were represented in the BNC, the majority of its members were still chiefs and when their power was threatened by the report, they joined together to stand against it, leaving the Paramount Chief in a very vulnerable position. Few chiefs stood up for the power of the Paramount Chieftainship but in the end the chiefs managed to protect their own survival at the expense of the Paramount Chief.

In an attempt to make up for the blunder caused by the ARC, in May 1956 the British authorities agreed to consider the request for the BNC to be given more power. The British Secretary of State said that before the BNC was given power to make the laws, it would have to consider how and who was going to put the laws into effect. On the 15<sup>th</sup> October 1956 the BNC passed another motion which led to the formation of the Constitutional Reform Committee (CRC). The motion read as follows,

The Basutoland Council has considered the Secretary of State's reply to Motion No.90 of the 51<sup>st</sup> Session of Council, and recommends that a committee be appointed consisting of one member from each district, and that it should have the right to invite any constitutional expert who is familiar with constitutions of Legislative Councils.<sup>64</sup>

After the BNC had voted in favour of a Council that made the internal laws, the Resident Commissioner told the members of the Council that the Secretary of State was never going to agree to the establishment of a Legislative Council.<sup>65</sup> The British refused to grant Basotho a Legislative Council but allowed the use of an expert on constitutions of Legislative Councils to help determine how Basotho were going to make their own laws. The Resident Commissioner had made it clear that where there was a Legislative Council, an Executive Council had more power.

---

<sup>63</sup> Proceedings of the 51<sup>st</sup> Session of the Basutoland Council, September, 1955.

<sup>64</sup> Proceedings of the 52<sup>nd</sup> Session of the Basutoland Council, 29<sup>th</sup> September to 24<sup>th</sup> September, 1956.

<sup>65</sup> Proceedings of the 51<sup>st</sup> Session of the Basutoland Council, 1955.

The Committee was made up of nine Councillors, each representing one of the nine districts.

**Table 2.1**

**Members of the Constitutional Reform Committee**

<b>NAME</b>	<b>DISTRICT</b>
Sekhonyana H. Molapo	Botha-Bothe
Leabua Jonathan	Leribe
Makhabane B. Peete	Berea
Gabriel C. Manyeli	Maseru
Edwin Leanya	Mafeteng
Makoe Shoaepane	Mohale's Hoek
Sekhonyana 'Maseribane	Quthing
George Bereng	Qacha's Nek
Mabina Lerotholi	Mokhotlong

Source: Report on Constitutional Reform and Chieftainship Affairs 1958

Following the agreement on the motion to form the committee, in March 1957 the committee enlisted the help of D.V Cowen. He was a law professor at the University of Cape Town and was to act as the Constitutional Adviser to the Constitutional Reform Committee. During the 53<sup>rd</sup> Session of the Council, the chairman of the committee, George Bereng, presented Cowen to the Council and his appointment was accepted unanimously. According to Machobane, Cowen believed in parliamentary institutions and was also a firm believer in the British

system of government.<sup>66</sup> The expectation therefore was that under his guidance the Legislative Council proposed for Basutoland would have some elements of the British model of government, the extent of which came out in the report of the committee.

The CRC published its report in 1958. It recommended the formation of an Executive Council, one in which the Paramount Chief was not a member. The reason that the commission gave for the exclusion of the Paramount Chief from the Executive Council was that having the Paramount Chief as a voting member of the executive Council was against Basotho tradition.<sup>67</sup> This was not an accurate description of Basotho tradition because, according to Mothibe, even Moshoeshe, as *Morena e Moholo*, was an active participant in the running of his country and, as he puts it, “Basotho’s political system puts emphasis on discussion, consent and consensus as far as possible.”<sup>68</sup>

Having the Paramount Chief as a member of the Executive Council was not in any way a deviation from Basotho tradition. The exclusion of the Paramount Chief from the Executive Council was a great blow to the power of the Paramount Chief and another sign that Lesotho was heading towards constitutional monarchy. The committee gave substantial powers to the Executive Council, leaving the Paramount Chief with a very limited role to play in government. In Chapter 131 of the Report on Constitutional Reform and Chieftainship Affairs of 1958 it was stated that,

It will already have been noted, and will become more apparent presently, that we envisage the grant of substantial powers to the Executive Council. This being so, we recognise the need for some time, of official control of the executive level, but we cannot reconcile ourselves to the ‘swamping’ of the Paramount Chief in an officially controlled executive.<sup>69</sup>

---

<sup>66</sup> L.B.B.J, Machobane, *Government and Change in Lesotho, 1800-1966: A Study of Political Institutions* (London: Macmillan, 1990), pp. 260-261.

<sup>67</sup> Report on Constitutional Reform and Chieftainship Affairs, 1958.

<sup>68</sup> T. Mothibe, “State and Society, 1824-1833”, in N. W. Pule and M. Thabane (eds), *Essays on Aspects of the Political Economy of Lesotho 1500-2000*. (Roma (Lesotho): Department of History, National University of Lesotho, 2002), p. 23.

<sup>69</sup> Report on Constitutional Reform and Chieftainship Affairs, 1958.

The attitude of the members of the Commission regarding the future of the Paramount Chieftainship was shown when they described the exclusion of the Paramount from the Executive Council as nothing to worry about because there was still going to be “sufficient interesting and important work for the Paramount Chief to do.”<sup>70</sup> The committee did not outline what interesting and important work the paramount Chief was going to do. During the debates on whether or not the BNC should become a Legislative Council, Councillor Kelebone Nkuebe had stated that,

There is not one speaker no matter how eloquent who will tell me what position the Chieftainship will occupy in the Legislative Council, which will be given powers to deal with everything in this country...There are many countries which have Legislative Councils and nobody can tell me what the position of the hereditary Chieftainship is in such Councils <sup>71</sup>

The fears of Councillor Kelebone Nkuebe were realised when the Constitutional Reform Committee left out the role of the Paramount Chief and Chiefs in the making of the laws in Lesotho.

In November 1958, a delegation went to Britain to discuss the contents of the report. It was made up of Professor Cowen (who was also the leader of the delegation) and Chiefs George Bereng, Kelebone Nkuebe, Mopeli Jonathan Molapo, Leabua Jonathan, and Seephephe Matete. Though not part of the delegation, Paramount Chieftainess 'Mantšebo Seeiso and Paramount Chief Designate Bereng Seeiso were in attendance in some of the meetings.<sup>72</sup>

The delegation and the British reached an agreement over the establishment of the Legislative Council which was given the power over all the matters except power over the external affairs, defence and internal security. The Council was going to have a membership of eighty, half of whom became members by virtue of elections. The elected members were going to be elected from members of District Councils. The other non-elected half was composed of four

---

<sup>70</sup> Report on Constitutional Reform and Chieftainship Affairs, 1958.

<sup>71</sup> Proceedings of the 51<sup>st</sup> Session of the Basutoland Council, 1955.

<sup>72</sup> Basutoland Report on Constitutional Discussions, 1958.

senior members of the civil service (including the resident Commissioner), twenty two Principal and Ward Chiefs and fourteen members nominated by the Paramount Chief.<sup>73</sup> The number of people who were to be nominated by the Paramount Chief was a clear indication of how much power the Paramount Chief had lost in the Basutoland National Council. In the earlier Proclamation 7 of 1910, the Paramount Chief had been given the power to nominate ninety four out of the hundred members of the Basutoland National Council.<sup>74</sup> After the constitutional discussions held in London in 1958, the number of people nominated by the Paramount Chief had come down to fourteen.

The High Commissioner was given executive powers that far superseded those of the Paramount Chief. He was given the power over external affairs and defence, internal security and the public service. The ‘important executive functions’ allocated to the Paramount Chief was over the land but even those functions he had to perform on the advice of the Executive Council.<sup>75</sup> The College of Chiefs was to deal with important matters relating to the chieftainship and although the Paramount Chief became titular President of the College, he was obligated to carry out his duties only through the advice of the College of Chiefs.

The constitutional discussions of 1958 left the Paramount Chief with the powers comparable to those of a constitutional monarch. The report of the CRC became the basis for the 1959 constitution. In a statement that he made in the House of the Lords in December 1958, the Secretary of State for Commonwealth Relations said that the agreement reached between the Basutoland delegation and the British, was largely based on the report of the CRC.<sup>76</sup>

---

<sup>73</sup> Basutoland Report on Constitutional Discussions, 1958.

<sup>74</sup> LNA, S3/20/2/1 Proclamation by His Excellency the High Commissioner, 31<sup>st</sup> March 1910.

<sup>75</sup> Basutoland Report on Constitutional Discussions, 1958.

<sup>76</sup> Basutoland Report on Constitutional Discussions, 1958.

## **The Regent Paramount Chieftainess and the question of her advisors**

The Constitutional monarchy in Lesotho began in the last decade of the regency. Some scholars blame this on the weakness and inexperience of the regent Paramount Chieftainess 'Mantšebo Seeiso.<sup>77</sup> In looking into the role played by the Paramount Chieftainess in Lesotho becoming a constitutional monarchy, a closer look at the position of the Paramount Chieftainship during this period is required. Although the Paramount Chieftainess was a regent, she was still endowed with full legal and customary powers of a Paramount Chief.<sup>78</sup> Unlike her predecessors, the regent had to perform her duties with the help of a team of advisors chosen by and from the BNC. The Council elected a panel from its members from which the regent chose her advisors. Gill contends that the changes that occurred in Basutoland from 1941 to 1960 were due to the efforts of the Basutoland National Council but goes further to state that 'Mantšebo was unable to provide leadership during this period.<sup>79</sup>' Mantšebo's limitations are better looked at in conjunction with the role played by her advisors. Her role in the origins of constitutional monarchy was due to the fact that, as Thabane says, she ruled with the help of the advisors who allowed the colonial officials to do as they wished<sup>80</sup>.

Chieftainess 'Mantšebo's choice of advisors was one of the important factors in the beginning of the constitutional monarchy in Lesotho. Her Chief advisor was Nkuebe Mitchell Peete who was a member of the Berea District Council. With the exception of Leabua Jonathan, who came from the Leribe District Council, her other two advisors, namely Leshoboro Majara and Patrick 'Mota were also from the Berea district council. The fact that

---

<sup>77</sup> See for example, M. Thabane, "The King in Politics in Lesotho, Background to the 17<sup>th</sup> Août of King Letsie III, August-September 1994", *Review of Southern African Studies*, 2:1,(1998) and S. Gill, *A Short History of Lesotho: From the Late Stone Age to the 1993 Elections* (Moriya: Morija Museum and Archives, 1993), p186

<sup>78</sup> PRO, FO371/14JO25, Inward Telegram to Commonwealth Relations Office, November 1959

<sup>79</sup> S. J. Gill, *A Short History of Lesotho*, p. 186.

<sup>80</sup> M. Thabane, "The King in Politics in Lesotho, Background to the 17<sup>th</sup> Août of King Letsie III, August-September 1994", *Review of Southern African Studies*, 2:1,(1998), p. 27.

her advisors did not come from the royal house of Matsieng, made it easy for the Paramount Chieftainship to be side-lined during the process of constitutional reform. This became clear when her advisors went on to form the Basutoland National Party, a political party that advocated for the constitutional monarchy for Lesotho. This is affirmed by Chief Moramang Seeiso who stated that the fact that none of the regent Paramount Chieftainess's advisors came from the royal house at Matsieng did not sit well with the sons of Griffith.<sup>81</sup> Their opinion was that the advisors were going to put their interests before those of the Paramount Chieftainship, as was seen when they went on to form a political party that advocated for less power for the Paramount Chieftainship.

### **The Basutoland National Council (BNC) and the origin of the constitutional monarchy**

The Basutoland Council was established in 1903 under the authority of the British High Commissioner. The purpose of the Council was to discuss the domestic affairs of Basutoland and to serve as an advisory body to the colonial authorities. It consisted of the President and not more than a hundred other members. The Resident Commissioner was the President of the Council while the Paramount Chief was styled the Chief Councillor. The Paramount Chief had the power to nominate not more than ninety four people to the Council but his nomination depended on the approval of the Resident Commissioner.<sup>82</sup>

Since the inception of the Basutoland Council, the Resident Commissioner was endowed with more power than the Paramount Chief. Nyeko argues that from its conception, “the British designed this Council as a vehicle for advancing and maintaining chiefly and colonial interests”<sup>83</sup> The number of people nominated by the Paramount Chief gave him a high level

---

<sup>81</sup> Interview with Chief Moramang Seeiso, Brother of Moshoeshoe II and former principal chief of Matsieng, 2 July 2017, Matssieng.

<sup>82</sup> LNA, S3/20/2/1 Proclamation by His Excellency the High Commissioner, 31<sup>st</sup> March 1910

<sup>83</sup> B. Nyeko, “Resistance to Colonial Rule and the Emergence of Anti-Colonial Movements”, in N. W. Pule and M. Thabane (eds.), *Essays on Aspects of the Political Economy of Lesotho 1500-2000* (Roma: Department of History, National University of Lesotho, 2002), p. 133.

of influence in the Council although the Resident Commissioner had more power. As the President of the Council, the Resident Commissioner had control of the proceedings which gave the British much control over discussions in the Council.

Overtime, the membership of the National Council changed in order to accommodate the commoners in the Council. In 1946 the British authorities in Lesotho established nine District Councils and each district could elect two representatives to the Council.<sup>84</sup> The presence of elected members in the Council had a great impact on the power of the Paramount Chief because, unlike those members nominated by the Paramount Chief, the representatives of the District Councils owed their loyalty to the electorate and not to the Paramount Chief.

According to Thabane, by the 1950's the BNC

had been transformed to an extent where the commoner elites had assumed some responsibilities in the decision making process. This had given them a taste of power which they would certainly be reluctant to relinquish. Besides, versed with ideas of representative government practiced in other countries including the colonial master, Britain, they saw their acquisition of this power as a right and not a privilege.<sup>85</sup>

In 1954, the ARC reported that due to its increased popular representation, the power and influence of the BNC had increased at the expense of the hereditary chieftainship.<sup>86</sup> The inclusion of the representatives of the District Councils in the BNC and the members of the political parties weakened the power of the chieftainship as a whole and the monarchy in particular. Logan contends that African District Councils trained Africans in matters of administration and that their participation in the Legislative Council prepared them for self-government.<sup>87</sup>

---

<sup>84</sup> B. Nyeko, "Resistance to Colonial Rule and the Emergence of Anti-Colonial Movements", p.147

<sup>85</sup> M. Thabane, "The King in Politics in Lesotho, Background to the 17<sup>th</sup> Août of King Letsie III, August – September 1994", *Review of Southern African Studies*, 2:1(1998), p 31.

<sup>86</sup> Basutoland Report of the Administrative Reforms Committee, 1954.

<sup>87</sup> R. W. Logan, "The Historical Aspects of Pan- Africanism, 1900-1945", in *The American Society of African Culture* (ed), *Pan Africanism Reconsidered* (Los Angeles: University of California Press, 1962), p. 49.

In the case of Lesotho, the participation of the commoners in the BNC gave them the platform to stand against the Paramount Chief and the Chiefs in the Council. All the members in the Council were equal with the exception of the Resident Commissioner and the Paramount Chief. The members were often careful enough to exclude the Paramount Chief in their grievances even though some of the decisions reached impacted the Paramount Chief negatively. This showed the commoners that they could administer the country as well as if not better than the chiefs.

During the 47<sup>th</sup> Session of the Basutoland National Council, the Council discussed Motion 6 which requested paragraph 2 of the Laws of Lerotholi and paragraph 3 of Proclamation 6 of 1938 to be amended to read that succession to chieftainship should not be by birth only.<sup>88</sup> By the 1950's it was clear that if Lesotho gained self-government it would be under a system of government where the Paramount Chief did not have absolute power, especially when the Council demanded to be given more power. Speaking on behalf of the Maseru District Council, Councillor Patrick Lehloenyia stated that,

It is not the intention of Maseru to reduce the authority of the Chiefs. We want all arrangements to be made by this Council which likes the Chieftainship. It will be the same Council which will say what authority will be given to the chiefs. It will be this same Council which will say what authority should be vested in the King of England<sup>89</sup>

The concept of constitutional monarchy in Lesotho began in the BNC under the guidance of the British Colonial authorities. With the BNC demanding more power, it became inevitable that if granted the Paramount Chief would perform his duties as determined by the BNC. The BNC was fertile ground for the rise of those who sought constitutional monarchy for Lesotho. The committees which were set up in the BNC in the 1950's played a major role in determining the constitutional future of the Paramount Chieftainship. Beginning with the

---

<sup>88</sup> Proceedings of the 47<sup>th</sup> Session of the Basutoland National Council, 195.

<sup>89</sup> Proceedings of the 51<sup>st</sup> Session of the Basutoland National Council, 1955.

formation of the ARC, the British used the BNC to put in motion events that ultimately led to the constitutional monarchy.

As president, the Resident Commissioner geared constitutional discussions in the BNC towards a system of government where the monarchy had no power. It was to the advantage of the British that the Council approved the appointment of Professor Cowen as the Constitutional Advisor of the Constitutional Reform Committee. The appointment of Cowen sealed the fate of the Paramount Chieftainship. As Machobane asserts, Cowen believed in the British system of government and it was inevitable that under his guidance Lesotho would adopt a constitution similar to that of Britain, one with a constitutional monarch.<sup>90</sup>

### **The 1959 constitution and the origin of the constitutional monarchy**

The 1950s were a period of great constitutional reform for Basutoland and the 1959 constitution marked the end of a decade of constitutional discussions. The Basutoland Constitution Order in Council 1959 was based on the report of the CRC. It was this committee that recommended the formation of the Executive Council. The committee also recommended the exclusion of the Paramount Chief from the Executive Council. During the proceedings of the Special Session of the BNC, the Resident Commissioner had made it clear that the Executive Council would be the only body with the power to make policy. In deciding to exclude the Paramount Chief from the Council the committee had denied him all the executive authority.

Section 3(1) of the 1959 constitution established the Executive Council which consisted of the Resident Commissioner, three ex-officio members and four other members.<sup>91</sup> The Paramount Chief could only appoint one member to the Council but had to do so after

---

<sup>90</sup> L.B.B.J, Machobane, *Government and Change in Lesotho, 1800-1966: A Study of Political Institutions* (London: Macmillan, 1990), pp. 260-261.

<sup>91</sup> Basutoland Constitution Order in Council 1959

consultation with the Resident Commissioner.<sup>92</sup> According to Cowen, the Executive Council was an emergent cabinet designed to develop into a full cabinet responsible to the legislature.<sup>93</sup>

The 1959 constitution took away all the executive authority from the Paramount Chief and put it in the hands of the British colonial authorities. The Executive Council was under the full control of the British authorities. The High Commissioner had the power to declare any member of the Council incapable or to suspend him/her from the exercise of his/her duties.<sup>94</sup> The Paramount Chief, on the other hand, could only exercise his powers and perform his duties in consultation with the Executive Council. For all intents and purposes, the 1959 constitution made the Paramount Chief of Lesotho rule along the lines of a constitutional monarch. It also made the Paramount Chief a vassal of the British colonial authorities.

The constitution also established a Legislative Council. It consisted of four official members, twenty two chiefs, forty elected members and fourteen nominated members.<sup>95</sup> As Gill aptly puts it,

In 1938, Griffith had reigned as an executive monarch and appointed all but five members of an advisory National Council. By 1960, a legislative Council was in place and half of its members were indirectly elected from the districts. This Council was preparing for the speedy implementation of measures which would lead to Lesotho's full independence under a constitutional monarch.<sup>96</sup>

By limiting the number of people nominated by the Paramount Chief to fourteen, the 1959 constitution took away all the influence that the Paramount Chief had in the Council.

---

<sup>92</sup> Basutoland Constitution Order in Council 1959

<sup>93</sup> D. V. Cowen, *The foundations of Freedom* (London: Oxford University Press, 1961), p. 39.

<sup>94</sup> Basutoland Constitution Order in Council 1959

<sup>95</sup> Basutoland Constitution Order in Council 1959

<sup>96</sup> S. J. Gill, *A Short History of Lesotho: From the Late Stone Age Until the 1993 Elections* (Moriija: Moriija Museum and Archives, 1993), p. 205.

## CONCLUSION

This Chapter examined the origins of the constitutional monarchy in Lesotho in the period 1950-1960. It identified five factors that were critical in the beginning of constitutional monarchy in Lesotho. The three political parties that were formed in Lesotho in the 1950's played a major role in making Lesotho a constitutional monarchy. When Mokhehle formed the BAC in 1952, the Paramount Chieftainship was still recovering from the effects of the reforms that had taken place in the 1930's and 1940's. The party was formed to fight against the incorporation of Basutoland into the Union of South Africa and for independence but the timing of its formation presented a challenge to the power of the Paramount Chieftainship. Political parties in Africa were mostly formed to liberate Africa from colonial rule. Therefore, when it was formed, the BAC provided an alternative leadership that was going to free Basotho from the oppression of the colonial rule.

The BAC was followed by the MFP which was formed by Matete in 1957 to fight for the installation of Bereng Seeiso as the new Paramount Chief because his opinion was that the regent Paramount Chieftainess was not doing enough to protect the power of the Paramount Chieftainship. The formation of the BAC introduced a new playfield for political power and the formation of the MFP was proof that it would take more than debates in the National Council to fight for the power of the Paramount Chieftainship.

The chapter also examined the administrative reforms that took place in Basutoland in the 1950's. The administrative reforms became the leading factors behind the origins of the constitutional monarchy in Lesotho. The formation of political parties and the demand for reforms played a major role in determining the future of the Paramount Chieftainship. The role of the regent Paramount Chieftainess, 'Mantšebo Seeiso, was also discussed. The chapter concluded that the regent's reliance on advisors who looked after their own interests during

one of the critical periods of the regency contributed to the beginning of the constitutional monarchy. It also presented the BNC as one of the factors behind the beginning of the constitutional monarchy. It revealed how the BNC, as the advisory body, became a suitable place for the rise of those who sought administrative powers, at the expense of the Paramount Chieftainship. Lastly, the chapter demonstrated how the 1959 constitution lay down the law that made Moshoeshoe II a constitutional monarch. The position of the Paramount Chief in the 1959 constitution was clearly designed to make Lesotho a constitutional monarchy.

### **CHAPTER THREE**

## **MOSHOESHOE II'S EARLY LIFE AND ITS IMPACT ON HIS STRUGGLE AGAINST THE CONSTITUTIONAL MONARCHY**

### **Introduction**

Moshoeshoe II became Paramount Chief of Basutoland in 1960. In 1966, when Lesotho attained independence, he became the first King of Lesotho and a constitutional monarch. When he ascended the throne, Moshoeshoe II faced the challenges that none of his predecessors had ever encountered. Lesotho was undergoing great political and constitutional reforms. The National Council had the power to legislate and fifty per cent of its members were elected representatives.

