




LESSONS LEARNED IN MEDIATION OF THE ELECTORAL DISPUTE IN LESOTHO

The role of Joint UNDP-DPA Programme on Building National
Capacities for Conflict Prevention in supporting the
Resident Coordinator and United Nations Country Team

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This paper seeks insights from the mediation of a prolonged electoral dispute in Lesotho, a country with a history of post-election disputes that often led to violence. Written by UN staff deeply involved in the conflict resolution effort, the focus is on learnings regarding UN support for local conflict prevention initiatives that might be useful for UN or similar organizations elsewhere.

National elections are often occasions of great struggle. Much is at stake, not just about who wins, but about who *benefits*; who gains access to power and resources, whose aspirations and needs find address. As these are matters for which human beings are widely prepared to fight and even to die, the energies unleashed in elections readily turn lethal.

A larger question is also at stake, beyond the matter of immediate benefit: Will this society be guided by principle and fairness in decision-making or will a winner-takes-all culture emerge, where “might makes right”? When elections are free, fair, and peaceful, a basis is laid for progress in other aspects of existence. When they are not and processes reflect the law of the jungle, progress in all other aspects is at risk. Mediating electoral conflicts, then, is about more than negotiating agreements, it is about constructing the very foundations of humane society.

The recent election in Lesotho shows the capacity of the UN to work in this delicate terrain in ways that not only preserve peace and stability but also strengthen enduring institutions and values of fairness and reason. In Lesotho the UN played an important role over a several year period in supporting national stakeholders to engage in dialogue process convened and facilitated by local civil society leaders. This paper will reflect on the UN’s support, with particular focus on the work of the Peace and Development Advisor deployed through the Joint UNDP-DPA Programme on Building National Capacities for Conflict Prevention.



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BACKGROUND

The barriers to a peaceful parliamentary election in Lesotho on 26 May, 2012 were many. History was not encouraging: Violence had repeatedly followed elections since independence in 1964. Memories of 1998 were still fresh, a time when post-election riots destroyed large areas of the capital city, took one hundred lives, and ended with military intervention by neighboring countries. The most recent national election in 2007 had also been disputed and a respected regional mediator sent by SADC gave up and went home after a year.

Even after a breakthrough agreement on electoral laws in 2011 seemed to prepare the way for the election, violence broke out at rallies during the campaigning period in early 2012 and an opposition leader was assassinated by an unknown killer. Just as citizens were heaving sighs of relief that Election Day had, in the end, come off well, election results revealed an indecisive finish: No party had sufficient wins to form a government, raising the worrying specter of a hung Parliament and months of uncertainty.

Yet Lesotho's Parliamentary election passed and a new government was sworn in without violence in June, due largely to a sustained dialogue process among the politicians led by the Heads of Churches. Behind the scenes, the UN assisted the Heads of Churches in their role as brokers, while encouraging political leaders to stay in the talks and to actively support the election. This paper chronicles the UN role, in particular the significant role played by the Resident Coordinator, the Peace and Development Advisor, and Governance staff, bolstered by a cameo visit by a DPA electoral expert, who encouraged parties to commit to the mediation and provided the local mediators with essential technical support.


While much remains to be done to sustain dialogue and embed mechanisms for collaboration in the new coalition government, Lesotho's recent experience suggests that a strong foundation now exists.

Evolving themes in United Nations approaches to peace initiatives

Supporting nations to strengthen and sustain internal capacities for dialogue, mediation, and resolution has, of course, been a central function of the United Nations from its beginning, as reflected in Article 33 of the Charter¹. It was re-affirmed as a core principle in the Secretary-General's five-year action agenda presented at the beginning of 2012, which stresses the importance of the UN supporting nations to strengthen democratic practices. These include the development of mechanisms for national reconciliation, dispute resolution, constitution-making and power-sharing arrangements. In September, 2012, the UN endorsed mediation in its first-ever General Assembly resolution on the topic.

In recent years, a new emphasis has increasingly accompanied the long-standing UN commitment to peace processes: the importance of supporting *national-level initiatives* for peace. For example, the Secretary-General's 2001 Report on the Prevention of Armed Conflict asserts: "The primary responsibility for conflict prevention rests with national Governments, with civil society playing an important role. The main role of the United Nations and the international community is to support national efforts for conflict prevention and assist in building national capacity in this field" (2001; 2).

¹ Article 33 states: "The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice".



To an unusual extent, the UN activities in Lesotho reflect this emphasis. While assisting local partners in various ways, UN staff on the ground adhered to a strategy of giving priority to national ownership and leadership. Partly this reflected a consensus among the RC, PDA, and Governance team, formed from years of collective development experience: to be sustainable, change processes require deep local roots.

But it also reflected a reality common to many places of conflict: Key national politicians were skeptical of outsiders². As a matter of both principle and pragmatics, then, local UN staff took measures to keep national actors at the forefront of the mediation effort and to ensure that credit for success accrued to them.

Another theme emerging in various UN settings in recent years is cross-agency cooperation and Delivering as One. The Secretary-General's Policy Committee Decision on Special Circumstances in Non-Mission Settings, for example, urges UN agencies to work together in supporting Resident Coordinators to lead strategic and timely responses and stresses the importance of providing coordinated and complementary support.

A gathering of some thirty Resident Coordinators and other high-level representatives from across the UN system echoed this call in April 2012 in Montreux, highlighting the need for the UN to operate "as one" in providing collaborative, appropriate, and timely support to national actors in emerging crises. Reflecting on their practical experiences, Resident Coordinators at this gathering, including the RC from Lesotho, emphasized the importance of providing RCs and UNCTs with the support required to effectively engage with national stakeholders and negotiate the often troubled nexus between politics and development.

As will be seen in the narrative that follows, the electoral success in Lesotho is a direct result of successful inter-agency cooperation within the UN. This started before a PDA was ever appointed in the Joint UNDP-DPA Programme, which has provided many opportunities for collaboration between the UNDP and DPA. The former enjoys close day-to-day relationships with national governments due to its programmes in many sectors including conflict prevention; the latter bears an institutional mandate for conflict prevention and leadership in UN-sponsored mediation efforts and maintains a variety of special resources in this area³.

² Two external experts, former Botswana President Masire and Danish Professor Elklits had tried to assist in resolving things since 2007 and both had made public comments sharply critical of the government after departing.

³ **The Joint UNDP-DPA Programme on Building National Capacities for Conflict Prevention**

Launched in 2004, the Joint Programme has enabled UNDP and DPA to collaborate on conflict prevention initiatives in the field, with a goal of strengthening national capacities for dialogue, mediation, and reconciliation. Over the past eight years, the Joint Programme has made a contribution to violence-free elections or referenda in countries as diverse as Guyana, Ghana, Kenya, Sierra Leone, Benin, Togo, Kyrgyzstan, Maldives, the Solomon Islands, and, of course, Lesotho. It has also assisted resolution of specific conflicts or deadlocks in Nigeria, Lesotho, Bolivia, Ghana, and Kenya; helped sustain platforms for dialogue or conflict resolution in Guinea, Guinea-Bissau, Fiji, Georgia, Ukraine, and Malawi; and supported initiatives to reduce insecurity in Ecuador, Mauritania, and Bangladesh.

OVERVIEW

In 2010, democracy in Lesotho looked doubtful. Since Independence in 1966, the nation had seen coups, rounds of intrigue among its monarch, military, and political leaders, numerous political assassinations, and repeated violence following elections. The latter included days of political rioting that in 1998 caused the destruction of large portions of the capital city, took nearly 100 lives, and required outside military intervention to contain. The most recent election in 2007 had resulted in years of parliamentary paralysis following unresolved disputes about electoral laws. The regional political body, Southern African Development Community (SADC), had sent one of its most respected political leaders, former Botswana President Keitumetse Masire, to mediate; after more than a year of effort, he had withdrawn in 2009, making no secret of his frustration with what he described as lack of support from the ruling party.

So it was against all odds that tens of thousands of jubilant Basotho gathered in the National Stadium on June 8, 2012, to witness something few believed could happen in Lesotho: the first voluntary, constitutional transfer of political power in the nation's history. In his farewell speech, outgoing Prime Minister Pakalitha Mosisili of the Democratic Congress (DC) party congratulated his chief rival, Tom Thabane, of the All Basotho Convention (ABC) party, and promised a constructive role as leader of the "loyal opposition". In his Inaugural Address, Thabane recalled that it was Mosisili who had given him his first ministerial post many years ago and thanked him. After transferring the flag of state, the two warmly shook hands and embraced, twice, while the stadium roared. Even the military, whom many had feared might intervene as they had done in the past, sent an overflying plane in tribute to the new government.