This chapter focuses on the man that Moshoeshoe II was. It examines his early life and its impact on his struggle against the constitutional monarchy. It argues that from his early years, obstacles were placed before him. Ultimately, they had an impact on the outcome of his struggle against the constitutional monarchy. The focus is on two dynamics of his family. First, he was a product of a polygamous family. Second, as the heir to the Paramount Chieftainship, he had to grapple with being brought up by uncles and two different mothers, with opposed views on how he was to be raised. The chapter further proves that most of the challenges that Moshoeshoe II faced in his struggle against the constitutional monarchy can be traced to his early life. In order to address this issue I examine Moshoeshoe II's early life and childhood, his tertiary education, lifestyle and interests and I conclude with an analysis of the controversy that surrounded his installation because the key players in the controversy also became the key players in his struggle against the constitutional monarchy.

### **Early life and childhood**

Bereng Constantine Seeiso (later re-named Moshoeshoe II) was born on 2 May 1938 at Thabang in the Mokhotlong district. His mother 'Mabereng was the second of Paramount Chief Seeiso Griffith's wives. Seeiso Griffith had met and married 'Mabereng while he was placed at Mokhotlong. His marriage to 'Mabereng was a shift from the norm because

‘Mabereng was a *Motlokwa* and it was customary for the Sons of Moshoeshoe to marry within the *Bakoteli* branch of the *Koena* clan. Bereng had six siblings from his mother, ’Mabereng, two brothers and four sisters. The fact that their mother was from a different clan was a source of harassment to ‘Mabereng’s children who were repeatedly reminded that their mother was *Motlokoa* and any act on their part that was not desirable to others was attributed to their mother being a *Motlokoa*.<sup>97</sup>

In December 1940, when Bereng was only two years old, his father died. His death was followed by a controversy that ended in the High Court of Lesotho. This was because Seeiso’s first wife ’Mantšebo had not given birth to any son. Bereng, as the first son from his second wife ’Mabereng, became the heir to the Paramount Chieftainship. As Bereng was very young when his father died, a regent had to be appointed. Seeiso’s half-brother Bereng claimed the position as the young Bereng’s uncle. The two brothers had previously had a conflict which also had to do with the hierarchy to the Paramount Chieftainship. Because of the conflict, the family did not trust Bereng to hold the position for the young Bereng with honesty. As a result, ’Mantšebo as Seeiso’s first wife was appointed as regent, a decision that the uncle Bereng appealed in the High Court.<sup>98</sup>

On the 30<sup>th</sup> March 1943, the High Court declared that Bereng Seeiso Griffith, as the eldest son of Seeiso Griffith Lerotholi, as the first wife did not have a son, was by Basotho law and custom, heir to the Paramount Chieftainship. Bereng was five years old when the judgement was made. The court declared that ’Mantšebo Amelia Seeiso Griffith as the senior wife of

---

<sup>97</sup> Interview with Chief Mathealira Seeiso, Principal Chief of Mokhotlong and brother of Moshoeshoe II, 6<sup>th</sup> September 2016.

<sup>98</sup> PRO.FO371/14J025, Inward Telegram to the Commonwealth Office, November, 1959.

Seeiso Griffith should be appointed regent and acting Paramount Chief until such time that Bereng was old enough to take over the Paramount Chieftainship.<sup>99</sup>

Bereng started his primary education in Mokhotlong together with his half-brother, Leshoboro Seeiso whose mother was the third of Seeiso Griffith's wives. They started their primary education under the tutelage of a teacher called Mr Lekoatsa. In 1948 the two brothers went to further their studies at Roma College.<sup>100</sup> In 1953, at the age of fourteen, he went to England for the first time to attend the coronation of Queen Elizabeth II. One year later, in 1954, he went to England again, this time to study at the Benedictine College of Ampleforth.<sup>101</sup>

Though destined to be the future king of Lesotho, Bereng was brought up like any Mosotho child of his time. During the school holidays, he went home to Matsieng where he herded cattle with his brothers. While at Matsieng, he spent most of his time at his grandmother 'Maseiso's house together with some of his brothers and cousins. As the heir to the Paramount Chieftainship, Bereng had a room reserved for him when he came home during the holidays but he preferred to stay with the rest of 'Chieftainess 'Maseiso's grandchildren.<sup>102</sup>

His playmates were not aware of his destiny as the future Paramount Chief of Lesotho. It was only in the overprotective attitude of the senior members of the family and the village of Matsieng that the others would often wonder why he was treated differently. Chief Moramang remembers an occasion where the future Paramount Chief broke his leg while

---

<sup>99</sup> PRO.FO371/14J025, Inward Telegram to the Commonwealth Office, November, 1959. ( hereafter Inward Telegram, 1959)

<sup>100</sup> Chief Moramang Seeiso, Brother to Moshoeshoe II and former Principal Chief of Matsieng, 2 July 2017, Matsieng . (Here after an interview with Chief Moramang)

<sup>101</sup> Motlotlehi's Personal File, Government of Lesotho Department of Information, June 1966, Box 1, Royal Archives, Matsieng.

<sup>102</sup> Interview with Chief Moramang Seeiso, 2 July 2017, Matsieng.

playing with other boys and had to be taken to Scott Hospital for treatment. According to him the adults were so angry with the other boys that they had to hide to avoid punishment.<sup>103</sup>

### **Tertiary Education**

In 1956 Bereng attended the Corpus Christi College of Oxford University where, contrary to the wishes of the colonial authorities, he chose to study politics, philosophy and economics (P.P.E). The British wanted him to study geography, and his tutor was given the task of driving him towards geography, when this failed they went further to encourage the tutors in the relevant departments to dissuade him from studying politics, philosophy and economics. Bereng refused to give in to the pressure, stating that P.P.E. was more suitable for him than geography because of his position.<sup>104</sup> His knowledge of the three disciplines came out in the speeches he made in his struggle against the constitutional monarchy in the period between 1960 and 1966. While at Oxford, he was appointed the President of the Oxford University Africa Society, an organization that was meant to bring together the then separate East, West and Southern African associations at Oxford University.<sup>105</sup>

Bereng's life in the United Kingdom had a great impact on his life as the Paramount Chief of Lesotho. According to those who were close to him at Oxford, he had great concern for the welfare of his people. He would often talk about the problems that his country faced, his main concerns being migrant labour and its impact on the social life of Basotho, soil erosion and the possibility of Lesotho's incorporation to the Union of South Africa. Before he completed his studies at Oxford, the constitutional developments in Lesotho put pressure on him to go back home to Basutoland to take over the Paramount Chieftainship in 1960.

---

<sup>103</sup> Interview with Chief Moramang Seeiso.

<sup>104</sup> PRO. DO35/7204, Letter from the Senior Tutor at Corpus Christi College to the Commonwealth Relations Office, October 1957.

<sup>105</sup> K. Kirkwood, "H.M. King Moshoeshoe II of Lesotho" in *The Pelican Record*, Vol.XXXIX, No. 3( 1996) p. 116

In 1962, Bereng married 'Masentle Tabitha Lerotholi Mojela. They had three children, Mohato David Seeiso (b.1963), Seeiso Bereng Seeiso (b.1966) and Princess 'Maseeiso Seeiso (b.1969). The Princess passed away on the 7<sup>th</sup> September 1994.<sup>106</sup>

### **Lifestyle and Interests**

In describing the character of Moshoeshoe II, there are a number of things that those who came in contact with him agree upon. He was a rather shy and reserved person who cared a great deal about the welfare of those closest to him. Moshoeshoe II has been described as "conscious of his responsibilities and an upholder of traditional institutions with a strong sense of his personal dignity and the dignity of his office."<sup>107</sup> A characteristic that became clear during his struggle against constitutional monarchy. He had a hot temper but could forgive just as easily.<sup>108</sup> He loved to be in the company of ordinary Basotho men, a rare occasion he seemed to enjoy tremendously. He had a passion for animals with a special preference to horses. In the 1960s and 1970s he had two favourite horses he named Abiele and Gazette. Moshoeshoe II would often visit his cattle posts in Mantsonyane in the remote mountains of Maseru. He would often travel on horseback in the company of a group of men, most of who volunteered to accompany him. It was during these personal trips that Moshoeshoe II would listen and converse with ordinary Basotho as he passed through the villages and interacted with the villagers. Along the way, Moshoeshoe II would sleep in ordinary houses in the villages that they passed through and when they reached the cattle posts, he never hesitated to eat the food provided by the herd boys.<sup>109</sup>

---

<sup>106</sup> Interview with Chief Moramang Seeiso.

<sup>107</sup> PRO. CO1048/482 Brief No.8 Paramount Chief of Basutoland

<sup>108</sup> Interview with Mr Verney Molise, Former Administrative Secretary of Moshoeshoe II High School, 15 May 2017, Matsieng. ( Hereafter interview with Mr Verney Molise.)

<sup>109</sup> Interview with Mr Verney Molise

Moshoeshoe II grew up playing soccer like most young Basotho men but after his stay in England, he developed a liking for tennis to the extent that a tennis court was made for him at Matsieng.<sup>110</sup>

Moshoeshoe II had a great interest in African politics and was very informed about issues of African leadership. Between 1960 and 1963 he travelled to many African countries where he interacted with many leaders. The countries he visited include Tanganyika, where he attended independence celebrations in 1961, Kenya, Uganda and Ghana. He also paid a visit to countries such as the United States, Canada and West Germany.<sup>111</sup> In many of these visits, Moshoeshoe II made attempts to forge relationships that would help him in the development of Lesotho.

Moshoeshoe II had a lot of interest in education and did a lot to improve the quality of education in Lesotho. In 1965 due to his efforts, Moshoeshoe II High School was founded and it was followed by the Moshoeshoe II High School Scholarship Fund which was aimed at assisting students with financial difficulties. Moshoeshoe II would personally seek funding for the fund and often used the contacts he made while at Oxford to source scholarships funds for the school.

He played an active role in the running of the school which went beyond being a benefactor. In 1967, after the Thaba-Bosiu incident, a BCP activist, Tseliso Makhakhe, was arrested and sent to prison for two weeks. At the time of his arrest Makhakhe was the principal teacher at Peka High School in the Leribe district. Due to a fight that he had had with the school board just before going to Thaba-Bosiu, Makhakhe was expelled from his post as principal soon after his release from prison. On his way home to Mafeteng, at a filling station next to Lesotho High School he was contacted by people who were sent to him by Moshoeshoe II

---

<sup>110</sup> Interview with Chief Moramang Seeiso

<sup>111</sup> PRO CO 1048/482 Brief No.8 Paramount Chief of Basutoland

and told him that the King would like for him to go and be the head teacher at Moshoeshoe II High School. Makhakhe happily accepted the post and a friendship developed between him and the King.

### **The Regent Paramount Chief and the call to install Bereng**

Chieftainess 'Mantšebo Seeiso reigned as Paramount Chief for twenty years (1940-1960). During that time many changes took place that affected both the chieftaincy and the Paramount Chieftainship. These include the establishment of the District Councils and the formation of the National Treasury.<sup>112</sup> In the first decade of 'Mantšebo's reign, the Paramount Chieftainship and the chieftainship were put under fire because of the outbreak of ritual murders throughout the country in which the Paramount Chief and many other chiefs were implicated.<sup>113</sup> Thabane argues that,

Chieftainess 'Mantšebo's twenty year regency was probably the most difficult for the monarchy in Lesotho, coinciding as it did with the rise of nationalism, the emergence of political parties agitating for independence from colonial rule, and *liretlo* scandals most of which were blamed on the chiefs. Understandably because of the challenges that these developments brought and her own limited abilities, the institution of monarchy did not benefit much from her twenty year regency.<sup>114</sup>

'Mantšebo reigned with the help of her advisors who did most of the work, to the extent that some regarded her reign as that of her advisors.<sup>115</sup> 'Mantšebo's use of advisors caused animosity within an already divided chieftaincy. All her four advisors were chiefs from the northern districts of Leribe and Berea, something that did not sit well with some of Bereng's uncles at Matsieng. They felt there were Chiefs at Matsieng who were better qualified to serve as advisors to the Regent. The selection process for her advisors was such that the BNC elected a panel from its members from which the regent chose her advisors.<sup>116</sup> It was partly because of 'Mantšebo's choice of advisors that some of Bereng's uncles, particularly the

---

<sup>112</sup> S. J. Gill, *A Short History of Lesotho*, p. 186

<sup>113</sup> For a detailed report on the medicine murders, see G. I. Jones, *Basutoland Medicine Murder: A Report on the recent Outbreak of "liretlo" murders in Basutoland*, (London: Her Majesty's Stationery Office, 1951)

<sup>114</sup> M. Thabane, "The King in Politics", p.28

<sup>115</sup> Chief M. Seeiso, July 2017

<sup>116</sup> Proceedings of the 51<sup>st</sup> Session of the Basutoland Council, 1955

sons of Griffith Lerotholi such as Taelo Giriffiths, started talking about Bereng's installation.<sup>117</sup>

'Mantšebo's advisors were not happy with the idea of Bereng's installation because it meant an end to their tenure as advisors to the Paramount Chief. For example, unlike 'Mantšebo, Bereng was well educated and spoke English. This meant that he would not need interpreters. His installation would take away the power that came with being advisor to the Paramount Chief and they decided to stall the installation.

When Seeiso Griffith died and 'Mantšebo became the regent, she took charge of the other eleven wives of her husband; she became their 'husband' and 'father' to Bereng.<sup>118</sup> She was responsible for the upbringing and welfare of Bereng. Because she was Bereng's mother 'Mabereng was in constant conflict with 'Mantšebo over Bereng. She found it difficult to accept that as Paramount Chief 'Mantšebo was responsible for the upbringing of Bereng. She could not accept that she would have no say in the upbringing of her son until such a time that he was old enough to take over the Paramount Chieftainship.<sup>119</sup> While on holiday from his studies, Bereng had to request permission from 'Mantšebo to spend some time at his mother's house, permission that was granted reluctantly because according to 'Mantšebo allowing Bereng to stay with his mother was against custom and she was only allowing it to keep peace.<sup>120</sup>

### **'Ha a beoe'**<sup>121</sup>

The installation of Bereng as the Paramount Chief depended on two conditions. Firstly, his paternal uncles had to be in favour of his installation. Secondly, the majority of the Principal

---

<sup>117</sup> Chief M. Seeiso, July 2017.

<sup>118</sup> Chief M. Seeiso, July 2017.

<sup>119</sup> Chief M. Seeiso, July 2017.

<sup>120</sup> *Leselinyana la Lesotho*, 1 October 1957.

<sup>121</sup> This was a slogan that became popular in the late 1950's. It was used by those demanding immediate installation of Bereng Seeiso as the new Paramount Chief. Loosely translated, the slogan means "crown him"

Chiefs had to support the installation.<sup>122</sup> Although 'Mantšebo was the acting Paramount Chief, she was also the Principal Chief in her capacity as the acting Ward Chief in the three wards of Mokhotlong, Matsieng and Likhoele.<sup>123</sup> This gave her some leeway if the decision to install Bereng was to rely on the support from the majority of the Principal Chiefs.

In August 1957, while on holiday from his studies in Britain, Bereng requested a meeting with the sons of Moshoeshoe.<sup>124</sup> The main agenda was his concern over 'Mantšebo's ill-treatment of his mother. 'Mantšebo did not attend the meeting because she was preparing for her own three weeks visit to the UK. She and her party, which included her four advisors, were to depart the day following the meeting.<sup>125</sup> In her absence, Chief Matlere Lerotholi was appointed as the acting Paramount Chief.

**Table 3.1**

**List of the Sons of Moshoeshoe who attended the August 1957 meeting called by Prince Bereng**

Chief Matlere Lerotholi
Chieftainess 'Mamohato B. G. Lerotholi
Prince Bereng Seeiso
Chief Lerotholi Mojela
Chief Seeiso Mokhele
Chief Seetsa Majara ( for Chief Leshoboro Majara)

<sup>122</sup> PRO.FO371/14J025, Inward Telegram, 1959.

<sup>123</sup> PRO.FO371/14J025, Inward Telegram, 1959.

<sup>124</sup> Sons of Moshoeshoe referred to the descendants of Moshoeshoe I. They formed a council that decided important matters that concerned the royal house of Moshoeshoe 1 and the Basotho nation. See, G. Haliburton, Historical Dictionary of Lesotho( Metuchen, N.J: The Scare Crow Press, Inc, 1977)

<sup>125</sup> PRO. MP 376/6, Biographical Notes, 1957.

Chief Letsie L. K. Theko
Chieftainess 'Mamathe G. Masupha
Chief Labihan Masupha
Chief Makhobalo Seeiso ( for Chief Joel Moholobela)
Chief Letsie K. Motsoene
Chief Jonathan Mojela ( for Chief Lerotholi Mojela)
Chief Goliath L. S. Moshoeshoe
Chief Nkuebe Sempe Nkuebe
Chief Kuini Mopeli
Chief Nkhahle Phakiso
Chief Mohlalefi Bereng
Chief Seeiso Maama
Chief Jobo Mohale
Chief Ntseke J. Molapo ( for Chief Jonathan)
Chief Monare Moeketsi
Chief Malefetsane Khomo-ea-Leburu ( for Chief Magabane)
Mr Paul M. Khathibe ( Paramount Chief's clerk)

Source: PRO. DO35/7204 minutes of the meeting of the Sons of Moshoeshoe

It was at this meeting that Bereng informed the Sons of Moshoeshoe that he had completed his studies at Ampleforth and would be going to Oxford University.<sup>126</sup> He told them that his going to Oxford would depend on the welfare of his mother. After a request from Bereng, ‘Mabereng was given a chance to address the Sons of Moshoeshoe. She told them that she had made many attempts to talk to the Paramount Chief who had ignored her concerns over Bereng. However, the acting Paramount Chief made malicious allegations about her and labelled her a troublemaker.<sup>127</sup>

‘Mabereng stated that she had suffered for seventeen years; her pleas were ignored and the government officials were sometimes sent to her home where they shamelessly ransacked her house. She went further to tell those in attendance that if her concerns were not addressed as was the case before, she would follow her son to Oxford. In response to what his mother had said, Bereng stated that he could tell there was no peace at Matsieng, and that he could not leave his mother under such conditions.<sup>128</sup> According to Chief Moramang Seeiso, Bereng had reasons to be concerned about the welfare of his mother and the real purpose of the meeting was to tell his uncles indirectly that it was time for him to take his rightful position as the Paramount Chief of Lesotho.<sup>129</sup>

It was ‘Mabereng’s threat to the Sons of Moshoeshoe which opened the debate for Bereng’s installation. Moholo Marake, speaking on behalf of Chief Kuini Mopeli said Bereng had reached the age at which he could take care of his mother by himself.<sup>130</sup> It was then suggested that Bereng should be installed if that would help bring peace for his mother and the nation.

---

<sup>126</sup> PRO. DO 35/7204, Minutes of the Meeting of the sons of Moshoeshoe held at Matsieng on the 28-29<sup>th</sup> August 1957.( hereafter Meeting of the Sons of Moshoeshoe, 1957)

<sup>127</sup> PRO. DO 35/7204, Meeting of the sons of Moshoeshoe, 1957.

<sup>128</sup> PRO. DO 35/7204, Meeting of the sons of Moshoeshoe, 1957.

<sup>129</sup> Chief M. Seeiso, July 2017

<sup>130</sup> PRO. DO 35/7204, Meeting of the sons of Moshoeshoe, 1957.

The suggestion to install Bereng was supported by the chiefs such as Mohlalefi Bereng, Seeiso Maama, Taelo Lerotholi and Reentseeng Lerotholi. Chief Taelo Lerotholi told those in attendance that there was already a general feeling that Bereng should be installed.<sup>131</sup> He went further to say that the country was going through great constitutional changes which, according to him, were taking the country to a great doom. It was his opinion that Bereng should be installed so that anything that would happen should happen in his presence.<sup>132</sup> The Sons of Moshoeshoe were divided over Bereng's installation. Some of them wanted the installation of Bereng as soon as possible. Others wanted it to be delayed. Chief Reentseng Lerotholi stated that Prince Bereng's family was split into the two houses of Griffith and Lerotholi and this was prove that something was wrong at the top.<sup>133</sup>

The suggestion to delay Bereng's installation was supported by the chiefs such as Matlere Lerotholi who, by chance, was the acting Paramount Chief when the meeting was held. Another support for this opinion came from Jonathan Mojela who represented Chief Lerotholi Mojela. Their stand was that the issue of Bereng's installation went against the purpose of the meeting and that Bereng should go back to school; the problems of his mother would be dealt with in his absence.<sup>134</sup> The meeting was closed with no decision made regarding the installation of Bereng. However, the matter of Bereng's installation was brought to the minds of many.

In August 1957 *Moeletsi oa Basotho* reported that a car was going around Maseru throwing some papers around with the message that only true Basotho wanted the installation of Bereng and that those who were "white inside their bodies" were concerned about Bereng's

---

<sup>131</sup> PRO. DO 35/7204, Meeting of the sons of Moshoeshoe, 1957.

<sup>132</sup> PRO. DO 35/7204, Meeting of the sons of Moshoeshoe, 1957.

<sup>133</sup> PRO. DO 35/7204, Meeting of the sons of Moshoeshoe, 1957.

<sup>134</sup> PRO. DO 35/7204, Meeting of the Sons of Moshoeshoe, 1957.

acquisition of a degree.<sup>135</sup> In response to such activities, the regent Paramount Chief wrote a circular in which she said that Seephephe Matete was responsible for all the activities relating to the move to install Bereng. She called those involved “a group of irresponsible people going around the country trying to influence the installation of Bereng Seeiso”.<sup>136</sup>

During her visit to the UK, when asked about those appealing for the installation of Bereng, 'Mantšebo responded that the request to install Bereng came from a very small group of people and that they did not represent the whole nation. It was at this point that 'Mantšebo talked about Bereng's marriage as one of the conditions that Bereng would have to meet before he became the Paramount Chief of Lesotho.<sup>137</sup> She said her son (Bereng) who was nineteen years old at the time would have to be married first, be twenty one years of age and complete his studies at Oxford before he was installed.<sup>138</sup>

After 'Mantšebo had made that announcement, the brothers of Bereng joined in the chanting of the slogan 'ha a beoe'<sup>139</sup> (install him)". The concern of Bereng's younger brothers, some of whom were in high school at the time, was that the issue of Bereng and his studies at Oxford was just a smoke screen to delay his installation.<sup>140</sup> Communication between 'Mantšebo and Bereng towards the end of 1957 shows Bereng's desire to be installed as the Paramount chief and 'Mantšebo's attempt to hold on to power. On the 1<sup>st</sup> October 1957, Bereng wrote a letter to the regent asking that his mother be given a £40 monthly allowance, a bigger house and someone to serve as a mediator between his mother and the regent.<sup>141</sup> He also mentioned the matter of the nation being divided by his continuing studies and asked the regent to find out the stand of the nation with regard to his studies. The response of

---

<sup>135</sup> *Moeletsi oa Basotho*, 24 August 1957.

<sup>136</sup> *Moeletsi oa Basotho*, 24 August 1957.

<sup>137</sup> *Moeletsi oa Basotho*, 14 September 1957.

<sup>138</sup> *Moeletsi oa Basotho*, 14 September 1957.

<sup>139</sup> Chief M. Seeiso, July 2017.

<sup>140</sup> Chief M. Seeiso, July 2017.

<sup>141</sup> *Leselinyana la Lesotho*, October 1957.

'Mantšebo was that the nation had shown its stand on the issue of his education in May of the same year through the Basutoland National Council which had agreed that Bereng should continue with his studies at Oxford.<sup>142</sup>

By 1958 Bereng's installation had become a matter of national concern. The issue of whether to install Bereng or to allow him to complete his studies at Oxford became the topic of discussion in the Basutoland National Council. It was during the 53<sup>rd</sup> Session of the Council that Councillor Maqoaelane Hlekane moved the motion to install Bereng as the the Paramount Chief.<sup>143</sup> Stating similar concerns to those that had been raised by Chief Taelo Lerotholi in the 1957 meeting of the Sons of Moshoeshoe, Councillor Hlekane stressed that there were a lot of changes that needed to be implemented in the country, and that it would not be wise for such changes to take place in the absence of Bereng as the future Paramount Chief.<sup>144</sup>

Matete also spoke in favour of the motion and moved that the question of Bereng's installation as the Paramount Chief be directed to the sons of Moshoeshoe and to the nation. He reminded the Council that Bereng had pointed out that as much as he wished to complete his studies at Oxford, there were complications that made it difficult for him to do so.<sup>145</sup> These were complications arising from 'Mabereng's hostile relationship with the regent.

The motion to install Bereng as Paramount Chief was opposed by chiefs Sekhonyana 'Maseribane, Leabua Jonathan, Nkuebe M. Peete, Matlere Lerotholi and others. Chief 'Maseribane stressed that there were bigger issues that the country faced, issues that would require a Paramount Chief of sound education who would be able to cope with the

---

<sup>142</sup> *Leselinyana la Lesotho*, October 1957.

<sup>143</sup> Proceedings of the 53<sup>rd</sup> Session of the Basutoland National Council, February- March 1958, Volume 1.

<sup>144</sup> Proceedings of the 53<sup>rd</sup> Session of the Basutoland National Council

<sup>145</sup> Proceedings of the 53<sup>rd</sup> Session of the Basutoland National Council

situation.<sup>146</sup> Some of the chiefs who opposed Bereng's installation had attended the meeting between the Sons of Moshoeshoe and Bereng in 1957 where the matter of Bereng's installation was discussed. The majority had spoken against the motion.

By 1959 pressure from the colonial authorities was mounting for 'Mantšebo to vacate her seat and install Bereng as the Paramount Chief. The British authorities in Lesotho also realised that the issue of Bereng's installation could no longer be ignored. They acknowledged that Bereng was no longer a minor, which meant he had reached the age at which he could make his own decisions. Because there was no dispute regarding Bereng's right to the Paramountcy all that was required for the Resident Commissioner to present Bereng to the High Commissioner as the new Paramount Chief was the support of the majority of the Principal Chiefs, reinforced by whether his paternal uncles were ready to present him.<sup>147</sup>

The British viewed 'Mantšebo's reluctance to install Bereng as her way of delaying any retaliation from Bereng because of the way she had treated 'Mabereng.<sup>148</sup> They believed that she was hoping to stay regent long enough for her to get the chance to nominate the fourteen members of the Legislative Council, a move that was intended to secure her position once she was no longer the Paramount Chief.<sup>149</sup> Their belief was that 'Mantšebo hoped that nominating the fourteen members of the Legislative Council would give her protection against any retaliation from Bereng and his mother

'Mantšebo must have been aware of the stand point of the British as far as the installation of Bereng was concerned. She was often uncooperative in their attempts to have discussions about Bereng. In December 1959, during a meeting with the Paramount Chieftainess, the

---

<sup>146</sup> Proceedings of the 53<sup>rd</sup> Session of the Basutoland National Council.

<sup>147</sup> PRO. FO 371/ 14 J25, Inward Telegram 1959.

<sup>148</sup> PRO. FO 371/ 14 J25, Inward Telegram 1959.

<sup>149</sup> PRO. FO 371/ 14 J25, Inward Telegram, 1959.

High Commissioner's deputy, T. V. Schrivenor, attempted to speak to the regent about Bereng's request to be installed. 'Mantšebo refused to speak to him, saying that she would only speak to the High Commissioner, who was away in England at the time.<sup>150</sup> During the meeting, that was also attended by 'Mantšebo's four advisors, she was very uncooperative and hostile towards the deputy. She told the deputy that things were fine between her and Bereng and that trouble was caused by the interfering outsiders.<sup>151</sup>

When Schrivenor stressed the importance of Bereng's request to be installed, 'Mantšebo refused to discuss the matter, saying that the matter was in the hands of the Sons of Moshoeshoe and the Principal Chiefs after she had written a circular to them. During her talk with the High Commissioner's deputy, she was evasive and refused to answer any questions relating to the installation of Bereng.<sup>152</sup>

Two weeks after 'Mantšebo's meeting with the High Commissioner's deputy, she received a letter signed by nine Principal Chiefs from Qacha's Nek, Leribe, 'Mamathe, Koeneng, Rothe, Thaba-Bosiu, Maama, Tebang and Matelile.<sup>153</sup> In the letter the Principal Chiefs showed their impatience with the way the regent was handling the matter of Bereng's installation. They complained of 'Mantšebo's refusal to hold a family meeting after repeated requests and were even more annoyed after they learned that Bereng had written a number of letters to her requesting a meeting with the family.<sup>154</sup> In the letter, the chiefs further ordered 'Mantšebo to give Bereng his rights to the Paramount Chieftainship of Basutoland immediately and without any conditions of marriage or schooling, which they stated had nothing to do with his installation.

---

<sup>150</sup> PRO. FOH 371/14J 25, Notes of a Meeting between the High Commissioner's Deputy and the Paramount Chief at Maseru on 18<sup>th</sup> December 1959.

<sup>151</sup> RO. FOH 371/14J 25, Notes of a Meeting between the High Commissioner's Deputy and the Paramount Chief.

<sup>152</sup> PRO. FOH 371/14J 25, A meeting between the High Commissioner's Deputy and the Paramount Chief 1959.

<sup>153</sup> PRO. FOH 371/14J25, Letter from nine Principal Chiefs addressed to Chieftainess 'Mantšebo Seeiso, 31<sup>st</sup> December 1959.(hereafter letter from Principal Chiefs to the regent)

<sup>154</sup> PRO. FOH 371/14J25, Letter from nine Principal Chiefs addressed to Chieftainess 'Mantšebo Seeiso.

By January 1960, the matter of Bereng's installation had still not been settled. On the 5<sup>th</sup> of January 'Mantšebo had called Bereng for a meeting in which he told her of his wish to be installed. Though the regent tried to convince Bereng to go back to Oxford and allow her to deal with his installation, he was adamant that he would only do so after he was installed. Bereng was putting more pressure on 'Mantšebo to speed up his installation while she, on the other hand, was trying her best to delay the installation. When she realised that Bereng's going back to Oxford was not going to happen, she brought up the issue of Bereng's pending marriage once again. To this Bereng's response was that his education and marriage had nothing to do with his installation.<sup>155</sup> It became clear even to 'Mantšebo that Bereng was no longer going to wait around for others to push for his installation. Unlike before when he was just giving hints to show that he was ready to be installed, at this time he was direct and requested the regent to call a family meeting.

The British were also at a dilemma. Political parties had taken over Bereng's installation as a campaign strategy and 'Mantšebo was being obstructive. A date had not been set for bringing the new constitution into force and the High Commissioner could not fix a date before the matter of Bereng's installation had been resolved.<sup>156</sup> At this point, 'Mantšebo was persona non grata with the British. The High Commissioner had concluded that her opinion and that of her advisors had become irrelevant because Bereng's succession was not disputed and that allowing her to hang on to power for a few more months would not be in the interests of the nation.<sup>157</sup>

On the 1st of February 1960 the British Prime Minister Harold Macmillan paid a short visit to Lesotho during his tour of Africa. Talking about constitutional developments in Lesotho,

---

<sup>155</sup> PRO. FO371/14JO25, Meeting between the Resident Commissioner and the Paramount Chief's Advisors, 6 January 1960.

<sup>156</sup> PRO. FO 371/ 14JO 25, Letter from the High Commissioner's Office to the Commonwealth Relations Office, January 25, 1960.

<sup>157</sup> PRO. FO 371/ 14JO 25, Letter from the High Commissioner to the Commonwealth Relations Office,

Macmillan said the new constitution of Lesotho was cleverly done because it brought together the cultural aspects of Basotho life and a modern system of government that was more relevant to the changing times.<sup>158</sup> Even though the preparations for the new constitution had not been completed at that time, Macmillan's reference to a government that was modern and relevant to the present was an indication that the British were going to give their support to all endeavours to make Lesotho a constitutional monarchy.

From the 3<sup>rd</sup> to the 4<sup>th</sup> of February 1960, the regent Paramount Chief 'Mantšebo Seeiso called a *pitso* that was attended by principal and ward chiefs, chiefs, village headmen and the nation.<sup>159</sup> The purpose of the *pitso* was to discuss the stand of the nation on the installation of Khosana Bereng Seeiso. In her letter explaining the purpose of the *pitso*, the Paramount Chieftainess asked the Chiefs together with the nation to solve the confusion that existed between herself and the heir to the Paramount Chieftainship. She went further to say the confusion had started in 1957 under the influence of those who were pushing for the installation of Bereng and was, in 1960, caused by some Principal Chiefs and political parties.<sup>160</sup> The *pitso* was chaired by Chief Matlere Lerotholi. During the *pitso* those who addressed the people were often interrupted by the people who kept chanting 'ha a beoe!, ha a beoe!'. After long debates and discussions a decision was reached and Chief Matlere Lerotholi had the task of telling the nation the final decision. He said,

Yesterday I talked to the Paramount Chief about the confusion between her and her son. I told her that all but a few of you said he should be installed immediately. The Paramount Chief thanks you for the advice that you have given and she said to tell you that she appreciates your effort. She said that she has also changed her mind and she will act according to your wishes. From now onward what remains is for the Paramount Chief and the Resident Commissioner to present the prince to the High Commissioner.<sup>161</sup>

---

<sup>158</sup> *Moeletsi oa Basotho*, 13 February 1960.

<sup>159</sup> *Moeletsi oa Basotho*, 13 February 1960

<sup>160</sup> *Moeletsi oa Basotho*, 20 February 1960.

<sup>161</sup> *Moeletsi oa Basotho*, 20 February 1960.

Even before Chief Lerotholi completed his speech, he was interrupted by loud cheers and ululations. This was a clear indication that the people were happy to have a new Paramount Chief after nearly forty years of regency. On the 6<sup>th</sup> of February 1960, the High Commissioner Sir John Maud wrote a letter acknowledging Khosana Bereng as the new Paramount Chief of Lesotho. On the 12<sup>th</sup> of March, Bereng Constantine Seeiso was installed as the Paramount Chief of Basutoland with the title of Moshoeshoe II and, as Weisfelder puts it, a new epoch of Basotho history began with the installation of Bereng.<sup>162</sup>

## CONCLUSION

This chapter examined Moshoeshoe II's early life and provided an insight into his early struggles. It presented two factors that played the central role in his early struggles. These are the fact that he was the product of a polygamous family and that as the heir to the Paramount Chieftainship, he had to grapple with being brought up by uncles and two different mothers with opposed views on how he was to be raised. The chapter also revealed that Moshoeshoe II's installation to the Paramount Chieftainship created a lot of controversy with those who wanted him to complete his studies at Oxford, on the one hand, and those who wanted his immediate installation so that he could take part in the constitutional reform process, on the other hand. It was revealed in this chapter that the division over the installation of Moshoeshoe II to the Paramount Chieftainship formed the relationships that would later affect his struggle against the constitutional monarchy. These early struggles of Moshoeshoe II prepared him for his future struggle against the constitutional monarchy, initially as a Paramount Chief, 1960-1966 and later as a constitutional monarch, 1966-1970.

---

<sup>162</sup> R. F. Weisfelder, *Political Contention in Lesotho 1952-1965* (Roma: Institute of Southern African Studies, 1999), p. 46.

## **CHAPTER FOUR**

### **THE BEGINNING OF MOSHOESHOE II'S STRUGGLE AGAINST CONSTITUTIONAL MONARCHY, 1960-1966**

#### **Introduction**

Moshoeshoe II's struggle against constitutional monarchy began soon after his installation in March 1960. On the day he was installed as the Paramount Chief, the National Council became a Legislative Council. Fifty per cent of its members were elected through the District Councils. The 1959 constitution left the Paramount Chief with very little power, the power that he had to exercise in consultation with the Executive Council. The constitution provided some internal self-government but the British retained control of external affairs, defence, internal security and the public service until such a time that Basutoland became independent. When that time came, it would be up to the nation to decide who was going to wield those powers. In an effort to regain some of the powers that the Paramount Chieftainship had lost, Moshoeshoe II decided to bid for the powers that remained in the hands of the British.

This chapter examines the activities of Moshoeshoe II in the period between 1960 and 1966 in his attempts to gain more power for the Paramount Chieftainship. It explores the circumstances under which Moshoeshoe II struggled against the constitutional monarchy and argues that the following were crucial to the beginning of his struggle against the constitutional monarchy, the legislative Council, the constitutional commission of 1962, the political parties and the 1966 Independence Conference. The 1959 constitution empowered the Legislative Council to make the laws on all internal affairs. With a fifty per cent commoner representation, it became vital for Moshoeshoe II to gain the confidence of the Council if he was to gain the powers that he sought. In 1962, at the invitation of the High Commissioner, the Paramount Chief established a Constitutional Review Commission with

the aim of finding out the view of the people regarding the independence constitution. Political parties became the key players in the beginning of Moshoeshe II's struggle against the constitutional monarchy because they sought the very same powers that Moshoeshe II wanted for the Paramount Chieftainship. In trying to understand constitutional developments in Basutoland in the years leading to independence, it is important to note that, "a useful model of the analysis of any constitution is to regard it as a power map."<sup>163</sup> What this means in the context of Lesotho is that whatever decisions were being made regarding the new constitution, upper most was how power was going to be distributed, particularly power that was in the hands of the British throughout the colonial period. The 1966 independence conference determined the fate of the Paramount Chieftainship in independent Lesotho and ultimately became the bane of Moshoeshe II's struggle against the constitutional monarchy.

### **The Impact of the Legislative Council**

Moshoeshe II's struggle against the constitutional monarchy began in the Legislative Council. The formation of the Legislative Council meant that, for the first time since their inception, political parties were going to be represented in the Council by virtue of elections. More than at any other period in the history of the Council, membership was crucial because the Council was going to have the power to legislate. The 1959 constitution provided for the Paramount Chief to nominate only fourteen people to the Legislative Council, which gave him little influence.

---

<sup>163</sup> H. W. O. Okonh-Ongedo, "Constitutions without constitutionalism: Reflection on African Political Paradox" in I. G. Shivji (ed) *State and Constitutionalism: An African debate on Democracy* (Harare: Southern Africa Political Economy Series, 1991), p. 5.

**Table 4.1**

**List of fourteen people nominated to the Legislative Council by Paramount Chief Moshoeshe II**

<b>NAME</b>	<b>DISTRICT</b>
Chief Nkuebe Mitchell	Berea
Chief Khethisa Tau	Leribe
Chief Goliath Malebanye	Mohale's Hoek
Chief Tšepo Qefate	Quthing
Chief Sekhonyana 'Maseribane	Quthing
Chief Molapo Qhobela	Botha Bothe
Jonathan Ntlama	Berea
Philemon 'Mabathoana	Maseru
Macfarlene Lepolesa	Berea
Maqoaelane Hlekane	Maseru
Justice Mokotso	Maseru
James Khaebana	Maseru
Edwin Leanya	Mafeteng
Reverend Edward Mphatsoe	Maseru

Source: Leselinyana la Lesotho, 19 March 1960

Looking at the people that Moshoeshoe II nominated to the Legislative Council, one may conclude that it was his attempt to show that he used the power given to him in a fair and just manner. Some of the nominees were members of political parties such as the BNP and the BCP. One example was chief Sekhonyana 'Maseribane who was the Deputy leader of the BNP, a party that openly declared that it wanted Lesotho to be a constitutional monarchy.

A law-making body with a fifty per cent commoner representation became one of the greatest challenges that Moshoeshoe II faced in his struggle against the constitutional monarchy. The fourteen people whom he nominated to the Council were not adequate to sway the decisions in his favour. He must have been aware that in order to gain the power that he sought for the Paramount Chieftainship he would have to convince the majority of the members of the Council that constitutional monarchy was not suitable for Lesotho. The speeches that he made in the Legislative Council soon after his installation show a Paramount Chief who was desperate to be heard. He stressed the importance of valuing Basotho traditional institutions of government. In a speech he made during the opening of the Legislative Council on 12<sup>th</sup> March 1960, Moshoeshoe II told the members of the Council that, "in the olden days the chief and his ministers sat together in court and shared ideas".<sup>164</sup> The 1959 constitution had left the Paramount Chief out of the decision making processes. With these words, Moshoeshoe II was clearly telling the members of the Council that his constitutional position went against the traditions of Basotho.

The most telling speech that Moshoeshoe II made with regard to his constitutional status was the one he made in Legislative Council on the 11<sup>th</sup> September 1962 when he said,

It is evident from public statements that there is a general desire for the introduction of Responsible government....I suggest that it is for a serious consideration in whose name that Responsible government will be. I ask you to remember the golden words of King Moshoeshoe I when he sought protection: "The Queen rules my people only through me". I wish to govern my people by native law,

---

<sup>164</sup> *Puo ea Motlotlehi Moshoeshoe II Lekhotleng la Sechaba ka la 12 March 1960, Box 2 Royal Archives Matsieng*

our own laws. If this principle is applied now, as it was intended to be then, the effect would be that the Paramount Chief Motlotlehi Moshoeshoe II would formally and legally be recognised as the Head of State, not only of the Basotho nation in the conventional way- to work with the Queen's man. The whole administration of the country, the government of Basutoland would fall under Motlotlehi Moshoeshoe II as the Head of State and would be carried out in his name and on his behalf. The laws of Basutoland would be enacted by him with the advice and consent of this parliament.<sup>165</sup>

With this speech, Moshoeshoe II set out to make his stand clear on the position of the monarchy in government.

### **The Establishment of the Constitutional Commission and its impact on the power of the Paramount Chief**

In 1962, at the invitation of the British High Commissioner, Paramount Chief Moshoeshoe II set up a Constitutional Commission which was composed of the representatives of the Chieftainship and the representatives of the political parties.<sup>166</sup> The Commission was set up to find out the wishes of the people regarding the type of government that they wanted for independent Lesotho.

**Table 4.2**

#### **Members of the Basutoland Constitutional Commission**

<b>NAME</b>	<b>AFFILIATION</b>
W. P. Stanford	President of the Basutoland National Council and Chairman of the Commission
S. S. Matete	Marema-Tlou Freedom Party
B. M. Khaketla	Marema-Tlou Freedom Party

<sup>165</sup> *Puo ea Motlotlehi Moshoeshoe II Lekhotleng la Sechaba ka la 11 September 1961*, Box 2, Royal Archives, Matsieng.

<sup>166</sup> PRO. CO1048/61, Paramount Chief's Address at the 2<sup>nd</sup> Opening of the Basutoland National Council, 26<sup>th</sup> January 1962.

E. Leanya	Marema-Tlou Freedom Party
L. Jonathan	Basutoland National Party
K. Nkuebe	Basutoland National Party
N. Mokhehle	Basutoland Congress Party
G. P. Ramoreboli	Basutoland National Party
C. T. L. Chakela	Marema-Tlou Freedom Party
B. L. O' Leary	Assistant Attorney General
N. Phakiso	Representing the Chieftainship
R. Griffith Lerotholi	Representing the Chieftainship
J. T. Mapetla	Independent Attorney at law

Source: Report of the Basutoland Constitutional Commission

One of the key issues to be decided by the Commission was the power of the Paramount Chieftainship in the new constitution. The BCP was against granting power to control the armed forces to the Paramount Chief, claiming that the will of the people was for such power to be in the hands of the Prime Minister.<sup>167</sup> This claim by the BCP was not entirely accurate because the party's leadership told their members how to respond to questions posed to them by the Commission, making it difficult to determine how accurate the findings of the commission were.<sup>168</sup> The BCP had coached those of their members who were going to appear before the commission on how to respond to the inquiries of the commission.

<sup>167</sup> B. M. Khaketla, *Lesotho 1970*, p. 8.

<sup>168</sup> Machobane, *Government and Change in Lesotho, 1800-1966*, p. 280.

According to one member of the BCP, conditioning the answers of the people was the only way forward. Those whose answers were conditioned were members of the BCP so their voice was that of the BCP. They explained their actions with the notion that very few Basotho at the time understood issues of democracy and government and had their answers not been conditioned, the commission would not have had a way forward.<sup>169</sup> The implication here is that the Commission was tasked with getting information from the people about a topic that they knew very little about. The BCP thought it unwise to allow people under their political control to just stand in front of the commission and say whatever they wanted.<sup>170</sup> This begs the question of whether the findings of the commission were based on the opinions of the people, as it was intended or of the political parties to which they belonged.

It was not only the political parties which sought to influence the outcome of the work of the Commission. Chief Reentseng Griffith Lerotholi is reported to have written a circular in his Ward of Matsieng. In the circular he instructed the chiefs and headmen to order the people to sign their names in order to show that they were against the BCP in its attempt to deny the Paramount Chief a say in the matters of government.<sup>171</sup> While the BCP was coaching its members on how to respond to the commission, the chiefs on the other hand applied their own methods of intimidation in influencing the way the people responded to the Constitutional Commission. Some Principal Chiefs instructed the junior chiefs and the village headmen in their wards to inform their people that they should be wary of what they said in front of the commission because if not, the people would be ruled by Mokhehle and if that were to happen, the Paramount Chief would not be able to rule his people.<sup>172</sup> The Chiefs used the idea of Mokhehle, as the Prime Minister as a threat in their fight for the powers of the

---

<sup>169</sup> S. Motanyane, 6 December 2016, Hlotse.

<sup>170</sup> T. Makhakhe, 16 April 2017, Maseru.

<sup>171</sup> *Leselinyana la Lesotho*, 17 November 1962.

<sup>172</sup> *Leselinyana la Lesotho*, 17 November 1962.

Paramount Chief while Mokhehle was adamant that the people wanted the powers to go to the Prime Minister.

Chieftainess 'Mamathe from the Berea district also intimidated people into being on her side as far as the inquiries of the commission were concerned. She took the list of the people whom she said were of the same opinion as her as far as the power of the Paramount Chief in the new constitution were concerned giving the impression that those whose names did appear on her list should not expect any service from her office.<sup>173</sup>

When the commission published its report in 1963, this is what it had to say about the position of the Paramount Chief in the new constitution,

No aspect of our work has given us more anxiety than that of devising the appropriate status of Motlotlehi. After much thought and a lengthy deliberation we have come to the conclusion that if the cabinet government is to work in Lesotho, Motlotlehi must be accorded carefully defined powers.<sup>174</sup>

A hot debate ensued in the Legislative Council when the Constitutional Commission presented its report. The debate was on whether the findings of the commission should be made public or not. Ntsu Mokhehle and others wanted the report to be debated in parliament and then passed on to the British for the final analysis.<sup>175</sup> There were other members of parliament who wanted the report explained to the nation before it was discussed in parliament. The proposition to make the report public was made by T. Mokotso who was supported by Chief Reentseng Griffith. At a *pitso* held in Mazonod on 4<sup>th</sup> January 1964, Chief Reentseng stated that he believed the people had a right to know about the report of the commission before it was made the law, especially because the findings of the commission would not come as a surprise to the people because it included their opinions.<sup>176</sup>

---

<sup>173</sup> *Leselinyana la Lesotho*, 17 November 1962.