Behind the turnabout lies an innovative civil society-led peace process backed by a strategy of sustained UNDP support. Over a two-year period, the Heads of Churches facilitated a series of agreements among feuding politicians that established a minimal level of trust in dialogue as a path to political stability. After a frustrating first year of talks, a key breakthrough was achieved in 2011, when, with the assistance of locally-based UNDP staff and an outside expert, agreement was reached on crucial changes in election laws. This was legislated into a new Electoral Act, which in turn enabled preparations to begin in earnest for the next election.

The months just prior to the May 26, 2012, election were particularly tense. Politicians campaigned intensely and, on several occasions, supporters from opposing parties rioted at rallies of the Prime Minister. A dozen people were injured in rock-throwing in one such fracas. In March, the deputy leader of the largest opposition party was assassinated at his home by unknown assailants. Patrols by military units suddenly increased, leading to speculation of army intervention on behalf of the ruling party.

With careful, behind-the-scenes support from the Resident Coordinator, the Peace and Development Advisor and local Governance staff, the Heads of Churches convened political leaders half a dozen times at the UN House during the final months of the campaigning season alone.



*In a discussion of rumours of assassination plots, then-Prime Minister Mosisili and opposition leader Vincent Malebo had a sharp exchange in March. Other present called on them to apologize. They did so, and made further amends afterwards in a chat over food. **Photo:** UN Lesotho*



This was combined with public events designed to convey a powerful mandate for peaceful conduct to politicians and citizens of Lesotho. One such was a visit by Archbishop Desmond Tutu to rebuke the violence escalating at political rallies in the weeks prior to the election. Tutu addressed blunt calls to both the politicians and the army to adhere to high standards of conduct and oversaw the signing of an Electoral Pledge. The visit got high visibility in newspapers, TV, and radio.

Although each meeting brought a brief sense of calm, anxiety peaked in the days just following the election. At a time when they had hoped to be celebrating the accomplishment of an election agreed by all to be free and fair, the mediators and UN staff faced a new concern. No party had won sufficient votes to form a government, presenting grave danger of a period of prolonged uncertainty due to a hung Parliament. For days, the capital city, Maseru, swirled with rumours of assassination plots, an army takeover, bribery, and manipulation anticipated in the crucial first session of parliament.

However, in their last joint meeting just prior to the election, the politicians had made clear their appreciation for the assistance of the civil society mediators. “Don’t abandon us now!” pled an outspoken opposition leader who had earlier harshly criticized the clergy for their inability to achieve progress. An agreement was made in response that, at the first sign of difficulty after the election, the Heads of Churches would reconvene the parties.

This made it easy to call a meeting as tensions rose with awareness of a post-electoral impasse. On a few hours notice, politicians showed up at the UN House, exhausted by campaigning and tense with anxiety as to how the unfolding drama would play out. After the usual opening prayers, the Heads of Churches asked for comments on the election results. With TV cameras rolling, political leaders rose one-by-one to state unanimous acceptance for the election and its results.

In the discussion that followed, agreement came surprisingly easily on crucial issues of procedures to follow, including protocols for coalition formation, chairing of the first session of parliament, and recognition of a new government. “If we are unable to form a government, we will become the loyal opposition,” said a key spokesman from the ruling party. Over the next few days, each of these agreements was respected, culminating in a successful transfer of power.

UNDP contributions to the successful election came in numerous forms. For over a year prior to the election, the UNDP Governance programme bolstered the Independent Election Commission with a package of technical and advisory support that had been recommended by a Needs Assessment Mission led by the Electoral Assistance Division of the Department of Political Affairs in 2010.

The peacebuilding work began earlier than that. Since 2009, the Joint Programme had helped to conceptualize a long-term approach to the Lesotho political conflict and provided support for election violence prevention initiatives. This included a Peace and Development Advisor who served as advisor and technical support to the Heads of Churches in their pivotal role. Local UNDP Governance staff maintained on-going conversations with party leaders across the spectrum and were thus well-positioned to support sensitive initiatives. Regular sessions over breakfast with the Heads of Churches by the RC, PDA, and Governance staff for nearly a year prior to the election proved to be a key location for bolstering the confidence and persistence of the religious leaders, and devising strategy for next steps in their role as official convener of talks.