<sup>174</sup> Report of the Basutoland Constitutional Commission, 1963.

<sup>175</sup> *Moeletsi oa Basotho*, 25 January 1964.

<sup>176</sup> *Moeletsi oa Basotho*, 25 January 1964.

Section 29 of the Report of the Basutoland Constitutional Commission (BCC) stipulated that it was difficult to fit the chieftainship “comfortably and appropriately into emerging new patterns of Basotho life” and section 30 of the same report stated that “Major compromises had to be effected in order to adjust the Paramount Chief’s position to the overriding status of the High Commissioner and the Resident Commissioner.”<sup>177</sup> The question to ask here is why the Commission had to make compromises yet the overriding positions of the High Commissioner and the Resident Commissioner would become irrelevant after independence. In 1963, the BCC tabled its report in the Legislative Council for a debate. One of the issues debated was the proposal to give control of the armed forces to the King.<sup>178</sup> The debates in the Council took almost two months and in the end, eighteen amendments had been made to the report.<sup>179</sup>

A delegation was then sent to London to present the findings of the Commission together with the amendments made in the Legislative Council. The Constitutional Conference was held from April to May 1964 in London. During the conference, an agreement was reached on a pre-independence constitution based on the recommendations of the Constitutional Commission.<sup>180</sup> This is where the attitude of the British towards Moshoeshe II became apparent. Upon receiving the report of the Constitutional Commission, the British Secretary of State for the Colonies, Duncan Sandys made his own amendments to the report. The amendments that he made, most of which affected the power of the Monarch, went against the purpose of the commission, which was to find out the wish of the people. The Legislative Council had allocated the power over the armed forces to the Paramount Chief but Sandys changed all that.

---

<sup>177</sup> Report of the Basutoland Constitutional Commission, 1963, p. 18

<sup>178</sup> Khaketla, *Lesotho 1970*, p. 9.

<sup>179</sup> Khaketla, *Lesotho 1970*, p. 9.

<sup>180</sup> Basutoland Independence Conference Report, 1966.

The British refused outright to grant Moshoeshoe II the powers agreed upon by the Legislative Council. What they decreed instead was for them to hold on to the said powers until Lesotho became independent.<sup>181</sup> In the end, the delegation accepted the demands of the British because prolonging the arguments would have “delayed self-government for which everybody yearned.”<sup>182</sup>

The report of the constitutional commission made some recommendations relating to the pre-independence constitution which was also intended to become the Lesotho independence Constitution. Some of the recommendation were to come into effect when independence was gained and not before, but the British made sure that any part of the recommendations giving control of armed forces to the Paramount Chief was excluded from the final agreement. This was contrary to what the British had said about the independence of the High Commission Territories. Addressing the House of the Lords, the British Secretary for Foreign Affairs, Lord Lansdowne, had said,

Her Majesty’s government has no desire or any interest to impose any pre-arranged solution on the territories. It will be a matter for the inhabitants of each territory in the full appreciation of all their circumstances to agree what form of final status would be appropriate for them. All three territories are now in varying degrees approaching the stage of self-government. When this stage has been reached, the constitutional means will exist whereby their peoples will be able to express their wishes about their eventual status. I want to emphasise that her majesty’s government have no desire, nor any interest to impose any prearranged solution.<sup>183</sup>

When the Secretary of State for the Colonies Duncan Sandys refused to accept some parts of the report of the Constitutional Commission it showed that the British had a vested interest and a prearranged solution in the Constitutional developments in Basutoland, one that did not include the Paramount Chief being in control of the armed forces. It is possible that Sandy’s reaction was influenced by the changing attitude of Moshoeshoe II towards the British. Whether or not his attitude might have been different with another Paramount Chief is

---

<sup>181</sup> Khaketla, *Lesotho 1970*, p. 10.

<sup>182</sup> Khaketla, *Lesotho 1970*, p. 10.

<sup>183</sup> The High Commission Territories: A British government statement, Issued with the authority of Her Majesty’s Government, released by the Colonial Office on the instructions of the Secretary of State.

difficult to ascertain. The British refused to allow Moshoeshoe II even the smallest amount of power in administration.

The Constitutional Conference left Moshoeshoe II without any of the powers that he had hoped for. The pre- independence constitution came into operation on the 30<sup>th</sup> of April 1965. The constitution made the Paramount Chief in Basutoland the representative of the British queen with powers of a constitutional monarch.<sup>184</sup> According to the constitution, the Paramount Chief was bound to act on the advice of Ministers. He was only allowed to use his discretion to nominate eleven members to the Senate, discipline chiefs, appoint his personal staff and perform certain functions relating to land allocation.<sup>185</sup> The pre-independence constitution also made the legislature in Basutoland bicameral. The Senate was made up of the twenty two Principal and Ward Chiefs who made up the College of Chiefs and eleven other members who were to be nominated by the Paramount Chief. The National Assembly consisted of sixty elected members.<sup>186</sup>

The new constitution brought down the number of people nominated by the Paramount Chief from fourteen as decreed by the 1959 constitution to eleven. His only remaining power in the legislature was in the nomination of the eleven members of the Senate. The British had kept control of the armed forces until Lesotho became independent and made no clear indication of what would happen to those powers upon independence. As a last attempt before independence, Moshoeshoe II decided to focus on the powers that remained in the hands of the British; the powers that had been accorded to him by the Legislative Council. These were powers over control of defence, External Affairs, Internal Security and the Public Service.

### **Moshoeshoe II appeals to the people**

---

<sup>184</sup> Report of the Basutoland Independence Conference, 1966.

<sup>185</sup> Report of the Basutoland Independence Conference, 1966.

<sup>186</sup> Report of the Basutoland Independence Conference, 1966

After the Constitutional Conference of 1964 Moshoeshe II held a series of *lipitso* in which he appealed to the people to grant him more power. He believed that even though the British had made their decision as far as his powers were concerned, the people still had the power to decide what would happen to the powers that were still in the hands of the British. The plight of the Paramount Chieftainship in the years between 1960 and 1966 is better understood when taken in conjunction with the chieftaincy. During this period, when Moshoeshe II was fighting for the power of the monarchy, the chieftaincy was under much criticism which inadvertently had an impact on the Paramount Chieftainship. There were a lot of complaints in the 1960's about the chiefs and their abuse of power. The complaints included the issue of some chiefs trying to influence what people were going to say before the Constitutional Commission.<sup>187</sup>

### **The Role of Political Parties in the Struggle**

Moshoeshe II's struggle against the Constitutional Monarchy was exacerbated by political parties with their own agendas. The early 1960's saw Lesotho going through political instability that was caused by political leaders as they fought for power.<sup>188</sup> This fight for power on the part of the political parties was caused by the District Council elections of 1960 and the pre-independence elections of 1965, the former because of the 50% representation in the Legislative Council and the latter because the party that won was going to lead Lesotho into independence.

The first party to look at in relation to Moshoeshe II and his struggle against the Constitutional Monarchy is the Maramatlou Freedom Party (MFP). The MFP openly gave its

---

<sup>187</sup> *Leselinyana la Lesotho*, 17 November 1962.

<sup>188</sup> T. H. Mothibe, "Political Leadership Challenge in Lesotho- a Cause of Political Instability" in M. Thabane (ed.), *Towards an Anatomy of Persistent Political Instability in Lesotho, 1966-2016* (Roma: Open Society Initiative for Southern Africa, 2017), p. 51.

support to the Paramount Chief in his bid for more power.<sup>189</sup> According to the MFP manifesto for the 1965 elections, it was the intention of the MFP to preserve the hereditary chieftainship of Lesotho.<sup>190</sup>

The MFP's support for the Paramount Chief became an obstacle to Moshoeshe II's attempts to gain more power for the monarchy. The party was often referred to as the Paramount Chief's party and this alienated him from people who were members of other political parties. Moshoeshe II even went as far as publicly denying any affiliation with the MFP. He further denied the allegations that he supported the MFP because it had promised him executive powers.<sup>191</sup> The MFP was often accused of misusing the name of the Paramount Chief to further its political ambitions and after 1965 the BNP accused them of being the cause of bad blood between the Paramount Chief and the Prime Minister.<sup>192</sup>

Inadvertently, in 1964 a clash between Chief Mohlalefi Bereng and the members of the BCP had a negative impact on Moshoeshe II's attempts to win favour with the people. Chief Mohlalefi was a staunch supporter of the MFP. A violent confrontation erupted when the chief refused to allow the BCP to hold a rally in his ward of Rothe. Four people died in the confrontation and Chief Mohlalefi and some of his followers were charged with murder.<sup>193</sup>

The response of the Paramount Chief to the tragedy was to issue a circular. In the circular Moshoeshe II stated that what happened at Rothe was unfortunate. He said chiefs had a right to take action within the limit of the law and culture, to prevent any activity that incites

---

<sup>189</sup> M.V. Malebo, 7 July 2017.

<sup>190</sup> *Moeletsi oa Basotho*, 9 January 1965.

<sup>191</sup> *Lesotho Times*, February 19, 1965.

<sup>192</sup> *Nketu oa Mara*, Vol 2, March 1965

<sup>193</sup> R. F. Weisfelder, *Political Contention in Lesotho 1952-1965* (Roma: Institute of Southern African Studies, 1999), p. 70.

violence. He went further to say that political activity is allowed but it was the responsibility of political parties to work towards peace.<sup>194</sup>

Although he addressed both sides of the problem, Moshoeshoe II's opinion was that Chief Mohlalefi Bereng was not to be blamed for what happened. He went as far as going to Leribe to meet with Dr Makotoko to discuss the fate of Chief Mohlalefi. After the arrest of Chief Mohlalefi, the police reported that the Paramount Chief had instructed the chiefs to attend the trial of Chief Mohlalefi with their followers.<sup>195</sup> For someone who had denied allegations of his relationship with MFP, Moshoeshoe II showed a lot of support to the MFP in the aftermath of the tragedy at Rothe, a decision that affected his struggle against the Constitutional Monarchy.

As a result of the tragedy at Rothe, the MFP suffered heavily at the polls during the 1965 elections. Weisfelder contends that the defeat of MFP, as a party that pledged to support the Paramount Chief, was regarded by some as the defeat of Moshoeshoe II because 'his party' had lost the elections.<sup>196</sup> In 1966, in the months just before independence, the members of the Executive Committee and branch secretaries of the MFP were asked to confirm whether they still held the same views as they did in the years 1963 and 1964 regarding the power of the Paramount Chief.<sup>197</sup> During the debate on the report of the Constitutional Commission in the National Council in 1963, the members of the MFP had requested for control of the police and the army to fall under Moshoeshoe II. With independence getting close, a decision had to be made as to who was going to control the armed forces.

As they had promised during the Constitutional Conference of 1964, the British were going to have to relinquish the power to control the armed forces. Members of the MFP were

---

<sup>194</sup> *Leselinyana la Lesotho*, 31 October 1964.

<sup>195</sup> PRO.CO1048/482, Letter from the Resident Commissioner.

<sup>196</sup> Weisfelder, *Political Contention in Lesotho 1952-1965*, p. 71.

<sup>197</sup> *Nketu oa Mara*, Vol. 2 No 15, April 1966.

therefore asked whether it was still their view that Moshoeshoe II should be the one to hold the power to control the police and the army so that they could not be used against the members of MFP.<sup>198</sup>

Unlike the MFP, the BCP was always adamant that they wanted a Constitutional Monarchy for Lesotho. Moshoeshoe II's bone of contention with BCP started with the Constitutional Commission. During the work of the Commission Ntsu Mokhehle did all he could to ensure that the constitution made the Paramount Chief a Constitutional Monarch. In the years leading to independence, the BCP openly attacked the chieftainship and made no secret of their contempt for the Paramount Chief's attempts to fight against Lesotho being a Constitutional Monarchy. Addressing the National Council on the 10<sup>th</sup> December 1963, the deputy leader of the BCP G. P. Ramoreboli made the position of his party clear when he said that only those who wanted the Paramount Chief to go against the wishes of the people would want him to be granted more power.<sup>199</sup> They blamed the Paramount Chief, the College of Chiefs and the judiciary for much of what went wrong in the country.<sup>200</sup>

The power of the Paramount Chief in the new constitution became a source of contention between the MFP and the BCP with the Paramount Chief in the middle. Due to their stand on the power of the Paramount Chief, some chiefs openly supported the MFP and encouraged their people to do so. One such Chief was Mofumahali 'Mamopeli Joel Moholobela of Matelile in the Mafeteng district. She told her people that the chiefs had chosen MFP as their party and that they had to follow her because she was their chief. She went further to say that those who chose not join the MFP would become her enemies and should leave her ward to run to their father, Mokhehle.<sup>201</sup> After the tragedy at Rothe, Mokhehle put the blame of the

---

<sup>198</sup> *Nketu oa Mara*, Vol. 2, No 15, April 1966.

<sup>199</sup> *Moeletsi oa Basotho*, 18 June 1966.

<sup>200</sup> *Makatolle*, Vol. 5 No 5, January 1966.

<sup>201</sup> *Leselinyana la Lesotho*, 30 May 1964.

tragedy on the Paramount Chief, Chief Mohlalefi and the Resident Commissioner, calling them murderers.<sup>202</sup>

This attitude of the BCP towards the Paramount Chief changed completely after the 1965 elections. The party that won the 1965 elections was going to lead Lesotho into independence in 1966. The BNP came out victorious with 41.63% of the vote. The BCP got 39.66% while MFP won 16.49% of the vote.<sup>203</sup> Mokhehle's defeat at the polls made him a sore loser. He accused Leabua Jonathan of being elected by the whites through the fingers of Basotho.<sup>204</sup>

At a rally in Maseru on the 29<sup>th</sup> of October 1966, Mokhehle told his followers that before the 4<sup>th</sup> of October 1966, there was strife between the Prime Minister, the Paramount Chief and the members of opposition on the issue of giving the Paramount Chief the power that was in the hands of the British. He complained that the said power was then in the hands of Jonathan and his government instead of the King.<sup>205</sup> It is worth mentioning that it was primarily due to the efforts of Mokhehle that the powers that were in the hands of the British went to the Prime Minister.

On the 19<sup>th</sup> of October 1965, Prime Minister Leabua Jonathan left with a delegation that did not include the Paramount Chief or members of the opposition to negotiate the handing over of the last remaining powers with the British. The delegation was made up of the Prime Minister, the Minister of Justice, Mr Peete Peete, and Professor D. V. Cowen as the special advisor to the government on constitutional and legal affairs, Mr R. T. Howell, who served as the advisor on civil matters and the Prime Minister's Private Secretary, Mr C. M. Molapo.<sup>206</sup>

Before departing, the Prime Minister had issued a statement in which he revealed that his government had the support of twenty one out the twenty two Principal and Ward chiefs in

---

<sup>202</sup> PRO. CO1048/482, Letter from the Resident Commissioner to the Colonial Office, December 1964.

<sup>203</sup> Mothibe, "Political Leadership Challenge in Lesotho" p. 51

<sup>204</sup> *Makatolle*, Vol.5, No 19, 16 May 1966.

<sup>205</sup> *Makatolle*, Vol. 5 No 5, 31<sup>st</sup> October 1966.

<sup>206</sup> *Lesotho Times*, December 10, 1965.

the Senate.<sup>207</sup> While he was still in Britain to negotiate control of the armed forces with the British, the Prime Minister received a statement from his deputy, Chief Sekhonyana ‘Maseribane. The statement was a pledge of support to the Basutoland government and the Prime Minister. It was signed by the following chiefs and senators,

**Table 4.3**

**List of Chiefs and Senators who pledged to support Chief Leabua Jonathan in his bid for control of the armed forces**

Bolokoe Letsie Motšoene	Jonathan Mathealira
‘Mamathe Masopha	Leshoboro Majara
Mohale Seeiso Maama	Nkatile Mohale
Kopano C. Selomo	Tumane Matela
Nathaniel Qhobela	M. B. Peete
M. S. Moholobela	‘Mabereng Bereng
Goliath Letšabisa	Senate Moshoeshoe
M. Moeketsi	D. M. Mojela
Leshoboro Seeiso Griffith	Tšepo Nkuebe
E.D. Letete	L. Bereng
J.T. Mokotso	John Mothepu

Source: Lesotho Times, December 3, 1965

<sup>207</sup> *Lesotho Times*, October 8, 1965

The Prime Minister went to England with the backing of the majority of the Senate to negotiate control of the armed forces to be given the Basutoland government and not the Paramount Chief. When the delegation returned to Lesotho on the 6<sup>th</sup> of December 1965, it brought the news that her Majesty's government was in agreement with the Basutoland delegation that transfer of the responsibility to the Basutoland government would be made as early as possible. The responsibility for internal security, which included the control of the police force, was promised to the Basutoland government under the leadership of Prime Minister Leabua Jonathan.<sup>208</sup>

Prior to the 1965 elections, Ntsu Mokhehle was in the forefront of those who wanted the power in the hands of the British to be given to the Prime Minister upon independence. His stand was that Moshoeshoe II should be a Constitutional Monarch and he did everything in his power to sway the opinion of the people during the work of the Constitutional Commission. This time around the hostility of Mokhehle towards the Paramount Chief had changed to full support. He accused Prime Minister Jonathan of hiding the constitution, with the help of the British, and refusing to show it to the nation because he wanted to use the power granted to him by the constitution to do away with any power Moshoeshoe II had.<sup>209</sup>

The BCP further accused Jonathan of causing a rift between the Paramount Chief with the help of the British on one hand and the Principal and Ward Chiefs on the other. It said that he incited the chiefs into attacking the Paramount Chief. Instead of blaming the chiefs, this time the BCP said that Jonathan was exercising undue political influence over the chiefs.<sup>210</sup>

As it was the case with the MFP, the 'support' that the BCP gave to Moshoeshoe II made worse an already fragile relationship between the King and the Prime Minister. The BNP

---

<sup>208</sup> *Lesotho Times*, December 10, 1965

<sup>209</sup> *Makatolle*, Vol.3 No 5.

<sup>210</sup> *Makatolle*, Vol. 5 No 49, December 1966.

accused both the BCP and the MFP of dragging the Paramount Chief into politics to help them in their cause against the BNP. They regarded the *lipitso* called by the Paramount Chief as political meetings called by the king in conjunction with some political parties.<sup>211</sup> The BNP said that Moshoeshoe II and the political parties were running a campaign against its government. The objective of the campaigns, according to the BNP was to take away the executive powers from the government and give them to the Paramount Chief who would then use them against the BNP.<sup>212</sup>

The BNP was of the view that the *lipitso* that Moshoeshoe II was holding throughout the country were, in fact, the BCP rallies disguised as *lipitso* called by the King. On the 5<sup>th</sup> of June 1966, the king held a *pitso* in Maseru. The BNP was unhappy with the *pitso* because of the large number of BCP members at the *pitso*.<sup>213</sup>

Makhakhe does not dispute the fact that after 1965, many BCP followers were encouraged to attend the *lipitso* that were called by the Paramount Chief. The reason for this, he explained, was because the BCP had the same concerns as the Paramount Chief with regard to the BNP government. Their main concern was the incorporation of Lesotho into South Africa which was strengthened by Jonathan's 'friendship' with South Africa.<sup>214</sup> During its annual conference in December 1962, the BNP made the resolution that the Basutoland government should do all in its power to preserve good neighbourliness and friendship with South Africa.<sup>215</sup>

The resolution became the basis on which the BCP accused the BNP of intending to incorporate Lesotho into South Africa. This accusation became more serious after the 1965 elections when the BNP was funded by the South African Government. According to

---

<sup>211</sup> *Nketu oa Mara*, Vol. 2 No 50, 16 December 1966.

<sup>212</sup> *Nketu oa Mara*, Vol. 2 No 50

<sup>213</sup> *Nketu oa Mara*, Vol.2 No 23, 10 June 1966.

<sup>214</sup> T. Makhakhe, 16 April 2017, Maseru.

<sup>215</sup> *The Basutoland Times*, January 11, 1963

Makhakhe prior to the elections thousands of maize bags which were donated by the South African government in the name of Leabua Jonathan were stored all over the country in the Catholic Church buildings.<sup>216</sup> In the years leading to independence the relationship between Moshoeshoe II and the political parties was mainly based on the interests of each party at the time. In particular, political parties used Moshoeshoe II's desperation to fight against the constitutional monarchy to pursue their own political agendas. During the debates in the Legislative Council on the recommendations of the Constitutional Commission, Chief Leabua Jonathan was on the side of those who wanted control of armed forces to be given to the Paramount Chief.<sup>217</sup> After his victory in the 1965 elections, the BNP sang a completely different tune, accusing the king of causing trouble by refusing to abide by the constitution.

### **The Independence Conference of 1966**

The constitution agreed upon during the Constitutional Conference held in London in 1964 came into operation in April 1965.<sup>218</sup> The Paramount Chief of Lesotho at this point was accorded the powers similar to those of a constitutional monarch according to the recommendations of the Constitutional Commission. On the 8<sup>th</sup> of March 1966 the Prime Minister of Lesotho Chief Leabua Jonathan presented a White Paper to the Basutoland Parliament. In the White Paper the Prime Minister set out the conditions under which the government was going to seek independence. Section four of the White Paper stated that,

The Independence Constitution will establish Motlotlehi as Head of State and will vest in him the executive authority of Basutoland to be exercised in accordance with the provisions of the Constitution<sup>219</sup>

On the 18<sup>th</sup> and 19<sup>th</sup> April 1966 Prime Minister Jonathan moved resolutions in both the National Assembly and the Senate in which he asked the British to grant Lesotho her

---

<sup>216</sup> Tseliso Makhakhe, 95 year old BCP veteran and former Member of Parliament, 16 April 2017, Maseru.

<sup>217</sup> Khaketla, *Lesotho 1970*, p. 9

<sup>218</sup> Report of the Basutoland Independence Conference, 1966.

<sup>219</sup> Report of the Basutoland Independence Conference, 1966

independence in terms of the agreement reached during the 1964 Constitutional Conference and in the terms laid down in the White Paper. On the 11<sup>th</sup> of May 1966 the resolution passed in the National Assembly by thirty two votes to twenty eight.<sup>220</sup> The next step was for the independence motion to be debated in the Senate. According to Khaketla, before the Motion was debated in the Senate, Moshoeshe II made his position and wishes on the independence motion known to the eleven people nominated by him in the Senate.<sup>221</sup>

The amendment that was meant to give control of the armed forces to the Paramount Chief was rejected in the Senate and five of the Senators who voted against it were nominees of Moshoeshe II.<sup>222</sup> This was a great blow to Moshoeshe's attempts to gain administrative powers. He had expected to receive some loyalty and support from the Senators nominated by him, and when that did not happen his reaction was to write a letter to the Senate in which he terminated the nomination of the five Senators who had voted against his wishes. These were Senators, J.T Mokotso, C. D. Molapo, E. D. Letete, J. Mothepu and J. N. Qhobela.<sup>223</sup> In an attempt to appear unprejudiced Moshoeshe II had nominated members of political parties to the Senate, a decision that caused a great blow to his struggle against constitutional monarchy. Out of the five Senators whose nomination he terminated, three of them were members of BNP. C.D. Molapo was at the time the Minister of Employment and Economic Development. J. Mothepu had given up his seat in the National Assembly for Prime Minister Leabua Jonathan who had failed to win in his own constituency in the 1965 elections. E.D. Letete was also a member of BNP. J. T Mokotso was previously a member of MFP but had left the party to give his support to the BNP government. When his nomination was terminated, he was serving as the Deputy to the Minister of Interior. J. N. Qhobela was a

---

<sup>220</sup> Report of the Basutoland Independence Conference, 1966

<sup>221</sup> Khaketla, *Lesotho 1970*, p. 68

<sup>222</sup> Khaketla, *Lesotho 1970*, p. 68

<sup>223</sup> *Moeletsi oa Basotho*, 14 May 1966

member of MFP but had voted in favour of the government.<sup>224</sup> After terminating the nomination of the five Senators, on the 29<sup>th</sup> of April 1966 Moshoeshoe II nominated the following five people to replace them, his sister 'Mathesele Makhaola, Pelehi Petlane, Bernard Lepolesa, Manama Lerotholi and Tumisang Rafolatsane Letsie.<sup>225</sup> The first three were sworn on the day of their nomination by the President of the Senate Dr S. P. Makotoko.

With the help and support of the government, the dismissed Senators sought a court interdict to reverse their dismissal and to stop the new appointees from taking their seats in the Senate.<sup>226</sup> The High Court decided the five dismissed should carry on with their duties in the Senate until the 12<sup>th</sup> of May 1966. In the meantime, Senator Charles Molapo proposed the Senate elect a new president in the absence of Makotoko to enable debates that would allow the independence motion to pass through. This was after Makotoko had adjourned the Senate four consecutive times without any work being done.<sup>227</sup> The Senate elected Qhobela, who also happened to be one of the five dismissed by Moshoeshoe II, to be the new President of the Senate. On the 5<sup>th</sup> of May 1966 the independence motion successfully passed through Senate. Moshoeshoe II had failed to change his position in the independence constitution, armed with this knowledge the Prime Minister came out to publicly condemn Moshoeshoe II's attempts to have the constitution amended. In a speech he made on the 28<sup>th</sup> of June 1966, Prime Minister Leabua Jonathan said

You will remember that although the Paramount Chief did everything in his power to stop it , the National Council passed the independence motion on the 11<sup>th</sup> May and that on the 27<sup>th</sup> the same motion passed through the Senate together with the preparation to make the Paramount Chief a constitutional monarch...I have to make it clear that *Motlotlehi's* government and I have no intention to fight for the special powers given to the Paramount Chief in the constitution as per the recommendations in the report of the Constitutional Commission of 1963, his powers are in his rights over land, the nomination of eleven members of the Senate, his own advisory council and in disciplining Chiefs.<sup>228</sup>

---

<sup>224</sup> *Moeletsi oa Basotho*, 14 May 1966.

<sup>225</sup> *Moeletsi oa Basotho*, 14 May 1966.

<sup>226</sup> Khaketla, *Lesotho 1970*, p. 69

<sup>227</sup> *Moeletsi oa Basotho*, 21 May 1966

<sup>228</sup> *Moeletsi oa Basotho*, 16 June 1966

In June 1966, the British secretary of state invited the delegates from the Basutoland government, the BCP, the MFP, and the Chieftainship to an independence conference in London. Moshoeshe II was also invited but due to the restrictions placed on him by the constitution he could only attend as a voiceless observer.<sup>229</sup> Moshoeshe II was clearly unhappy with his constitutional status. Although the constitution tied his hands with regard to the power that he wanted, he still had the hope that if convinced, the people could still overturn the decision to make him a constitutional monarch. Just before attending the independence conference, Moshoeshe II held a *pitso* in Teyateyaneng on the 3<sup>rd</sup> of June 1966. This is where he told the people that,

For a long time things have been written about me calling me names. I come before you because I'm neither blind nor deaf. As it was you who, in 1960, wanted me to sit on the throne, it can only be you who decide on the kind of leadership you want after independence. Constitutional developments were delayed because most amendments had to do with the colonial government, power they acquired just before complete independence. Now that the British are ready to grant independence, there is now room to negotiate allocation and use of the power that was in the hands of the British.<sup>230</sup>

The Conference was held from the 8<sup>th</sup> to the 17<sup>th</sup> in ten sessions under the chairmanship of the British secretary of state, Fred Lee and, in his absence, John Stonehouse, who was under-secretary of state for the colonies, presided.<sup>231</sup>

**Table 4.4**

**Basotho delegates to the 1966 Independence Conference**

Chief Leabua Jonathan	Prime Minister
Chief Matete Majara	Minister of Local Government, Community Development and Chieftainship affairs
Mr Peete Peete	Minister of Justice

<sup>229</sup> Report of the Basutoland Independence Conference, 1966.

<sup>230</sup> *Lipitso tsa Sechaba*, Motlotlehi's personal File, Box 1, Royal Archives, Matsieng.

<sup>231</sup> Report of the Basutoland Independence Conference, 1966.

Mr Benedict Leseteli	Minister of Finance
Senator Charles Dube Molapo	Minister of Economic Development, Commerce and Industry
Chief Lesoboro Seeiso	Chieftainship Representative
Mr Ntsu Mokhehle	Leader of BCP
Mr Gerard Ramoreboli	Deputy Leader of BCP
Mr Edwin Leanya	Deputy Leader of MFP
Professor Dennis Victor Cowen	Special Advisor to the Basutoland Government
Motlotlehi Moshoeshe II	Paramount Chief of Basutoland

Source: Report of the Basutoland Independence Conference

Among the issues discussed at the Conference was the White Paper presented by the Basutoland government; it had the proposals made by the Basutoland government for independence. The paper was tabled in both houses of the British parliament. In the paper, the government made it clear from the start that through the Constitutional Commission, all the political parties had agreed on a pre-independence constitution which conformed with the report of the Constitutional Commission. Section 4 of the White Paper stated that “The independence Constitution will establish Motlotlehi as Head of State and will vest in him the executive authority of Basutoland to be exercised in accordance with the provisions of the constitution”.<sup>232</sup> The clause was a stipulation that Moshoeshe II had fought against since his installation in 1960. Though the conference was meant to be the final stage in the

---

<sup>232</sup> Report of the Basutoland Independence Conference, 1966.

preparations for independence, Moshoeshoe II could not show his dissatisfaction with the clause because of his position in the constitution.

One of the central issues discussed at the conference was the powers that were retained by the British during the constitutional Conference of 1964. When the new constitution was introduced in April 1965, the Resident Commissioner retained control over the Defence, External Affairs, Internal Security and the public service.<sup>233</sup> During the 1964 conference, the British refused outright to give control of the armed forces to Moshoeshoe II. In the White Paper presented to the British, the government of Basutoland promised to act in accordance with the Pre-Independence Constitution which was based on the recommendations of the Report of the Constitutional Commission. The government proposed to limit any amendments to the minimum, thus leaving room for some amendments to be made at a later stage.<sup>234</sup> The amendments would therefore have to include control of the powers that remained in the hands of the British.

The British government did not seem to have anything against the proposals in the White Paper. Seeing this, Mokhehle was the first to suggest postponement of the granting of independence on the grounds that the people had to be consulted before any final decisions were made. Mokhehle accused the British of “rushing an unprepared Basutoland into independence.”<sup>235</sup> Mokhehle had always maintained that the Paramount Chief in Lesotho should be a constitutional monarch with control of the armed forces under the Prime Minister. When things did not go as planned during the Constitutional Conference, Mokhehle completely changed his tune and said the wish of the people was for control of the armed forces to be in the hands of the Paramount Chief. Representing the MFP, E. Leanya was also against control of the armed forces being given the Basutoland Government. In their defence,

---

<sup>233</sup> Report of the Basutoland Independence Conference, 1966.

<sup>234</sup> Report of the Basutoland Independence Conference, 1966.

<sup>235</sup> Report of the Basutoland Independence Conference, 1966.

the government of Basutoland stated that the new constitution was based on the recommendations of the Constitutional Commission and that the position of the monarchy in the new constitution was based on the views of many Basotho who had taken the view of the BCP that the Paramount Chief should be a constitutional monarch.<sup>236</sup> Mokhehle was getting his comeuppance for swaying constitutional developments towards constitutional monarchy during the debates in the report of the CRC.

The power of the monarchy, especially in relation to the control of the armed forces, became a source of disagreement during the independence conference, leading to the withdrawal of the opposition parties from the conference. The conference continued in the absence of the opposition parties and it was agreed that Basutoland should become independent on the 4<sup>th</sup> of October 1966.

The delegation returned to Basutoland with different views of how the conference went. The Basutoland government was satisfied with the way the conference had gone, particularly because the British had agreed to grant the power to control the armed forces to the government. The Prime Minister, Chief Leabua, was aware that Moshoeshoe II was not happy with the outcome of the conference. His response to this was,

In all this confusion it is clear that our Paramount Chief is not happy with the power granted to him by the nation. He is not at peace. The power that he has was given to him by the people, the same people who elected the government that the Paramount Chief clearly does not support. It is clear to every Mosotho that that there is confusion between the people and the Paramount Chieftainship.<sup>237</sup>

The Independence Conference had given the Prime Minister a great deal of power over the Paramount Chief. Chief Leabua Jonathan did not waste any time to try and put the Paramount Chief in his place. In a statement that he made soon after the conference, the Prime Minister had this to say about the Paramount Chief,

---

<sup>236</sup> Report of the Basutoland Independence Conference, 1966

<sup>237</sup> *Moeletsi oa Basotho*, 25 June 1966.

At the time when the Paramount Chief started on his campaign to make *lipitso* all over the country, I told him verbally and in writing that it is the advice of the ministers of his government that he is not supposed to be present in those *lipitso*. Might I add that when he was in Britain he publicly spoke to newspapers and all those who listened without discussing it with his Ministers.

The Paramount Chief cannot do as he wishes in these two matters, he cannot continue with his activities with political parties, while benefitting from the privileges brought by his status and legal position which make it impossible for him to be held accountable.<sup>238</sup>

The Prime Minister was determined to make sure that the Paramount Chief stayed within the constraints of the constitution while the Paramount Chief was determined to do everything possible to fight against being a constitutional monarch. Moshoeshoe II was against Lesotho's adoption of a system of government based along the lines of the British system of government and wanted the people to know it. He had realised that neither the Legislative Council nor the British were going to give him the powers that he sought and as a last resort had decided to once again look to the people. At a *pitso* held in Teyateyaneng in June 1966, he told the people that he did not know and he had no interest in how things were done in England, but that in Lesotho the Paramount Chieftainship was neither mute, blind nor deaf but was at all time in service to the people.<sup>239</sup> He said this because he was aware that the British were determined to make sure that the system of government that Lesotho used after independence was based on the Westminster system used in Britain.

The opposition parties took advantage and saw Moshoeshoe II's struggle against the constitutional monarchy as a way to stand against a government that they did not support. The majority of those who attended the *lipitso* were members of the opposition parties and this put Motlotlehi on a war path with the Prime Minister. The relationship between Moshoeshoe II and the opposition parties enraged the Prime Minister and would later determine the doom of the monarchy, the details of this will be discussed in the next chapter.

In his defence against the verbal attack of the Prime Minister, Moshoeshoe II took his frustrations to the people, who he still maintained had the power to grant him the power he

---

<sup>238</sup> *Moeletsi oa Basotho*, 16 July 1966.

<sup>239</sup> *Moeletsi oa Basotho*, July 1966.

was denied by the independence constitution. Speaking at a *pitso* held at the Pitso Ground in Maseru on the 10<sup>th</sup> July 1966, Moshoeshe II said,

The Basotho nation is united on the issue of independence. What they disagree about is the nature of the constitution on a few matters. The nation wants the power that was in the hands of the representative of the British government to be given to the Head of State so that he can intervene when necessary to do so. I went overseas and spend ten days. During my time in London I met with the Secretary for Colonies. I was warmly welcomed by Mr Lee, but I saw a person who was not determined to change his stand on the promises he had made to the government of Chief Leabua. Instead of changing his opinion I found his intention to be for me to have the same view as him and the Prime Minister of Lesotho.

We found the British in a hurry to finalise negotiations and decide on the issue of independence. The opposition withdrew from the negotiations when they realised that even if they spoke with the voice of angels my government and the British government had reached their own conclusions and the negotiations were just a smoke screen. When conclusions were reached, the British wanted me to sign but I refused.

The Ministers of the Lesotho government signed the document, In short the agreement made was such, clause number 4 is about Motlotlehi and except to say he is the Head of State, no addition is made on his power. According to the interpretation of the current government he is going to be a doll except on a few points.

We are against this Constitution because we believe we are in a position where the whole nation and the country are put in tragedy by their own government. There is no protection against abuse of power. Section 19 of the current Constitution and one intended for the future gives the Prime Minister the power to put aside the human rights and the government is in danger of being abandoned by the people.<sup>240</sup>

Moshoeshe II continued holding *lipitso* with the hope of gaining support from people in his attempt to have the new constitution amended. This enraged the Prime Minister to the extent that the years following the independence of Lesotho were marked by the hostility between the King and the Prime Minister.

## **Conclusion**

This chapter examined the beginning of Moshoeshe II's struggle against the constitutional monarchy. It demonstrated that his struggle began in the Legislative Council, soon after he was installed as the Paramount Chief of Lesotho. The Legislative Council presented a number of challenges to Moshoeshe II's struggle against the constitutional monarchy. On the same day that Moshoeshe II was installed to the Paramount Chieftainship, the Basutoland National Council became a Legislative Council. Out of the eighty members of the Council

---

<sup>240</sup> *Moeletsi oa Basotho*, 30 July 1966.

forty were members by virtue of elections, which meant that they owed no loyalty to the Paramount Chief. This was a predicament that was never faced by any of the predecessors of Moshoeshoe II.

The chapter also looked into the establishment of the Constitutional Commission of 1962 and the role that it played in the early stages of Moshoeshoe II's struggle against the constitutional monarchy. The chapter concludes that the composition of the Constitutional Commission was such that it enabled political parties to advance their own agendas at the expense of the Paramount Chieftainship. The changing attitudes of the political parties towards the position of the monarchy in the constitution were also examined in this chapter. The position of the BCP and BNP on the power of the monarchy kept changing. For example, before 1965, when Ntsu Mokhehle was certain that he was going to win the elections, he wanted control of the armed forces to be in the hands of Prime Minister but after he lost to the BNP he wanted that control to be given to the King. The same went for the BNP which, prior to the elections, supported control of the armed forces being given to the King but after winning the elections decided that those powers were best in the hands of the Prime Minister. Lack of goodwill during the sessions of the Constitutional Commission and during the debates that followed the publication of its report had a great impact on the position of the monarchy in the independence constitution.

## **CHAPTER FIVE**

### **THE STRUGGLE BETWEEN THE KING AND THE PRIME MINISTER OVER THE EXECUTIVE POWERS**

#### **Introduction**

On the 4<sup>th</sup> of October 1966, Lesotho became independent and, like other former British colonies, adopted the Westminster model of government. With independence, Lesotho became a constitutional monarchy and the monarch gained the title of King. The Lesotho Independence Order 1966, made the King Head of State, but granted him very limited powers. Moshoeshoe II made no secret about his dissatisfaction over the position of the monarchy in independent Lesotho and soon after independence he made several attempts to change the position of the monarchy in the constitution.

This chapter examines the relationship between the Prime Minister and the King, starting with the period just after independence, leading to the 1970 State of Emergency. It focuses on the attempts of the King to change the position of the monarchy in the independence constitution and the Prime Minister's determination to suppress the King in that regard. In order to address the power struggle between the King and the Prime Minister, the chapter makes an analysis of the Westminster system of government as a major source of conflict between the King and the Prime Minister soon after independence. It examines the Thaba-Bosiu tragedy and contends that it became a weapon used by the Prime Minister to force the King to accept being a constitutional monarch. Then the chapter demonstrates that the Prime Minister went all out to alienate the King from the College of Chiefs in an effort to implement policy that would make it impossible for the King to fight for any constitutional reform. The chapter also makes an analysis of the Chieftainship Act 1968 as one such policy

and concludes with the 1970 state of emergency which marked the end of Moshoeshoe II's struggle against the constitutional monarchy.

### **Lesotho's Independence and its Adoption of the Westminster system of government**

The Westminster model was alien to Lesotho, especially because the British applied a very different form of government during the colonial period. It was a system that was built based on social and political changes that occurred in Britain over a long period of time. On the 4<sup>th</sup> of October 1966, Lesotho became independent and like other former British colonies, adopted the Westminster model of government. With independence, Lesotho became a constitutional monarchy and the monarch gained the title of King. The Lesotho Independence Order 1966, made the King the Head of State, but granted him very limited powers. Moshoeshoe II made no secret about his dissatisfaction over the position of the monarchy in independent Lesotho and, soon after independence, he made several attempts to change the position of the monarchy in the constitution.

Unlike independent Lesotho, Britain does not have a written constitution. The liberties provided for by the Westminster model depend on British tradition and historic principles of common law. It took many centuries for the British to have their current political institutions and they have evolved overtime to adapt to the changing circumstances.<sup>241</sup> Moshoeshoe II wanted a system of government that recognized the historic importance of *Morena e Moholo* in government, a notion not provided for by the Westminster model.

From the beginning, the people and institutions which were in favour of the constitutional monarchy for Lesotho had always maintained that the monarch in Lesotho should exercise the powers similar to those of the British monarch; these included the BCP and the BNP. Although the Westminster style of government was adopted by Lesotho upon independence,

---

<sup>241</sup> A. H. Birch, *The British System of Government* (London: George Allen and Unwin, 1976), p. 14.

certain modifications were made regarding the power of the monarchy. The Lesotho independence constitution clearly stated the functions of the King in written clauses. Section 32 (2) stated that “The King shall do all things that belong to his office in accordance with the provisions of the constitution.”<sup>242</sup> The Constitutional Commission under the chairmanship of W. P. Stanford had recommended that the new constitution should have in written form, those conventions that are not written down for the British monarch.<sup>243</sup>

It was against this backdrop that Moshoeshoe II fought against Lesotho’s adoption of the Westminster system of government. The King was of the opinion that the new constitution was foisted on Basotho. His stand was that, even though the position of the monarchy in the constitution was based upon the findings of the Constitutional Commission, the way it was framed in some aspects was not in accordance with the wishes of the people.<sup>244</sup>

Prior to independence, the aim of the public meetings that Moshoeshoe II held was to convince the people that according to the tradition and culture of Basotho, the King played an important role in administration. When the independence constitution made him a constitutional monarch the aim changed to making sure that the people were aware of what constitutional monarchy entailed, whether or not the position of *Morena e Moholo* in the constitution is what they truly desired for their king. Soon after independence, the King continued with his public meetings, which had been halted by the independence conference. The King hoped to have the constitution amended, especially with regard to external affairs and internal security. The main objection of Moshoeshoe II with regard to his new status as a Constitutional Monarch was that the position denied him any say in national issues.<sup>245</sup> In an interview with the *The Friend* newspaper, the Prime Minister responded that the main cause

---

<sup>242</sup> The Lesotho Independence Order, 1966.

<sup>243</sup> N. L. Mahao, “Constitutionalism, Legitimacy and Political Power: Towards an Understanding of the Problems of Good Governance in Lesotho”, Ph.D. Thesis, University of Western Cape, 1999.

<sup>244</sup> *The Friend* 13 July 1967.

<sup>245</sup> *The Friend*, 13 July 1967.

of the problems between him and the King was his refusal to accept being a constitutional monarch. The Prime Minister made it very clear that according to the constitution that the King refused to abide by, the duty of Moshoeshoe II as the King was to rule while his duty as the Prime Minister was to govern.<sup>246</sup>

The BNP was of the view that the public meetings that the king was holding throughout the country were in fact BCP rallies disguised as *lipitso* called by the king.<sup>247</sup> Makhakhe does not dispute the fact that after 1965, many BCP followers were encouraged to attend the *lipitso* that were called by the Paramount Chief. The reason for this, he explained, was because the BCP had the same concerns as the King with regard to the BNP government, especially after independence. Their main concern was the incorporation of Lesotho into South Africa which was strengthened by Jonathan's 'friendship' with South Africa, a concern which according to him the King also held.<sup>248</sup>

### **The Tragedy at Thaba-Bosiu**

By the end of 1966, the Prime Minister was becoming very impatient with the King and his alliance with the BCP and MFP. Speaking in the Senate the Prime Minister had expressed his concerns over what he called Moshoeshoe II's campaign of public meetings. He explained that he had tried to communicate with the King both in writing and verbally but the King did not heed the warning of his cabinet to stop attending such meetings.<sup>249</sup>

The greatest blow to the King's attempts to gain more power for the monarchy was what transpired at Thaba-Bosiu at the end of 1966. Moshoeshoe II had planned to hold what was to be his end of year *pitso* at Thaba-Bosiu on the 27<sup>th</sup> December 1966. According to those

---

<sup>246</sup> *The Friend*, 28 July 1968.

<sup>247</sup> *Nketu oa Mara*, Vol.2 No 23, 10 June 1966.

<sup>248</sup> Tseliso Makhakhe, 95 year old BCP veteran and former member of parliament, 16 April 2017, Maseru.

<sup>249</sup> *Moeletsi oa Basotho*, 16 July, 1966.

closest to the King, this time around the meeting was meant to be a prayer meeting and not a political rally as the government later said.<sup>250</sup>

On the 22<sup>nd</sup> of December 1966, the cabinet held an emergency meeting where it was agreed the Prime Minister and his deputy Chief Sekhonyana ‘Maseribane would meet with the King and remind him of advice previously rendered to him regarding his attendance of public meetings. The King was also to be warned that any further attempt on his part to hold public meetings would be prevented by government. Particular reference was made to the 27<sup>th</sup> December meeting which was to be held in Thaba-Bosiu.<sup>251</sup>

According to Khaketla it was agreed during the cabinet meeting that all Principal and Ward Chiefs were to be told to discontinue all communication with the King regarding the arrangements for the December 27 meeting. The meeting between the Prime Minister and the King was held but the King refused to cancel the meeting at Thaba- Bosiu.<sup>252</sup> On the day of the meeting the Police Mobile Unit (PMU) was deployed to disperse the people attending the meeting. Road blocks were held in the villages with roads leading to Thaba-Bosiu to stop those intending to attend.<sup>253</sup>

Confrontation between the people and the police led to the death of ten people at Thaba-Bosiu and one in Teyateyaneng.<sup>254</sup> Police Inspector Ranthoma Mabitle was killed at a road block in Teyateyaneng when confrontation erupted between the police and a bus load of people on the way to Thaba-Bosiu.<sup>255</sup> As a result of the events at Thaba-Bosiu and Teyateyaneng, 136 men and 36 women were arrested, charged with inciting violence. Among those arrested was the leader of BCP Ntsu Mokhehle who was sentenced to twelve months in

---

<sup>250</sup> V. Molise, Former Administrative Secretary of King Moshoeshoe II, 15 May 2017, Matsieng.