Thanks to this long-term accompaniment, at key moments the UN was able to step in to help break logjams in talks, provide impartial advice on technical electoral disputes to political parties and the IEC, and help to ensure parties remained committed to a credible election process.

Brief Political Timeline since 2007 (detailed timeline in Appendix)

2007: Results of national election are bitterly disputed due to unprecedented presence of party coalitions. High Court declines to decide the issues. SADC-led mediation efforts begin.

Late 2008: Talks stalemate.

Early 2009: SADC mediator resigns.

Mid 2009: Civil society-led mediation begins.

Late 2009: UNDP/DPA sponsored Collaborative Capacities Advisor arrives.

2010 – early 2011: A series of forums convening political leaders is held, with unclear outcomes.

March 2011: At suggestion of parties, an independent electoral expert is brought in by UNDP and DPA; agreement is achieved in a week of talks.

July – August 2011: Legislation is passed entrenching agreements in parliamentary and constitutional law.

October 2011: Local elections successfully held.

February 2012: National elections schedule to be held.

February 2012: Deputy leader of the All Basotho Convention killed by unknown shooter.

26 April 2012: Archbishop Tutu delivers keynote address during prayer session to encourage political tolerance

26 May 2012: Election day

LESSONS FROM SUCCESS

A number of factors deserve attention in explaining the success of the mediation.

1. The Heads of Churches maintained a non-partisan role and avoided becoming identified with any one political party. Though they were accused at points by opposition of naively abetting the government, the impartiality of their intentions was never questioned. This enabled them to remain credible brokers over the extended time period required.
2. A key strategy of the Heads of Churches was *getting parties to go on-record with points of agreement or commitments to high standards of conduct*. They started with this approach, getting the political leaders in 2009 to sign a statement at Thaba Bosiu, birthplace of the nation, committing to resolve their differences through dialogue. Though this pledge looked meaningless for many months as attendance at talks waned, the Heads of Churches used it skillfully at key points to remind political leaders of their responsibility.

When things took a turn towards violence in the months just prior to the election, the church Heads sponsored Archbishop Tutu's visit with financial support from the UN. The parties signed a Code of Conduct for the

election season and promised to peacefully accept the outcome of election results. The church leaders published pictures and the signed Pledge in full page newspaper ads over the following weeks.

A few days after the election, while memories of a day unblemished by misconduct were still fresh, the church Heads again convened the politicians. With the threat of a hung Parliament and a prolonged period of uncertainty looming, they reminded the politicians of their pledges. One by one, the politicians rose and without qualification gave their endorsements of the election outcomes. This removed a common cause of difficulty in past elections, the tendency of politicians to call into question the legitimacy of entire elections on the basis of technicalities.


*Three members of the four person Heads of Churches preside in opening moments of talks at UN House during the tense final months of electioneering in early 2012. On far left, then-PM Mosisili; facing the camera, Tom Thabane, whose coalition came into power in June. Presiding from left: AME Bishop Rafube, Catholic Archbishop Leratholi, Lesotho Evangelical Church head Masemene **Photo: UN Lesotho.***



3. A month after the new government was in power, leaders of the Democratic Congress, including the former Prime Minister, held several rallies with disappointed cadres. They explained their loss by saying that their party was the actual winner but they had chosen to step aside to prevent violence. In ignoring the inability of the DC to attract other parties to form a government and implying foul play, this was a statement of only partial truth with high potential to inflame. With the political atmosphere suddenly polarizing again, the church leaders convened a national Thanksgiving Service for a successful election, at which party leaders were asked to make short speeches. Although the former PM did not appear, his party leader did, reiterating official party statements of intention to be loyal opposition. This seemed to defuse the tensions.

These events infused deliberations of the political leaders with high standards of conduct, represented by the church leaders and by religious and national symbols of peace and unity. They appear to have been effective in strengthening political leaders and their followers to follow the path of democratic values and lawful conduct.

4. The UN played an essential role behind the scenes in supporting the Heads of Churches. Key elements included:



Keeping local peacebuilders in the limelight, with the UN as a low-key secondary partner. As will be detailed below, the UN brought major resources into play to support the mediation. These included providing a meeting place and funding for most of the meetings, contacting key parties and ensuring their presence in plenaries, and providing expert mediation and technical support essential for at least one key breakthrough.