<sup>251</sup> Khaketla, *Lesotho 1970*, pp. 144-145.

<sup>252</sup> Khaketla, *Lesotho 1970*. p. 147.

<sup>253</sup> Chief M. Seeiso, 2 July 2017.

<sup>254</sup> Khaketla *Lesotho, 1970*, p. 147.

<sup>255</sup> *Lesotho Times*, January 6, 1967

prison. Chief Reentseng Lerotholi was sentenced to eighteen months while the Principal Chief of Thaba-Bosiu, Letsie Theko was sentenced to six months. All three had their sentences suspended for two years on condition that they never involved themselves in any acts of disturbing the peace.<sup>256</sup>

After the crisis at Thaba-Bosiu, the government blamed the King for all that had occurred. They accused him of plotting with the opposition to overthrow the BNP government. In a speech made later that day, the Prime Minister described the tragedy as the result of a plan made by the King and opposition leaders to overthrow his government. The King was also accused of refusing to listen to his traditional advisors and opting instead to surround himself with inexperienced and irresponsible advisors. Among those blamed for giving the King bad advice was his sister 'Mampoi and the Principal Chief of Matsieng Chief Reentseng Griffith.<sup>257</sup> The King's brother and Principal Chief of Mokhotlong, Chief Mathealira Seeiso was also arrested on his way to Thaba-Bosiu and accused of illegal possession of a firearm. As a result of the incident at Thaba-Bosiu, the King was placed under house arrest through what the government called protective custody. The palace was surrounded by armed forces and he was not allowed any visitors.<sup>258</sup> The Thaba-Bosiu incident was considered a big success on the side of the government in foiling and bringing under control what they called obstacles to national unity.

### **The Monarchy and the College of Chiefs**

Section 89 of the Lesotho Independence Order 1966 established what was called the College of Chiefs which was made up of 22 Principal and Ward Chiefs.<sup>259</sup> Section 33 and 34 of the same constitution described the functions of the College of Chiefs as to designate the

---

<sup>256</sup> *Lesotho Times*, January 6, 1967.

<sup>257</sup> *Nketu oa Mara*, Vol.2 No 52, 30 December 1966.

<sup>258</sup> *Nketu oa Mara*, Vol.2 No 52, 30 December 1966.

<sup>259</sup> The Lesotho Independence Order, 1966.

successor or regent to the office of the King in accordance to the customary law of Lesotho.<sup>260</sup> The Lesotho Independence Order 1966 also established a parliament consisting of the King, a Senate and a National Assembly. The Senate was made up of the twenty two Principal and Ward chiefs who made up the College of Chiefs and eleven other members nominated by the King, thus making the Principal Chiefs the majority in the Senate.<sup>261</sup>

The College of Chiefs presented a new challenge to Moshoeshoe II and the powers he sought for the monarchy. In 1966 when Lesotho became independent Moshoeshoe II did not have much support in the Senate, the majority of which were members of the College of Chiefs. The Prime Minister had done much to win the loyalty of the College of Chiefs. During the independence preparations the Prime Minister had needed the backing of the College of Chiefs through the Senate to advance his wish to make Lesotho a constitutional monarch. With the help of the members of BNP who had been nominated to the Senate by the Paramount Chief and the others who were loyal to him, the Prime Minister was able to gain the support of the chiefs in the Senate. Soon after being elected to replace Makotoko as the president of the Senate, Qhobela made a long speech in the Senate in which he warned the chiefs to be wary of those enemies of the chieftainship who now wanted to use them against the government. Speaking about the BCP and the *lipitso* being held throughout the country, Qhobela had said,

I am ashamed that they want to delay independence for no good reasons, which Basotho do not know and which were not decided by them. Britain will accept the request for independence after the stipulated time when negotiations are complete. Basotho should be aware not to ride a horse that does not belong to them because it is wearing ribbons only to learn it is sick when it drops them to the ground. The chiefs have not told me that their long term enemies have mended their ways and deviated from their evil plans. When did they ever ask for forgiveness from the chiefs? English papers write about the chiefs as oppressors, abusers, and blood suckers. The way the *lipitso* being held in Leribe are going they might end up like the one in Rothe.<sup>262</sup>

---

<sup>260</sup> The Lesotho Independence Order 1966.

<sup>261</sup> The Lesotho Independence Order 1966.

<sup>262</sup> *Moeletsi oa Basotho*, 21 May 1966.

The seed of doubt had been sowed, the BNP government appeared to the chiefs to be the one to protect the chieftainship, and the support Moshoeshoe II received from the members of BCP signified great doom for his struggle against constitutional monarchy. Soon after the tragedy at Thaba-Bosiu, the College of Chiefs was ordered by Prime Minister Jonathan to decide ways by which the King may be disciplined. Starting on the 28<sup>th</sup> December 1966, the College of Chiefs held meetings where the main agenda was how to discipline the King.<sup>263</sup> Khaketla describes this move on the part of both the Prime Minister and the College of Chiefs as highly unconstitutional because the constitution in no way gave the College of Chiefs the power to discipline the King.<sup>264</sup>

Speaking about the tragedy at Thaba-Bosiu in a press release dated 3 January 1967 the Prime Minister said,

As the events of December 27<sup>th</sup> offer concrete proof, my government was able to defeat these influences because of the support and encouragement received from the seventeen out of the twenty two Principal and Ward Chiefs and above all, from the greater percentage of the Lesotho population who put the welfare of the nation above all things and refused to identify themselves with the ambitions of self-seekers.<sup>265</sup>

The Prime Minister clearly intended to show the error in the ways of the King by proving to the nation that any move he made against the King was with the encouragement and support of the Principal and Ward Chiefs whom he called traditional advisors of the King. To further strengthen the stand of the Prime Minister, on the 5<sup>th</sup> of January 1967, the College of Chiefs persuaded the King to sign a damning document that became the final straw in his struggle against the constitutional monarchy. The signed document read,

I Constantine Bereng Seeiso, declare that I accept the advice given me by the College of Chiefs and make known that, I shall cooperate with government, where *pitsos* have been organised by my government, I shall deliver an address prepared for me by government. There will be no person, including Chieftainess 'Mampoi Makhaola, who will freely enter the palace grounds in Maseru or Matsieng without prior permission by government. I accept the undertaking to remove Chief Reentseng Lerotholi, who has been nominated by me to administer on my behalf the ward of Matsieng because he

---

<sup>263</sup> *Makatolle*, Vol.6 No 1, January 1967.

<sup>264</sup> Khaketla, *Lesotho 1970*, p. 153.

<sup>265</sup> Government of Lesotho, Department of information, Press Release, 3 January 1967, Prime Minister's Message on the trend of events in Lesotho after attainment of independence.

has been proved by the College of Chiefs as the person responsible for the spread of confusion in the country. If in the declared opinion of the government it is evident that I have failed to carry out any of the terms of this undertaking and declaration, I freely and voluntarily agree that this declaration shall forthwith come into operation as a formal act and instrument of abdication by me of all my rights, privileges and immunities as King of Lesotho without the necessity of any act on my part.<sup>266</sup>

The Prime Minister went out of his way to prove to the nation that every action he took against the King in the aftermath of the Thaba-Bosiu tragedy was done with the backing of the College of Chiefs. The document that the King signed clearly stated that the removal of Chief Reentseng Griffith from his position as the acting Ward Chief of Matsieng was done through the sole recommendation of the College of Chiefs and not the government. The day after the declaration made by the King was announced, a joint statement by the King and the Prime Minister was issued. It stated that under the advice of the College of Chiefs and cabinet the King had agreed to conduct his affairs of state strictly according to the provisions of the constitution.<sup>267</sup>

The Prime Minister was determined to isolate the King from any support from the College of Chiefs. He delivered a message in which he expressed his gratitude to seventeen out of the twenty two Principal and Ward Chiefs for the role they played in dealing with the Thaba-Bosiu incident and its aftermath.<sup>268</sup> In this way, it would appear that the government was not solely responsible for the fate that befell the King. The Prime Minister had accused the King of not listening to his traditional advisors so it appeared, to the people at least, that this time around it was those very traditional advisors who were dealing with the King. The King was not allowed any visitors and his movement was watched closely by the government. Every

---

<sup>266</sup> *Nketu oa Mara*, Vo.13 No2 January 13 1967.

<sup>267</sup> Government of Lesotho, Department of Information, Press Release, 6<sup>th</sup> January 1967, Joint Statement by His Majesty Moshoeshoe II, King of Lesotho and His Excellency Chief the Honourable Leabua Jonathan, Prime Minister of Lesotho.

<sup>268</sup> *Nketu oa Mara*, Vol.3 No1, January 6, 1967.

action on his part had to be approved by the government and he was not allowed any opportunity to defend himself against the accusations made by the government.<sup>269</sup>

In an attempt to defend himself, Moshoeshe II wrote a letter to the Prime Minister explaining his stand on the happenings of December 27 1966 at Thaba-Bosiu. In the letter the King explained that during his days under house arrest a lot had been said and written about him and that had prompted him to clear his name. The King highlighted four points that in his opinion needed clarification. He said,

I want it to be clear and known that the *pitso* I called at Thaba-Bosiu was not intended to cause any disturbances. It was a gathering of peace like the ones held before where there were never any cases of violence. The invitation letters I send out, which can still be found with the Principal Chiefs, did not invite people to go to war and I wholly believe that all the people who went to Thaba-Bosiu on the 27<sup>th</sup> December 1966 were not prepared for any war and were not even aware that they would be dispersed with guns by the police. I believe that all those who were injured or died were not fighting and did not have the intention to fight. They just met with the misfortune of being shot at by police who had come prepared to do so.

I want to clarify that I never had any intention to capture the government by use of violence as it has been alleged in newspapers and over the radio. I want it to be clear that I have no knowledge of the leaders of BCP and MFP planning to capture the government together with me. There is absolutely no truth in that, according to my knowledge. If there was such a plan we would not all have gone back to our homes in broad daylight. The aim of the *pitso* at Thaba-Bosiu which I know of and am willing to take responsibility for is the one explained in the invitation letters. I would like to further explain that the aim of the *pitso* at Thaba-Bosiu as stated in the letter had no communist motives that the papers refer to. Those who claim that I worked with the leadership of the BCP and the MFP to overthrow the government and that I worked jointly with the communists are not telling the truth and seek only to tarnish my name in their own defence.

I disagree with statements that say I played a part in the death of people who died that day. What I know is that I called a meeting of peace for Basotho as according to my invitation letter. There is nowhere I let loose armed forces. I believe that those who were armed at Thaba-Bosiu were police and not the people who had gone there to attend the *pitso* and I also believe it is the police who shot at the people not the other way round.

In conclusion, according to my knowledge there is no truth in all the accusations which are laid upon me and spread throughout the world, I consider all steps taken against me till now as not in line with truth and justice.<sup>270</sup>

According to Chief Moramang Seeiso, in persuading the King to sign the document with what Khaketla referred to as the “suicide clause,” the College of Chiefs never expected those restrictions would apply to them as well. According to him, the majority of Principal and Ward Chiefs were also supporters of the BNP. This made it easy for them to carry out

---

<sup>269</sup> *The Friend*, 13 July 1967.

<sup>270</sup> *Taba tsa koluoa ea Thaba-Bosiu*, His Majesty King Moshoeshe II file, Box 2, Royal Archives, Matsieng.

Jonathan's plans against the King without considering the consequences of their actions on the position of the College of Chiefs. It was only when they had to get permission to see the King from the government themselves, that they realised the magnitude of what they had allowed to happen.<sup>271</sup>

The struggle between the King and the Prime Minister divided the College of Chiefs into two groups. On the one hand were those who supported the King while on the other hand were those who supported the Prime Minister Leabua Jonathan and his government.

### **The 1968 Chieftainship Act and its impact on Moshoeshoe II's struggle against constitutional monarchy**

On the 16th of February 1968 during the opening of the second session of parliament, the King made a speech which outlined the agenda and focus of the government in the coming months. In this particular speech, the King made reference to two important Bills. These were the Chieftainship Bill and the Public Service Bill. He said,

In respect of public administration, parliament will be invited to consider a Chieftainship Bill and a Public Service Bill having the purpose that we have already mentioned. Parliament will also be asked to deal with several measures designed to abolish District Councils and to transfer their powers, duties and assets to the Central Government for direct administration. Arrangements will be made by the government by which in due course people living in communities will be enabled to participate in the administration of public affairs in those communities.<sup>272</sup>

Both these Bills were an attempt by government to try and curb what the government saw as unwanted behaviour of opposition parties. The government was of the view that the BCP and the MFP were using civil servants and some of the chiefs to sabotage the government.<sup>273</sup> For the purpose of this study focus will be on the Chieftainship Bill because although it centred on the chieftainship it also had a great impact on Moshoeshoe II's struggle against the

---

<sup>271</sup> Chief Moramang Seeiso, July 2017.

<sup>272</sup> *Nketu oa Mara*, Vol. 4 No 8 February 23 1968.

<sup>273</sup> *Nketu oa Mara*, Vol. 14 No 10, March 8 1968.

constitutional monarchy. The fact that the Chieftainship Bill was first announced by the King in parliament through his opening speech became a source of disgruntlement for the opposition and once again brought forth the comprehension or lack thereof of the Westminster system of government.

The Westminster system of government dictates that during the opening of parliament the King read a speech prepared for him by cabinet outlining the agenda and focus of the government. It was through that speech that the Chieftainship Bill was presented before parliament. As previously stated, political parties such as the BCP wanted Lesotho to be a Constitutional Monarchy, modelled along the lines of the Westminster system of government. This was a system where the King became Head of State but with a very limited role to play in government. After independence the opposition was not happy with the status of the King, and used it as a weapon against the government. The King had always made his position clear on Lesotho's adoption of the British system of government. His standpoint was that Basotho had their own history which made it unwise to adopt a constitution similar to the one for Britain.<sup>274</sup>

According to the government, the Chieftainship Bill was aimed at shaping, clarifying and protecting the responsibilities of the chiefs.<sup>275</sup> The Prime Minister described the Bill as a way to protect the institution of Chieftainship by facilitating its smooth running.<sup>276</sup> The Bill was tabled after some chiefs were implicated in the Thaba-Bosiu crisis of December 1966. The chiefs were accused of encouraging the King to refuse to accept his constitutional status.

The stand of the government with regard to the Chieftainship Bill and its impact on the monarchy was that the Bill was going to help preserve the prestige and honour of the

---

<sup>274</sup> Interview with Kuena Phafane, Former personal aide to Moshoeshoe II, Maseru, 11 July 2017.

<sup>275</sup> Parliamentary Debates of the National Assembly Hansard, Official Report of the First Meeting, 3<sup>rd</sup> Session Friday 16<sup>th</sup> February to Thursday 29 February 1968.

<sup>276</sup> *Lesotho News*, February 13, 1968.

monarchy while empowering the chiefs in their duties through legislation. The belief here was that the behaviour of some of the chiefs was negatively affecting the monarchy so separating the King from the chiefs through legislation, would protect the image of the King.<sup>277</sup> The Bill was aimed at putting the chiefs in their place and avoiding any unwanted interaction between the King and the chiefs. This was contrary to the wishes of the King who regarded the monarchy and chieftainship as one unit. The King believed that the majority of the people wanted a chieftainship that played an important role in government and in his view, Chieftainship started with the King at top and went down to the much lesser chiefs.<sup>278</sup>

During the debates that followed the reading of the Bill, in parliament, the Deputy Prime Minister Chief Sekhonyana 'Maseribane explained that the government was presenting the Bill 'after exhaustive consultation with the Principal Chiefs'.<sup>279</sup> Once again the government was making it clear to the nation that the Principal Chiefs played a role in implementing the policies of government. According to Phafane, who for many years served as Moshoeshoe II's personal aide, the Senate was the custodian of Basotho culture and tradition and was the only place where the chiefs had any power. Their weaknesses in the Senate reduced the power of the College of Chiefs. According to him Moshoeshoe II still had hope that the Principal Chiefs would understand his position with regard to the power of the monarchy and would help him in his struggle against the constitutional monarchy.<sup>280</sup> The hope of Moshoeshoe II of ever getting any support from the Principal Chiefs was shattered when the Chieftainship Bill successfully passed through the Senate.

Speaking for the opposition during the Third Session of Parliament Khasu said,

We have listened to the long speech of the Prime Minister in his endeavour to convince us that the speech which his Majesty read here is of importance to the Basotho nation. He tried all he could and at

---

<sup>277</sup> *Moeletsi oa Basotho*, 13 May 1968

<sup>278</sup> *The Friend*, 13 July 1967

<sup>279</sup> Parliamentary Debates, 16<sup>th</sup> to 29<sup>th</sup> February 1968

<sup>280</sup> K. Phafane, 11, July 2017, Maseru

length for that matter to support the so called King's address. It is interesting that he urged the house to be unanimous in accepting the King's speech and I must state from the beginning that we, the opposition, find ourselves unable to associate our constituents with the speech. We know with certainty that he was reading the policy of this government.<sup>281</sup>

This speech was an indication of two things. Firstly, that the Lesotho political leaders were still grappling with the complexities of the Westminster system nearly two years after independence. Secondly, the opposition was being deliberately obstructive by using the King and his fight for administrative power in their war with the government. The new constitution became the source of contention between the government and the opposition parties. The constitution helped the Prime Minister to finally bring the King under control while the opposition used the position of the King in the constitution to fight the government. Political parties such as the BCP had played a major role in making Lesotho a Constitutional Monarchy but after independence they complained a lot about the very system that they helped to put in place.

The Chieftainship Act took power away from the College of Chiefs while empowering the ministers. The Lesotho Independence Order 1966 was very clear on the role of the King in government. Section 76(1) of the independence Order stated that the King would have to perform his functions as dictated by the constitution and would do so in accordance with the advice given to him by cabinet or a minister acting on the authority of the cabinet.<sup>282</sup> The Independence Order was not as explicit on the functions of the chieftainship leaving the Laws of Lerotholi to guide the chiefs in the performance of their duties. Because of this omission, after independence it became easier for the Prime Minister to control the King than it was to control the chiefs.

The Chieftainship Act 1968 was intended to correct this omission. The Act, clearly states that the word 'Chief' in the act refers to a Principal Chief, Ward Chief and a Headman but does

---

<sup>281</sup> Parliamentary Debates of the National Assembly, Hansard, Official Report of the first meeting, 3<sup>rd</sup> Session, Friday 16<sup>th</sup> February 1968 to Thursday 29 February, 1968.

<sup>282</sup> The Lesotho Independence Order 1966.

include the King. During the debates in the National Assembly after the second reading of the Bill, the BCP leader, Mokhehle, stated that “It is quite clear that the small chiefs that form the majority of our cabinet are determined to destroy the senior chiefs and the commoners also.”

<sup>283</sup> In response to this accusation, the Deputy Prime Minister, Sekhonyana Maseribane, said that the government hoped to avoid the development of a power struggle between the chiefs and the commoners. He went further to state that because the government belonged to the people, it would not be proper for the chiefs to quarrel with the government. He made it clear that the government was not going to allow the chiefs to do as they pleased.<sup>284</sup>

Mokhehle played a central role in determining the future of the monarchy in Lesotho. In the late 1950’s and early 1960’s he had never made any secret of the contempt he had for the chieftainship. Khaketla describes a situation in which during one meeting, Mokhehle refused to shake hands with Moshoeshe II. Learning from the comments that he made in parliament in 1968, it is clear that he never considered or imagined that the powers he sought for the Prime Minister would be wielded by somebody else but him.

Mothibe argues that the post-independence Lesotho was marked by bitter struggles between the political elite of Lesotho who sought to capture the state for their own benefit and thought nothing of the welfare of the nation. It was unimaginable that Mokhehle would one day stand up for the monarchy and the chieftainship. This was what he did during the debates after the second reading of the Chieftainship Act of 1968 when he said that the government through its policies was determined to destroy the chieftainship from Ward chiefs to the top most pinnacle of the chieftainship.<sup>285</sup> Although the King did not reject the support that he got from the opposition parties such as the MFP and the BCP in his campaign to have the constitution amended, it was precisely that support that weakened his stand against the constitutional

---

<sup>283</sup> Parliamentary debates 16<sup>th</sup> to 29<sup>th</sup> February 1968.

<sup>284</sup> Parliamentary debates 16<sup>th</sup> to 29<sup>th</sup> February 1968.

<sup>285</sup> Parliamentary debates 16<sup>th</sup> to 29<sup>th</sup> February 1968.

monarchy. It also made it easy and believable for the government to claim that the King was working alongside the opposition parties in an attempt to topple a democratically elected government.

The Chieftainship Act cut out any administrative relationship that existed between the Chiefs and the King. Although the Act focuses on the chiefs and not on the king, some reference is made to the King but the act does not allow the King to do anything relating to the Chiefs without the consent of the minister. Section 5 of the Act states that one may lawfully be appointed as chief after approval from the King but even that approval has to be given in accordance with advice given by the Minister.<sup>286</sup> The Act did not make any allowance for the King to interact with the Chiefs in their duties without advice from the Minister.

On the 5<sup>th</sup> March 1968, eight Principal and Ward Chiefs passed a resolution in which they recanted on the recommendations that they had made regarding the action taken against the King after the tragedy at Thaba-Bosiu. The Chiefs announced that they regretted persuading the King to sign the document that he signed on the 5<sup>th</sup> of January 1967. According to these Chiefs, the act was unconstitutional and the people were unhappy with the way the King was treated. They went further to state that the document was being used by the government to harass and humiliate the King.<sup>287</sup>

**Table 5.1**

**List of Principal and Ward Chiefs who recanted on the advice they rendered to the King after the Thaba-Bosiu tragedy**

NAME	WARD
Leshoboro Seeiso	Likhoele

<sup>286</sup> Chieftainship Act 1968.

<sup>287</sup> *Tšitsinyo ea Marena* Box 2 Royal Archives, Matsieng.

Sentle Mojela	Mafeteng
Manama Leloko Lerotholi	Matsieng
Mathealira Seeiso	Mokhotlong
Matšohlo Sekonyela	Tlokoeng ( Mokhotlong)
Mohale Seeiso Maama	Ha Maama
Tumane Matela	Makhoakhoeng
David Masupha	'Mamathe

Source: *Nketu ea Mara* Vol. 4 No. 10 March 1968

The remaining thirteen Principal and Ward Chiefs responded with a statement of their own in which they distanced themselves from the statement made by the other eight chiefs. The statement was released on 7<sup>th</sup> March 1968 and in it they stated that they were not associated with the chiefs who regretted persuading the King to sign the document that was signed on 5<sup>th</sup> January 1967. According to the thirteen chiefs, the College of Chiefs did not have the power to retract the agreement that was made on the 3<sup>rd</sup> of January 1967 without the approval of the government. Most importantly, the chiefs stated that terminating the 3<sup>rd</sup> January 1967 agreement would place the peace of the country in jeopardy.<sup>288</sup> In the end, the thirteen chiefs were regarded as pro-government while the other eight were anti-government.