However, it is crucial to note that the UN maintained a low profile throughout and made a constant effort to ensure that credit for success accrued to the local mediators. This was essential to avoid demoralizing the local initiative as well as to dispel any suspicions that the international community had an agenda and preferences as to who should lead government. The point was not lost on Lesotho's leaders: In his annual presentation of the budget at the end of the 2011, the Finance Minister, in reviewing the accomplishments of the government, listed the achievement of a successful resolution to the electoral conflict, "using our national institutions, including faith-based institutions" as the number one political achievement.

As in many nations, a sense of pride in local capacity is an important part of social and political dynamics in Lesotho. Had the UN been less disciplined in keeping its role low-key, behind the leading public role of the Heads of Churches, it is unlikely that the politicians or mediators would have welcomed its presence across the extended negotiations. This in turn would have probably led to complete failure of the talks, as the contribution of the UN was so essential in key breakthroughs.

There *was* one occasion in which the UN mediated alone. At the direct request of then opposition leader Tom Thabane (now PM) in October, 2010, the UN RC facilitated an off-the-record conversation between Thabane and the Chief Commissioner of Lesotho's Independent Electoral Commission. Thabane had harshly criticized the IEC and the commissioner for months and actively threatened to boycott the upcoming elections. In the RC's office, he made peace with the commissioner and promised to support efforts to prepare for elections. This was one of the most positive development in a year of effort; it brought Thabane back into play and present for the breakthrough agreement in March, 2011.

Recognizing the importance of maintaining local ownership of the process, the UN kept its own most active and fruitful involvements discreet. This enabled the Heads of Churches to retain their role as brokers during a vulnerable phase in the talks. Lack of progress over the previous year had caused attendance to plummet and opposition parties were publicly questioning the value of continuing the talks.

The change in Thabane's attitude, together with the breakthrough achieved a few months later during the Reynolds visit reversed the gravely declined momentum of the mediation and positioned the local mediators to step forward with renewed credibility for the crises that unfolded in the months running up to the election. A less disciplined approach to matters of credit and local ownership might have positioned the UN for kudos for facilitating these crucial breakthroughs. But the cost would have been abandonment of the local mediators to perceptions of failure, and foreclosure of the role they played so successfully later in the heat of the election, calling the politicians to principled conduct.

Careful tracking of political developments by UN staff for opportunities and dangers, and *timely briefing of the Heads of Churches*. Given their key role, their high credibility, and the absence of alternative brokers, UNDP staff made considerable effort to keep the Heads of Churches well-informed of events and potential scenarios. The clergy were extremely busy and reluctant to be seen to interfere in political affairs. The format of breakfast

meetings proved effective in providing room for regular briefings and reflection on how to respond. With few exceptions, the most important initiatives of the Heads of Churches arose from these conversations.

Quiet consultation with key politicians about what events or strategies would be most likely to be successful in breaking impasse. One politician in particular, a man known for his non-partisan relationships, was repeatedly able to offer useful suggestions for strategies that might move things forward.

Constant logistical work in the background in support of the peace process (arranging meetings, reminding leaders to be there, arranging venue, noting follow-up tasks and making sure they got done). Lack of staff support meant that the Heads of Churches had limited capacity on their own to implement activities. In theory, the Christian Council exists to provide such capacities but it too was handicapped by over-extension. The PDA and Governance staff handled arrangements for most of the meetings from March 2011 forward.

Funding. The UN, with grants from Irish Aid and the US Embassy, funded all meetings during the negotiation process, expenses of the mediators, and costs of publicizing agreements.

Assisting with public messaging. UN staff provided essential assistance in drafting agreements and public statements related to the mediation process and arranging publication of the Electoral Pledge on radio, TV, and newspapers.

Arranging assistance of outside experts. The UN's ready access to global expertise was essential to the success of the mediation effort, as detailed in the next section.

5. Bringing in special external resource people on a short-term basis and managing their presence carefully proved to be a particularly valuable tactic that assisted two breakthroughs.

A Breakthrough in Negotiations


The first took place in March, 2011, when the year old mediation effort had been moribund for five months. More than a year of talks had produced no agreements of substance. Attendance had dwindled and opposition leaders were publicly deriding the mediation process. From November, 2010, till March of 2011, no talks took place at all.

To some extent, the conversation was shifting to a less visible, less contentious location, the Law Committee of the IEC, where second-tier party representatives had been quietly discussing for many months a series of adjustments in electoral laws. Having made good progress on minor changes, at the end of 2010 the Law Committee got stuck on the format of the electoral ballot⁴.

The PDA sought out several political leaders for suggestions to break the deadlock.

A member of the Law Committee suggested that external expert assistance would be useful in breaking this impasse. People on both sides of the debate in the Committee were poorly informed, he said. This made the

⁴ At issue was whether to use one ballot or two. Lesotho had in 2001 adopted the Mixed Member Proportional electoral model, which appoints MPs in two ways: Half of Lesotho's MPs were elected via direct constituent voting and the other half were appointed from party lists drawn up by parties prior to the election. Two ballots were filled out by each voter, one for direct voting for MPs and a second for indicating a preferred party; the latter was used to then determine the allocation of MPs from party lists. This system was confusing to voters; some politicians wanted to discard it and adopt a single ballot system.



issue appear more difficult than necessary. Informal consultations with other key politicians confirmed that the issue was key and that an external expert would be welcomed by all.

UNDP staff contacted the DPA's Electoral Assistance Division, who quickly agreed to assist. As luck would have it, a well-regarded expert on electoral law was scheduled to depart for southern Africa in a matter of hours. Professor Andrew Reynolds agreed to divert several days from a research trip to Zimbabwe to visit Lesotho, and ended up devoting his entire trip to assist the Lesotho negotiations.

Over a period of eight days, an opening and a concluding plenary were held and, between them, a series of private sessions were conducted with each of the key parties. By the time Reynolds departed, the parties had agreed on and announced a solution to the ballot issue as well as several related matters. It was a remarkable achievement that finally broke the political impasse that had paralyzed the nation since 2007. Within a few months, the agreed changes had been legislated into law and preparations for long-postponed local elections, followed by national elections, were underway.

The breakthrough illustrates the UN at its best in supporting a local mediation initiative by its capacity to draw upon diverse staff in multiple roles. The local mediators were stuck and the locally-based PDA was, ironically, poorly situated to assist. On-going concerns to avoid being seen as dictating to or displacing the local team required maintaining a low-key stance.


The short-term presence of a subject expert visiting from afar was a different matter. The focus now was on expediting expert input rather than mediation. Possibly even more to the point, everyone knew that the expert would soon depart, leaving the local team to continue. Thus the Reynolds visit afforded opportunity for a different UN role, involving more active and more direct discussion with the parties than had been the case.

Continuity with the existing mediation team was achieved by conducting the entire visit under the formal auspices of the Heads of Churches. The plenary sessions were chaired by the Heads of Churches and the separate sessions with the parties were framed as preparation for the plenary sessions. Within this context, the PDA and the visiting expert met with each of the key parties between the opening and closing sessions. This introduced several new factors into the situation.

For one, it was the first time that separate sessions were used for in-depth exploration with the parties. The Heads of Churches had deemed it important to do all their work in the openness of joint sessions, for they saw their role in a historical context requiring much caution. The largest denominations had, for some decades in the post-Independence period, actively aligned themselves with political parties. United since the late 1980s in their rejection of such collaboration, present day leaders were concerned to avoid any activities that might be construed as political manipulation.

Second, it was the first time that professional mediators had interacted with the parties in any forum, employing conversational and analytical strategies capable of locating and capitalizing on opportunities for breakthrough. Similarly, it was the first time that *content expertise* in the area of dispute had been applied in active partnership with skilled mediation.

As a team, Kraybill and Reynolds brought both mediation skill and technical expertise, and this expanded the range of options available for resolution. Combined with the authority of the local religious mediation, and, undoubtedly,



the weariness of the parties with the prolonged impasse, the fresh approach worked and the issues proved surprisingly resolvable.

The teamwork between the visiting expert and locally-based UN staff bears emphasizing here. The description above highlights that the expert's presence enabled a fresh approach and injected the refined knowledge required to create new options for resolution. But he depended on the support of the locally-based UN staff, who convinced the Heads of Churches to allow the visit to be done under their auspices, briefed the expert, devised sequencing of interactions with parties, and during meetings, helped frame analytical questions in ways that enabled successful navigation of hot-button issues. To step back from their own central role and support the cameo appearance of an outsider required commitment from locally-based staff; to capitalize on the space provided without stepping on toes required adroitness and sensitivity from the visiting expert.