**Table 5.2**

**List of Chiefs who refused to recant on advice given to the King after the Thaba- Bosiu Tragedy**

CHIEF	DISTRICT/WARD
-------	---------------

<sup>288</sup> *Nketu oa Mara*, Vol.4 No 10, March 6 1968.

Letsie Bereng Griffith	Phamong
Bolokoe Motšoene	Leribe
'Mantšase Moeketsi	Taung
Mohlalefi Bereng	Rothe
Makopoi Ramabanta Api	Ramabanta
Kopano C. Selomo	Botha Bothe
Semoko Khali (for the chief of Qacha's Nek	Qacha's Nek
Jonathan Mathealira	Tsikoane
Leshoboro Majara	Berea
Tšepo Q. S. Nkuebe	Quthing
Seeiso Moholobela	Matelile
Makhabane Peete	Koeneng
J. M. Lephole (for chief of Tajane)	Tajane

Source: *Nketu oa Mara*, Vol. 4 No, 10 March 6 1968

In reaction to the statement made by the eight Principal and Ward chiefs on the position of the King, the Prime Minister took his frustrations to the Senate. The Senate proved to be very convenient to him because it was the one place he could have all the Principal and Ward Chiefs in one place.

The actions of the eight Principal and Ward Chiefs enraged the Prime Minister and made him even more determined to bring the King under control. Addressing the Senate, the Prime

Minister stated that it was only because of the courage and patience of the government and respect that the government had for the chieftaincy that the King was still sitting on his throne. He made it clear to the members of the Senate that although it was only the eight chiefs who did not support the 3<sup>rd</sup> January 1967 decision made by the College of Chief, it was important for all the chiefs to understand that only the government ministers had the liberty to advice the King.

The Prime Minister went further to remind the members of the Senate about the terms of the document that the King had signed and made it known that the government would not hesitate to enforce clause number 4 of that statement if the King continued to violate the terms of the agreement. This was the clause in which any action on the part of the King that went against the terms of the document would be regarded by the government as an act of his abdication.<sup>289</sup> The Prime Minister admonished the members of the Senate with confidence because he knew that he had the support of the majority of the Principal and Ward Chiefs. The split in the College of Chiefs over the document that the King was made to sign occurred before the Chieftainship Act passed through and it was clear that it was going to affect the outcome. After much controversy in both houses of parliament, in March 1968 the Chieftainship Bill was passed by the Senate.<sup>290</sup> Khaketla blamed the success in the passing of the Bill on the chiefs in the Senate. According to him, the act only managed to pass through the Senate because the Principal Chiefs in the Senate were bullied by Prime Minister Leabua Jonathan, the end result of which was to cut any remaining link between the King and the Principal Chiefs.

The Bullying of the Principal Chiefs by the Prime Minister is a sentiment shared by Chief Moramang Seeiso who stated that the Principal Chiefs who supported the Prime Minister

---

<sup>289</sup> *Nketu oa Mara*, Vol. 4 No10, 8 March 1968.

<sup>290</sup> *Nketu oa Mara*, Vol. 4 No 13, 29 March 1968.

lived a very comfortable life compared to those who gave their support to the King. The impact of the rift in the College of Chiefs was also felt in the Senate. On 14<sup>th</sup> March 1968, Chief S. S. Matete was dismissed from his position as the Vice President of the Senate. The reason behind his dismissal was the support that he gave to the King in his struggle against the constitutional monarchy. Matete had succeeded Chief Reentseng Griffiths Lerotholi as the vice-president of the Senate.<sup>291</sup> After the Thaba- Bosiu incident of December 1966, Chief Reentseng G. Lerotholi was also dismissed from the vice- presidency of the Senate for the very same reasons that led to the dismissal of Matete.

### **Prelude to the 1970 elections: the conflict between the King and the Prime Minister continues**

The Chieftainship Act solved the problem presented by the chiefs as far as Moshoeshoe II and his bid for more power was concerned. With that out of the way both the opposition and the government prepared for the upcoming elections. As it was the case with the 1965 elections, Moshoeshoe II once again found himself in the middle of the election campaign for both the government and the opposition. Three years after the Thaba-Bosiu incident, the government continued to use the crisis to show the folly in the ways of the King and the opposition.

The campaign for the 1970 elections in Lesotho began in earnest early in 1969. The King and his stand against the constitutional monarchy became the focal point in the campaign speeches that the Prime Minister made throughout the country. Throughout 1969, the Prime Minister made numerous warnings to the King to cease any attempts to fight against his constitutional position. The warning was directed both to the King and to the chiefs. Speaking at a rally in Teyateyaneng, Prime Minister Leabua Jonathan warned the King that

---

<sup>291</sup> *Nketu oa Mara*, Vol. 4 No 12, 22 March 1968.

there were only two options before him. It was either he abdicated or abided by the constitution and stayed away from politics.<sup>292</sup>

In February 1969, the Prime Minister held a rally in his constituency of Mpharane in the Mohale's Hoek district. He accused the King of going against the constitution and continuing to take part in politics by working with the opposition against the government. The Prime Minister took the opportunity to deny any imprisonment of the King at the palace and went further to stress that it was not a good move on the side of the King to seek more power after the Prime Minister's dismissal of some members of the Senate.<sup>293</sup> Judging by his speeches, Jonathan had a constant need to keep justifying the actions of the government against the King, often reminding those who listened that it was the College of Chiefs and not the government that disciplined the King.

At another rally in Teyateyaneng, Jonathan accused the King of being a failure in the one important thing entrusted to him, that of being the custodian of all land in Lesotho on behalf of the Basotho people. The Prime Minister stressed that under the watch of the King, some chiefs were deliberately depriving people of the land and giving it to his political friends. The Prime Minister accused the King of allowing some chiefs to refuse land to the supporters of the BNP while giving it to the members of the opposition.<sup>294</sup>

The Prime Minister made his accusations against the King with the knowledge that he had the support of the majority of the Principal Chiefs. Addressing the people at a *pitso* convened by the Prime Minister in Maseru, Chief Leshoboro Majara echoed the words that the Prime Minister had said about the King on numerous occasions. He said that the actions of Moshoeshe II had caused the prestige of the monarchy to deteriorate from the moment he

---

<sup>292</sup> *The Friend*, May 12 1969.

<sup>293</sup> *Nketu oa Mara*, Vol.5 No. 8, February 21 1969.

<sup>294</sup> *Nketu oa Mara*, Vol 5 No. 20, May 16, 1969.

was installed. He accused the King of deviating from the terms of the constitution and refusing to listen to his traditional advisors. Chief Majara made his position clear on Moshoeshoe II's struggle against the constitutional monarchy when he publicly stated that in his opinion, "if the King was ever given arbitrary powers it would be the end of the nation."<sup>295</sup> Chief Majara had made his stand clear and, considering the relationship between the King and the College of Chiefs after 1966, it is possible that the Principal Chiefs who pledged their support to the government were of the same view.

It was not just the Prime Minister who used the struggle of Moshoeshoe II against the constitutional monarchy in his campaigns. During a *pitso* he held at Thaba-Bosiu the newly elected leader of the MFP, Tšepo Mohaleroe, told those in attendance that internal security and foreign affairs must be in the hands of Moshoeshoe II and not in the hands of the Prime Minister. It was not strange for the MFP to show their support to the King but the timing of this speech is important because it was done during a period when the Prime Minister was determined to do away with any possibility of the constitutional monarchy.

Maqutu describes the struggle for power between the King and the Prime Minister as one sided because the constitution gave a lot of power to the Prime Minister.<sup>296</sup> In an interview the King gave, he admitted that his movement was restricted, the government did not allow him free movement throughout the country and he lived the life of a prisoner who has not been convicted. The King also stated that the government did not allow him to respond to the accusations made against him.<sup>297</sup> As Moshoeshoe II mentioned during the interview, what he hoped to achieve in the public meetings that he held was for the constitution to be amended in such a way that the monarchy would have an active role in government. Without any public appearances, it became difficult for the king to come close to succeeding in his struggle. The

---

<sup>295</sup> *Nketu oa Mara*, Vol 5 No. 32, August 8, 1969.

<sup>296</sup> W. C. M. Maqutu, *Contemporary Constitutional History of Lesotho* (Mazenod: Mazenod Institute, 1990)

<sup>297</sup> *The Friend*, July 13, 1967.

constitution that he was fighting against was used to crush any chances that he had to amend the constitution.

### **The State of Emergency is declared**

On 30<sup>th</sup> January 1970, the Prime Minister of Lesotho Chief Jonathan issued a proclamation declaring a state of emergency in Lesotho. The state of emergency was caused by Jonathan's refusal to accept defeat in the general elections of 1970. Mothibe asserts that rather than giving the reins of power to the leader of the BCP, Mokhehle, who had won the elections, Jonathan chose to suspend the constitution and put the King under arrest.<sup>298</sup>

The Prime Minister stated that he declared the state of emergency to avoid chaos and disorder in the country and that he had reached the decision to declare a state of emergency after he had consulted the King and his Privy Council.<sup>299</sup> In an interview with David Barritt from *Sunday Times* the King denied any knowledge of the Prime Minister's plan to declare a state of emergency. According to him he was never informed or consulted about any plans to declare a state of emergency.<sup>300</sup> Jonathan said that there was a conspiracy between the king and the leader of the MFP, G.T. Mohaleroe as well as the leader of the BCP, Ntsu Mokhehle to overthrow his government. The government claimed that it had proof that on the Saturday and Sunday just before the elections were held, the three met at Matsieng where the king instructed all the opposition parties to vote for the BCP in order to stop the BNP from winning the elections.<sup>301</sup>

With the state of emergency declared, the Lesotho Independence Order 1966, which had been the main cause of Moshoeshoe II's struggle after 1966 was suspended. According to

---

<sup>298</sup> T. H. Mothibe, "Political Leadership Challenge in Lesotho- A Cause of Political Instability?" in M. Thabane (ed.), *Towards an Anatomy of Persistent Political Instability in Lesotho, 1966-2016* (Roma: Open Society Initiative for Southern Africa, 2017), p. 56.

<sup>299</sup> *Nketu oa Mara*, Vol. 6 No 5, January 30, 1970.

<sup>300</sup> *Sunday Times*, February 1, 1970.

<sup>301</sup> *Sunday Times*, February 9, 1970.

Proclamation No.1 of 1970, the independence constitution was going to be suspended until such time that a new constitution that suited the needs of the Basotho was agreed upon.<sup>302</sup>

Following the declaration of the state of emergency, the Prime Minister issued a statement that was broadcast over the radio. In the statement, the Prime Minister announced that some chiefs had abused their power by withholding land from the supporters of the BNP in an effort to interfere with the election process. The Prime Minister referred to the 1966 constitution as a “foreign and hybrid constitution” that did not meet the needs of Basotho.<sup>303</sup>

The constitution that Jonathan was describing as foreign was the same constitution that had been the main cause of conflict between the King and himself. Jonathan had accused the King of refusing to accept a constitution that was determined by the people through the Constitutional Commission of 1962. From the beginning, Moshoeshoe II had stressed that there were some aspects of the constitution that did not meet the needs and customs of Basotho and that certain amendments should be made to make it more suitable for Lesotho. At the time, and because he was the democratically elected Prime Minister, chief Jonathan regarded Moshoeshoe II as a power-hungry monarch who refused to accept his position, as stipulated in the constitution.

On 3<sup>rd</sup> February 1970, The Prime Minister, Chief Leabua Jonathan, issued another statement in which he said,

Although I have always been and am still a great believer in democracy, I am inclined to agree with the majority of African Leaders that the western concept of democracy is not compatible with African problems. There are important aspects in our different ways of life which made western democracy differ from African democracy.<sup>304</sup>

The Prime Minister was using the same reasons that Moshoeshoe II gave for his stand against the constitutional monarchy to put the country under a state of emergency.

---

<sup>302</sup> *The Laws of Lesotho*, Volume xv, 1970.

<sup>303</sup> *Nketu oa Mara*, Vol. 6 No 6, February 6, 1970.

<sup>304</sup> *Nketu oa Mara*, Vol. 6 No 6, February 6, 1970.

## **The King is exiled**

When the constitution was suspended, the Prime Minister assumed all executive powers. It was left up to the Prime Minister to clarify the position of the King in the country. The Prime Minister explained that in terms of the document that the King had signed in 1967 which barred him from taking part in active politics, his involvement with the BCP and MFP was considered by the government as an act of abdication on his part.<sup>305</sup>

With the King under house arrest, the Prime Minister looked to the College of Chiefs to deal with the problem that was the King. The abdication of the King was based on his violation of the document that he signed in 1967, a document he had signed because, according to the government and the College of Chiefs, he had acted contrary to what the constitution allowed. On the 3<sup>rd</sup> of April 1970 all the Principal Chiefs were called to the Ministry of interior to decide the fate of the King. According to Chief Moramang Seeiso, who was the acting Principal Chief of Matsieng at the time, all the Principal Chiefs assembled in a hall in the presence of the Deputy Prime Minister, Chief Sekhonyana 'Maseribane. Each of them was told to sign his/her consent to exile the King. All but four Principal Chiefs signed to send the King out of the country. Those who refused to sign were Chief Letsie Theko (Thaba-Bosiu), Chief Moramang Seeiso (Matsieng), Chief David Masupha ('Mamathe) and Chief Seeiso Moholobela (Matelile).<sup>306</sup> Chief 'Maseribane had taken the salaries of the chiefs in the form of cheques with him to the meeting. The cheques of those who refused to sign were withheld while those who signed received theirs. Afterwards, the chiefs, with the exception of the four, rode in the bus from the Ministry of Interior to escort the King to the Maseru border gate to send him off and upon their return were each rewarded with an all-weather coat.<sup>307</sup>

---

<sup>305</sup> *Sunday Times*, 9 February, 1970.

<sup>306</sup> Chief Moramang Seeiso, 2 July, 2017.

<sup>307</sup> Chief Moramang Seeiso, 2 July, 2017.

In April 1970, the government published a gazette announcing that the King would be out of the country for some time and that in his absence the Queen would act as the regent. Soon thereafter, the Prime Minister made a statement over the radio, announcing that even though the King was absent, Lesotho would continue to be a constitutional monarchy. The Prime Minister made it clear that even though the constitution was suspended the monarchy continued to exist and went further to say that it would be up to him and the other ministers to define its constitutional functions.

## **Conclusion**

This chapter investigated the attempts made by King Moshoeshoe II in his struggle against the constitutional monarchy in the years following the independence of Lesotho. It demonstrated that Lesotho's adoption of the Westminster system became a major source of conflict between Prime Minister Leabua Jonathan and King Moshoeshoe II. Soon after independence, Moshoeshoe II continued with his public meetings which were intended to convince the people that it was a mistake to adopt the British system of government in its entirety. The Prime Minister took these meetings as an act of sabotage by the King against his BNP government. The history of Lesotho in the years between 1966 and 1970 is dominated by the conflict between the Prime Minister and the King. After the tragedy at Thaba-Bosiu, the Prime Minister solicited the aid of the College of Chiefs to bring the King under control. With the help of the College of Chiefs, the King was made to sign a document that gave the Prime Minister the power to decide whether any action of the King could be deemed as an act of abdication. The chapter also revealed that the Prime Minister introduced the Chieftainship Act 1968 as a way of putting the chieftainship under the control of the government while alienating the King from the College of Chiefs.

## **CHAPTER SIX**

### **CONCLUSION**

This thesis documented Moshoeshe II's struggle against the constitutional monarchy in the period 1960-1970. It revealed that although Moshoeshe II was determined to fight it, Lesotho was destined to be a constitutional monarchy. Constitutional developments in Basutoland in the 1950's were instigated by the British to lead Lesotho into independence as a constitutional monarchy. The outcome of Moshoeshe II's struggle against the constitutional monarchy was determined by the British who took advantage of the rising nationalism in Lesotho in the 1950's and 1960's to drive constitutional developments towards the constitutional monarchy.

The development of political parties in the 1950s was one of the first indicators that Lesotho was heading for a constitutional monarchy. As a British colony, Lesotho introduced the political parties under the tutelage of the colonial master. From the beginning, the BAC made it clear that it wanted a system of government that was similar to that of Britain, where the Monarch was the Head of State but with very little role to play in government. As a result their position on constitutional advancement in Basutoland was one where the monarchy was side-lined. The position of the BAC on the future of the Paramount chieftainship made it necessary for Chief S. S. Matete to form a political party that would stand for the interests of the monarchy in the political arena. One of the reasons behind the formation of the MFP was to fight for Bereng's installation in the late 1950's. Following his installation, the party pledged to support his bid for more power. The struggle of Moshoeshe II against the constitutional monarchy took place under a very hostile political environment. The BCP did not regard the Paramount Chieftainship as an important part of government that needed to be

preserved as Moshoeshoe II appealed. The stand of the BNP was that the constitutional monarchy would protect the prestige and image of the monarchy.

Political parties played a major role in constitutional developments in Basutoland in the months leading to independence. The British initiated administrative reforms that were clearly designed to deny the Paramount Chieftainship any role in government. Starting with the Administrative Reforms Committee, the British put in motion some plans that would eventually make Lesotho a constitutional monarchy. The motion to form the committee was accepted unanimously in the BNC and members made recommendations on how the committee was to function. The British decided to ignore all the recommendations made in the BNC and instead came up with their own membership and terms of reference. Whatever plans the British had with the findings of the committee failed dismally when the report of the committee was rejected by the BNC because it left out any mention of the BNC having legislative powers. The actions of the British during the formation of the Administrative Reforms Committee led to the BNC demanding legislative powers. A combined effort by the members of the political parties and the chiefs in the BNC put pressure on the British to initiate constitutional reform. The result was the formation of the CRC.

Unlike the Administrative Reforms Committee, the members of the CRC were the representatives of political parties and chiefs, taken from the BNC. This time around Basotho were going to be the ones to decide their own constitutional future. When the committee published its report in 1958, the Paramount Chief was not granted any administrative powers. The recommendations of the ARC became the basis for the 1959 constitution. The constitution gave substantial powers to the Executive Council while the Paramount Chief was to exercise his powers and perform his duties as dictated by the constitution and in consultation with the Executive Council.

The installation of Moshoeshoe II to the Paramount Chieftainship was surrounded by much controversy. It became a struggle for him to be installed to the Paramount Chieftainship. The Constitutional developments in the late 1950's influenced the move to end the regency and to have the heir to the Paramount Chieftainship installed. The leader of the MFP, S. S. Matete, was one of those who led the movement to install Prince Bereng Seeiso as the new Paramount Chief of Basutoland. Opposing the installation was the regent Paramount Chieftainess 'Mantšebo Seeiso and her team of advisors. With the support of his mother 'Mabereng and some of his uncles, the prince fought for his right to be installed and succeeded. His installation marked the beginning of a hostile relationship between him and some of the advisors of the regent Paramount Chieftainess who had gone on to form the BNP.

When Moshoeshoe II ascended the throne in 1960, it was to a Paramount Chieftainship that exercised its powers according to the provisions of the 1959 constitution. The constitution also established a Legislative Council with a fifty per cent commoner representation. The Paramount Chief was allowed to nominate fourteen people to the Legislative Council, a provision that denied him any influence in the Council. Moshoeshoe II started his struggle against the constitutional monarchy in the BNC. With the power to legislate on internal affairs, the fate of the monarchy in independent Lesotho lay in the BNC. The reign of Moshoeshoe II from 1960 to 1966 was marked by his attempts to convince the BNC and the nation at large that constitutional monarchy was not suitable for Lesotho.

The speech that Moshoeshoe II made in the Legislative Council on 11<sup>th</sup> September 1961 revealed his standpoint and ambitions on the power of the monarchy in independent Lesotho. His reference to responsible government and the preservation of Basotho traditional political institutions was a sign that Moshoeshoe II was aware that he was not going to wield the power that was exercised by his predecessors. The preservation of traditional institutions set the tone for his speeches throughout his struggle against the constitutional monarchy. The

Legislative Council became one of the greatest obstacles to Moshoeshoe II's bid for more power because he had to appeal to the same people who contended for the powers that he sought for the Paramount Chieftainship.

When Moshoeshoe II set up the Constitutional Commission in 1962, it was with the hope that the people would grant him the powers that the 1959 constitution had denied him. The Commission was to go around the country and collect the views of the people on the kind of the government that they wanted for the independent Lesotho. One of the terms of reference was the power of the monarchy. The political landscape of Lesotho in the early 1960's was such that the political parties had gained prominence nationally. The abuse of power by the chiefs during the colonial era may have aroused the liberal principles of freedom and equality which laid the foundations of the British constitution. It is however, doubtful whether in the 1960's Basotho were informed enough to understand the task that was put before them, especially after ninety four years of colonialism.

It is for this reason that political parties coached their members on the responses that they were to give before the Commission. The opinion of the people became the opinion of the political parties to which they belonged. From the beginning, the odds were against Moshoeshoe II. The composition of the Commission was such that the interests of the political parties were going to come before those of the people or the monarchy. Unrestrained and unchecked, each side used its own method of intimidation to sway the voice of the people to its side. While the BCP was coaching its members on how to respond to the questions of the commission, some chiefs who were loyal to the Paramount Chief used their power to intimidate people into answering in favour of the Paramount Chief.

When the Constitutional Commission published its report in 1963, it was with the recommendation that Moshoeshoe II must be accorded carefully defined powers. The

population of Basutoland in the early 1960's was well over six hundred thousand and according to Ntsu Mokhehle, who was a member of the constitutional Commission, only one thousand nine hundred and sixteen people appeared before the commission<sup>308</sup>As the professional advisor appointed to guide the Commission in its work, D. V. Cowen observed that Basotho were already familiar with the concept of a government that had limited power, and that Basotho had developed the art of government by discussion long before the arrival of the whites.<sup>309</sup>If less than one per cent of the population appeared before the Commission, then the findings of the Commission hardly qualify as a collective decision. According to Cowen, "the new Basutoland constitution was established upon the initiatives of the Basotho themselves after they had been given an opportunity to put down their own proposals."<sup>310</sup>This assertion of Cowen cannot be relied upon if only a small section of the population appeared before the Commission.

When the report of the Commission was tabled in the Legislative Council for debate, it became clear that the people were divided over the power of the monarchy. Concerning the control of the armed forces, the Council decided to allocate those powers to the Paramount Chief. Restrained by the 1959 constitution, however, there was not much that Moshoeshe II could do during this period except rely on those who supported his cause.

The thesis revealed that the 1964 constitutional conference served to show the intentions of the British with regard to the power of the monarchy. The British had always maintained that Basotho would be allowed to determine how they wished to be governed when independence was granted. It was with that understanding that a delegation was sent to London to discuss the pre-independence constitution that was based on the recommendations of the Constitutional Commission. From the 1950's when the ARC was formed, there were signs

---

<sup>308</sup> Machobane, *Government and Change*, p. 298.

<sup>309</sup> Machobane, *Government and Change*, p. 293.

<sup>310</sup> D. V. Cowen, *The Foundations of Freedom* (London: Oxford University Press, 1961), p. 39.

that the British were never going to allow the Paramount Chieftainship to play an important role in government. The reaction of the British Secretary of State for the Colonies, Duncan Sandys over the amendments that gave control of the armed forces to Moshoeshoe II showed that the British had pre-determined the fate of the monarchy in independent Lesotho. Sandys told the delegation that the powers awarded to the Paramount Chief would continue to be in the hands of the British until Lesotho became independent. What the British facilitated through the Constitutional Commission was a kind of government that suited them more than the people for whom it was intended. The 1964 Conference left Moshoeshoe II with none of the powers that he had hoped for. Upon his return from the conference, which he attended as an observer, he decided to continue appealing to the people for more power.

His message after the 1964 Conference was that only the people had the power to decide what his constitutional future would be. Moshoeshoe II's speeches were intended to convince the people to amend the constitution and to grant him the power to control the armed forces. The 1964 tragedy at Rothe, where some members of the BCP died, degraded all the efforts that Moshoeshoe II had made to fight against the constitutional monarchy. Because Chief Mohlalefi Bereng was a supporter of the MFP, a party that pledged to support Moshoeshoe II in his struggle, the BCP put the blame of the tragedy on the Paramount Chief and the MFP. After the tragedy, the Paramount Chief became desperate in his efforts to fight against the constitutional monarchy and openly gave his support to Chief Mohlalefi Bereng, a move that alienated him from the members of the BCP.

The victory of the BNP in the 1965 national elections marked a turning point in Moshoeshoe II's struggle against the constitutional monarchy. He did not only have the British to deal with, but also had a government under a political party that stood for Lesotho being a constitutional monarchy. Chief Leabua's attitude towards Moshoeshoe II's struggle against the constitutional monarchy became one of open hostility once he became the Prime Minister.

In October 1965, Prime Minister Leabua Jonathan left Basutoland for London to negotiate the powers that were still in the hands of the British. The powers included the control of the armed forces which the Legislative Council had awarded to the Paramount Chief. Moshoeshe II. The opposition parties were not part of the delegation which was made up of the government ministers and officers. In this endeavour, the Prime Minister sought the support of the Senate. The majority of the members of the Senate signed a pledge to support the Prime Minister in his effort to secure the powers that were still in the hands of the British for the government of Lesotho under the BNP. With this pledge in their hands, the British did not hesitate to hand over those powers to the government. With those powers in his hands, Chief Jonathan publicly denounced Moshoeshe II's attempts to have the constitution amended.

Dissatisfied with his loss in the national elections and Chief Jonathan's control of the powers that he had fought hard for, Mokhehle used Moshoeshe II's struggle against the constitutional monarchy to fight his own battles against Chief Jonathan and his government. Mokhehle had been in the forefront of those who wanted the control of the armed forces to be given to the Prime Minister, but after his loss of the elections, he wanted them controlled by Moshoeshe II. Desperate for support, Moshoeshe II aligned himself with the opposition parties and continued to appeal for more power from the people through a public meeting that he held throughout the country. This later proved to be a fatal mistake on his part because the government used his relationship with the opposition parties to accuse him of attempting to overthrow a democratically elected government. The government painted Moshoeshe II as a Paramount Chief who did not respect the vote of the people. He was also accused of refusing to abide by the constitution. The actions of Moshoeshe II in the months leading to independence were those of a man who had thrown all caution to the wind. The constitution that had been agreed upon during the 1964 conference came into operation in April 1965.

In June 1966 the British invited the delegates from the Basutoland government to a constitutional conference held in London. This time around, the members of opposition parties were part of the delegation. Moshoeshoe II (though not part of the delegation) also attended the conference as a voiceless observer. The Conference discussed in detail the White Paper presented by the government of Lesotho; it contained the proposals for independence. Clause 4 of the White Paper established Motlotlehi Moshoeshoe II as Head of State who had to exercise his powers in accordance with the provisions of the constitution. The British government consented to all the proposals in the White Paper, thus officially establishing Moshoeshoe II as a constitutional monarch. Some Chiefs and members of the opposition parties protested control of the armed forces being given to the government but to no avail; the British had made their decision. As a sign of protest, the opposition parties withdrew from the conference and left the last details of the conference to the government of Lesotho. It was agreed that Lesotho would be granted independence on the 4<sup>th</sup> of October 1966.

This study has also demonstrated that the period 1966-1970 was marked by the struggle between the King and the Prime Minister for executive powers. The attitude of the Prime Minister towards Moshoeshoe II's struggle against the constitutional monarchy after independence was one of impatience and annoyance. Lesotho's adoption of the Westminster system of government upon independence became Moshoeshoe II's reason behind his struggle against the constitutional monarchy in the period after independence. The Lesotho Independence Order made Moshoeshoe II a constitutional monarch, a position that Moshoeshoe II was determined to fight against. Moshoeshoe II's position on the Lesotho's adoption of the Westminster system of government was that it was a foreign system that did not meet the needs of Basotho. With independence, Moshoeshoe II hoped that the people were in a better position to have the constitution amended in order to grant him executive

powers. He continued with his campaign of public meetings in an effort to show the people how unsuitable the Westminster system was for Lesotho.

The attitude of Prime Minister Leabua Jonathan went from annoyance to enmity. The government saw the public meetings called by the King as political rallies, planning the overthrow of his government. The BCP encouraged its followers to attend the public meetings called by the King. The reaction of the Prime Minister was to offer verbal and written warnings to the King to cease holding such meetings. When the King did not heed his warning, the Prime Minister took his frustrations to the Senate. The King called what was to be his last public meeting for 1966 at Thaba-Bosiu on the 27<sup>th</sup> of December. In an attempt to stop the King, the government sent out the police to stop the public meeting resulting in the loss of the lives of ten people. The government put all the blame of the tragedy on the Paramount Chief and soon put him under house arrest.

With the King under house arrest, the government came up with ways of ensuring that the King would never cause any problems for the government. The College of Chiefs that was established by the 1959 constitution became one of the weapons that the government used against the King. Jonathan invited the College of Chiefs to come up with the ways of disciplining the King. The BNP government gave the College of Chiefs power over the King. That power was not established by the constitution. The College of Chiefs removed one of their own from the chieftainship and made the King sign a document that would make it easy for the Prime Minister to dethrone the King if he so pleased. The decision of the College of Chiefs to remove the Principal Chief of Matsieng from his position weakened the power of the College of Chiefs. What followed was a chain of events that put the College of Chiefs under the control of the government. In the period between 1966 and 1967, the Prime Minister used the College of Chiefs to justify any action that he took against the King. The Prime Minister went all out to distance the King from the College of Chiefs. The result was a

divided College of Chiefs with one side supporting the government of Jonathan and the other side distancing itself from the government. When the King was placed under arrest, he was not allowed to have visitors; he could not make any public appearances and he was denied access to the media. Despite all censorship, the government continued to accuse the King of attempting to overthrow the government. As a last attempt to separate the King from the College of Chiefs, the government introduced the Chieftainship Act, 1968. The Act was a way for the government to have legal control of the chieftainship. Although the Act was made for the chieftainship, it made it difficult for the Paramount Chief to have any influence over the chieftainship. The government justified this by saying that the Act empowered the chieftainship while preserving the prestige and honour of the monarchy.

In an act of remorse over what they had allowed to happen, eight principal chiefs had a change of heart regarding the document that the King was forced to sign and made a statement recanting on the 'advice' they had rendered the King after the Thaba-Bosiu incident. This further enraged the Prime Minister, who threatened to enforce the very document the chiefs were recanting on. The Prime Minister was rather bold in his threats because he knew that he had the backing of the majority of the Principal and ward chiefs.

The BNP used the struggle of the King against the constitutional monarchy in their campaign for the upcoming 1970 elections. Although the King was still in isolation at his palace in Maseru, political parties used his predicament to campaign for the elections. The BNP presented the King as a rogue monarch who refused to abide by the constitution while the opposition used his house arrest to show the evils of the BNP government. Although he was kept away from the public, Moshoeshoe II continued to influence political developments in Lesotho in the months leading to the 1970 elections. On the 27<sup>th</sup> of January 1970, Lesotho held its first post-independence elections. On the 30<sup>th</sup> of January 1970 realising that he was about to lose the elections, Jonathan declared a State of Emergency in Lesotho and suspended

the constitution. Using the suspended constitution as an excuse, the Prime Minister made a statement announcing the abdication of the King. He accused the King of violating the terms of the document that he had signed after the Thaba-Bosiu tragedy. He had been made to sign the document because, according to the College of Chiefs and the government, he had refused to abide by the constitution. In April 1970, the government of Lesotho published a gazette announcing that the King would be out of the country and in his absence the Queen would act as the regent and so ended Moshoeshoe II's ten year struggle against the constitutional monarchy.

This thesis has highlighted the impact of the constitutional developments that were initiated by the British on the power of the monarchy in Lesotho. The struggle of Moshoeshoe II against the constitutional monarchy is an example of what happens when those responsible for political and constitutional reform have no good will. The key players in Moshoeshoe II's struggle against constitutional monarchy were the British, political parties and the chieftainship. Each of these players proved to have its own agenda in deciding the constitutional future of Lesotho. The British wanted Lesotho to have a system of government modelled along the lines of their own government because they believed that theirs was the best form of government. There are those who believed that the Westminster system had a greater potential for success in Lesotho because the people had a common language and the Paramount Chief was the same for all citizens. This belief was based on the assumption that during the 1960's and 1970's the people of Lesotho were reasonably well educated, enough to deal with the complexities of the Westminster system.<sup>311</sup>

Throughout his struggle, Moshoeshoe II always maintained that a system of government suitable for Lesotho was one that valued the Basotho traditional political systems. Four years into independence, the Prime Minister of Lesotho suspended the constitution, using the

---

<sup>311</sup> Interview with Ted Nettelton, 85 year old former District Commissioner in Colonial Lesotho, June 2017.

concerns that Moshoeshoe II had raised throughout his struggle. In an effort to take control of the government and side-line the monarchy, the Westminster system of government was blindly accepted by those responsible for constitutional reform without scrutiny. Lesotho continues to struggle to function under the Westminster system, as evidenced by the political instability that has plagued the country since independence.

## BIBLIOGRAPHY

---

### Archival Material

Basutoland National Party, Lesotho National Archives (LNA), S/373

*Lipitso tsa Sechaba*, Motlotlehi's Personal File, Box 1, Royal Archives, Matsieng

Proclamation by His Excellency the High Commissioner, Lesotho National Archives (LNA), S3/20/2/1

Public Record Office, Reference F O371/145025, Inward Telegram to Commonwealth Relations Office, 23 November 1959.

Public Record Office, Reference DO35/7204, Letter from the Senior Tutor at Corpus Christi College to the Commonwealth Office, October 1957

Public Record Office, Reference CO1048/482, Brief No.8 Paramount Chief of Basutoland

Public Record Office, Reference MP376/6, Biographical Notes on the Paramount Chief Regent of Basutoland, Central Office of Information, 1957

Public Record Office, Reference DO35/7204, Minutes of the Meeting of the Sons of Moshoeshoe held at Matsieng on the 28-29<sup>th</sup> August 1957

Public Record Office, Reference FOH371/14J25, Meeting Between the High Commissioner's Deputy and the Paramount Chief, 1959.

Public Record Office, Reference FOH 371/14J25. Letter from nine Principal Chiefs addressed to Chieftainess Mantšebo Seeiso, 31<sup>st</sup> December 1959.

Public Record Office, Reference FO371/14JO25, Meeting Between the Resident Commissioner and the Paramount Chief's Advisors, 6 January 1960.

Public Record Office, Reference FO371/14JO25, Letter from the High Commissioner's Office to the Commonwealth Relations Office, January 25, 1960.

Public Record Office, Reference CO1048/61, Paramount Chief's Address of the Opening of the 2<sup>nd</sup> Opening of the Basutoland National Council, 26<sup>th</sup> January 1962.

Public Record Office, Reference, CO1048/482, Letter from the Resident Commissioner to the Colonial Office, December 1964

*Pulo ea Lekhotla la Sechaba*, 12 March 1960, Box 1, Royal Archives, Matsieng

*Taba tsa Koluoa ea Thaba Bosiu*, His Majesty King Moshoeshoe II's file, Box 2, Royal Archives, Matsieng

*Tšitsinyo ea Marena*, Box 2, Royal Archives Matsieng

### **Newspapers, Periodicals and other Media**

*Leselinyana la Lesotho* (Moriija)

*Lesotho News* (Maseru)

*Lesotho Times* (Maseru)

*Makatolle* (Maseru)

*Mochochonono* (Maseru)

*Moeletsi oa Basotho* (Mazenod)

*Nketu ea Mara* (Maseru)

*Sunday Times* ( Johannesburg)

*The Basutoland Times* ( Maseru)

*The Friend* (Bloemfontein)

The Pelican Record, December 1996

*The star* (Johannesburg)

### **Official and Unofficial Statements**

Government of Lesotho, Department of Information, Press Release, 3 January 1967, Prime Minister's Message on the trend of events in Lesotho after the attainment of independence.

Government of Lesotho, Department of Information, Press Release, 6<sup>th</sup> January 1967, Joint Statement by His Majesty Moshoeshoe II, King of Lesotho and His Excellency Chief the Honourable Leabua Jonathan, Prime Minister of Lesotho

Government of Lesotho, Department of Information, Press Release, 3<sup>rd</sup> January 1967, Prime Minister's Message on the trend of events in Lesotho after attainment of independence.

Government of Lesotho, Department of Information, Press Release, 6<sup>th</sup> January 1967, Settlement of Lesotho's constitutional crisis.

The High Commission Territories: A British Government Statement, Issued with the authority of Her Majesty's Government, released by the Colonial Office on the instructions of the Secretary of State.

## **Dissertations**

Mahao, N. L., “Constitutionalism, Legitimacy and Political Power: Towards an Understanding of the Problems of Good Governance in Lesotho”, Ph.D. Thesis, University of Western Cape, 1999.

Rugege, S., “Chieftaincy and Society in Lesotho: A study in the Political Economy of Basotho Chieftaincy from Pre-Colonial Times to Present,” PhD thesis, St Peters College, Oxford, 1993.

Weisfelder, R. F., “Defining National Purpose: The Roots of Factionalism in Lesotho,” PhD thesis, Harvard University, 1974.

## **Basutoland National Council Proceedings and Parliamentary Debates**

Proceedings of the 47<sup>th</sup> Session of the Basutoland National Council, 1951

Proceedings of the 49<sup>th</sup> Session of the Basutoland National Council, 1953

Proceedings of the 51<sup>st</sup> Session of the Basutoland National Council, 1955

Proceedings of the Special Session of the Basutoland National Council, 1955

Proceedings of the 52<sup>nd</sup> Session of the Basutoland National Council, 1956

Proceedings of the 53<sup>rd</sup> Session of the Basutoland National Council, 1958

Legislative Council Debates, September 1961

Parliamentary Debates of the National Assembly Hansard, Official Report of the first Meeting, 3<sup>rd</sup> Session, 1968

## **Interviews**

Chief Mathealira Seeiso, Principal Chief of Mokhotlong and brother of Moshoeshoe II, 6<sup>TH</sup> September, 2016.

Chief Moramang Seeiso, former Principal Chief of Matsieng and brother of Moshoeshoe II, Matsieng, 2 July 2017

Verney Molise, Former Administrative Secretary of Moshoeshoe II, Matsieng, 15 May 2017.

Kuena Phafane, Former personal aide to Moshoeshoe II, Maseru, 11 July 2017.

Sephiri Motanyane, BCP veteran and current speaker of the National Assembly, Hlotse, 6 December 2016.

Tšeliso Makhakhe, 95 year old BCP veteran and former member of parliament, Maseru, 16 April 2017

Ted Nettelton, 85 yearold former District Commissioner in Colonial Lesotho, June 2017.

V. M. Malebo, 86 year old Member of Parliament and current leader of MFP, Maseru West, 7 July, 2017.

## **Commissioned, Un-commissioned and Official Reports**

Basutoland Independence Conference Report, 1966

Basutoland Report of the Administrative Reforms Committee, April-July 1954

Basutoland Report on Constitutional Reform and Chieftainship Affairs, 1958.

Basutoland Report on Constitutional Discussions, 1958

Report of the Basutoland Constitutional Commission, 1963.

Sir Alan Pim, Financial and Economic Position of Basutoland, Report of the Commission Appointed by the Secretary of State for Dominion Affairs, His Majesty Stationery Office, London, 1935.

Jones, G. I. Basutoland Medicine Murder: A Report on the Recent Outbreak of "liretlo" Murders in Basutoland, Her Majesty's Stationery Office, London, 1951.

### **Journal Articles**

Thabane, M., "The King in Politics in Lesotho, Background to the 17<sup>th</sup> Août of King Letsie III, August-September 1994", *Review of Southern African Studies*, 2:1, 1998.

### **Seminar and Occasional Papers**

Mahao, N. L., "The Law and Land Planning: An Overview of Customary, Colonial and Post-Colonial Initiatives" Paper presented at the international Conference on planning legislation in Africa, Maseru, 2-5 December 1991.

### **Books and Chapters in Books**

Ashcraft, R. (ed.). *John Locke: Critical Assessment* (London: Routledge, 1991)

Baradad, L. P., *Political Ideologies: Their Origins and Impact* (Englewood Cliffs: Prentice-Hall, Inc, 1979).

Birch, A. H., *The British System of Government* (London: George Allen and Unwin, 1967)

Breytenbach, W. J., *Crocodiles and Commoners in Lesotho: Continuity and Change in the Rulemaking System of the Kingdom of Lesotho* (Pretoria: Africa Institute of Southern Africa, 1975).

Brogan, D. W., and D. V. Verney, *Political Patterns in Today's World* (London: Hamish Hamilton, 1963).

Chazan, N., R. Mortimer, J. Ravenhill, D. Rothchild, *Politics and Society in Contemporary Africa* (Colorado: Lynne Rienner Publishers, 1992).

De Tocqueville, A., "Democracy, Tyranny or Freedom" in R. A. Goldwin, R. Lerner and G. Stourzh (eds.), *Readings in World Politics* (New York: Oxford University Press, 1959).

Geiss, I., *The Pan African Movement* (London: Methuen&Co Ltd, 1974).

Gill, S. J., *A Short History of Lesotho: From the Late Stone Age until the 1993 Elections* (Moriya: Morija Museum and Archives, 1993).

Goldie, M., (ed.). *Locke: Political Essays* (London: Cambridge University Press, 1997).

Haliburton, G., *Historical Dictionary of Lesotho* (Metuchen, N.J.: The Scarecrow Press, 1977).

Harries, P. B., *Studies in African Politics* ( London: Hutchinson and Co, 1970).

Held, D., *Models of Democracy* (California: Stanford University Press, 1996).

Jingoos, S., *A Chief is a Chief by the People* ( London: Oxford University Press, 1975).

Khaketla, B. M., *Lesotho 1970: An African Coup Under the Microscope* (London: C. Hurst & Co, 1971).

Leeman, B., *Lesotho and the Struggle for Azania, Africanist Political Movements in Lesotho and Azania: The Origins and History of the Basutoland Congress Party and the Pan Africanist Congress*, Volumes one and two (London: University of Azania, 1985).

Locke, J., “The People Shall be Judge”, in R. A. Goldwin, R. Lerner and G. Stourzh (eds.), *Readings in World Politics* (New York: Oxford University Press, 1959).

Logan, R. W., “The Historical Aspects of Pan Africanism, 1900-1945” in American Society of African Culture (eds.), *Pan Africanism Reconsidered* (Los Angeles: University of California Press, 1962).

Machobane, L. B. B. J., *Government and Change in Lesotho, 1800-1966: A study of Political Institutions* (London: Macmillan, 1990).

Machobane, L. B. B. J., *Kings Knights: Military Governance in the Kingdom of Lesotho 1986-1993* (Roma: Institute of Southern African Studies, 2001)

Maqutu, W.C. M., *Contemporary Constitutional History of Lesotho* (Mazenod: Mazenod Printers, 1990).

Meyer, T. and L. Hinchman, *The Theory of Social Democracy* (Cambridge: Polity Press, 2007)

Mill, J. S., “That Ideally the Best Form of Government is Representative Government” in E. K. Bramsted and K. J. Melhuish (eds.) *Western Liberalism: A History in Documents from Locke to Croce* (London: Longman, 1978).

Mphanya, N., *My Life in the Basutoland Congress Party* (Maseru: Motjoli Publishers, 2010).

Naumann, F., “Democracy and Monarchy”, in E. K. Bramstad and K. J. Melhuish (eds.), *Western Liberalism: A History in Documents From Locke to Croce* (London: Longman, 1978).

Okonth-Ongedo, H. W. O., “Constitutions Without Constitutionalism: Reflections on an African Political Paradox” in I. G. Shivji (ed.), *State and Constitutionalism: An African Debate on Democracy* (Harare: Southern Africa Political Economy Series Trust, 1991).

Okwudiba, N., *Introduction to Politics* (Nigeria: Longman, 1986).

Proctor, J. H., *Building a Constitutional Monarch* (Duke University: Committee of African Studies, 1969).

Robson, J. M., *Essays on Politics and Society by John Stuart Mill* (London: Routledge and Kegan Paul, 1977).

Rosenberg, S., R. F. Weisfelder, M. Frisbie-Fulton, *Historical Dictionary of Lesotho* (Oxford: Scarecrow Press, 2004).

Shale, V., “Political Parties and Political Instability in Lesotho” in M. Thabane (ed), *Towards an Anatomy of Persistent Political Instability in Lesotho, 1966-2016* (Roma: Open Society Initiative for Southern Africa, 2017)

Shivji, I. G., “State and Constitutionalism: A New Democratic Perspective” in I. G. Shivji (ed.), *State and Constitutionalism: An African Debate on Democracy* (Harare: Southern Africa Political Economy Series Trust, 1991).

Sixishe, D. T., “*But Give Him An Army Too*”: *Leabua Jonathan a Biography* (Maseru: Mokorotlo Publishers, 1984).

Spence, J. E., *Lesotho: The Politics of Dependence*. (London: Oxford University, 1968).

Stimson, L., “*Political Order in Changing Societies*” Written Under the Auspices of the Centre for International Affairs (Harvard University, 1969).

Tordoff, W., *Government and Politics in Africa* (London: The Macmillan Press Ltd, 1984).

Vilakazi, A. L., "Swaziland and Lesotho: From Traditionalism to Modernity", in G. M. Carter and P. O'Meara (eds.), *Southern Africa in Crisis* (Ontario: Fitzhenry and Whiteside Limited).

Waller, M., *British and American Systems of Government* (Oxford: Philip Allan Publishers Limited, 1988).

Weisfelder, R. F., *Political Contention in Lesotho 1952-1965* (Roma : Institute of Southern African Studies, 1999).