Within the scope of deploying and supporting the short-term expert, then, the UN was able to bring temporarily into play skills that previously, out of respect for the local team, had remained on the sidelines. The best of standard mediation tactics were applied for a week and a critical logjam was broken. Equally important, measures were taken to ensure that these activities took place under the visible chairing of the Heads of Churches and that credit for results was directed to them.

In summary, the ability to provide expertise from the UNDP country office, UNDP/BCPR, and DPA in *diverse but well-coordinated forms* provided precisely the acceptable configuration needed to assist Basotho to resolve the issues of contention and move ahead with reform.

Securing Public Commitment to an Electoral Pledge

The visit by Archbishop Desmond Tutu offers a second illustration of the UN leveraging its on-the-ground presence by bringing in an external resource person. In the weeks just prior to the election in 2012 a series of worrying developments put everyone on edge. The ruling Lesotho Congress for Democracy party split early in 2012, reconfiguring the political landscape after more than a year of rumors and escalating tension. Soon thereafter, in March, the deputy leader of the All Basotho Convention (ABC) party, the leading opposition party, was killed by an unknown shooter at the gate of his home⁵. On two occasions, the Prime Minister, campaigning under the banner of his new Democratic Congress party, was harassed at rallies by unionists and members of other parties. The second such fracas degenerated into stone throwing and a dozen people were hospitalized. Army patrols became more visible over this time and a ham-handed Army spokesman made a melodramatic statement about Army intentions to keep order. Suddenly frightening scenarios of several kinds seemed possible.

The Heads of Churches had started convening monthly Prayer Breakfasts with the politicians in February as a way of providing a forum for relationship-building and reflection on values. Alarmed by the rising tension, they convened another in early April. Here they put forward an idea that had arisen in their monthly planning breakfasts with UN staff: Have Archbishop Desmond Tutu come, address the politicians, call for high standards of conduct, and oversee the signing of a code of electoral conduct. The politicians readily agreed to invite the renowned cleric.

⁵ The All Basotho Convention (ABC) chairman Sello Machakela was assassinated on 19 March 2011. He had a falling out with members of the ABC some weeks earlier and was said to have recently joined the newly formed rival DC party. Other rumours suggested a domestic issue as cause. No additional information on the killer or motivations has ever been announced.

But Tutu’s staff were unencouraging. His schedule was full and he wasn’t available. Seeing no way around protective appointments staff, the local mediation group were ready to give up. UN staff, experienced in backchannel communication, counseled persistence and suggested the Lesotho clergy call Tutu directly. However, reaching the big man proved difficult. Multiple phone calls were required to get through, but Tutu’s reply was clear: Of course he would come.

His time was very short. He would arrive in Maseru late on one day, make his appearance the next, and leave that evening. His staff made it clear that he should not be overworked. For strategic planning, this raised a difficult question. The whole purpose of his coming was to communicate helpful messages, so how to brief him? Aware that the Heads of Churches had full schedules of their own and little time for preparations, the PDA put together an extended briefing memo and emailed it to Tutu’s office a few days in advance.

In the event, Tutu began with lavish praise of the nation he called his “second home”, recalling with obvious fondness the years he had spent as a young priest there. After forty minutes of warmth, the Archbishop’s tone turned prophetic. Recalling the bloodshed and turmoil of Kenya’s post-election violence in 2007 and 2008, he pleaded, “Please, please, please don’t let that happen in Lesotho.” The Kenyans, he observed, were separated by tribal and linguistic differences. “What’s your excuse?” he roared.



A copy of the electoral pledge by Lesotho Political Parties. Photo: UNDP Lesotho

ensured that the event took place and greatly amplified the impact achieved.

In his conclusion, he drew at points from the briefing notes of the PDA, calling on leaders to communicate to their followers that as leaders they would hold them accountable to high standards of conduct. Political leaders then came forward one at a time, shook hands with the cleric, signed a pledge to high standards of electoral conduct, and posed for a picture together. In a press conference afterwards, Tutu sternly called for security forces to stay in their barracks unless called forth for legitimate reasons. “Tutu warns Army” was the headline on newspaper billboards next morning.

The event marked a turning point. Newspapers, TV, and radio gave headline coverage to it. With UN funding, the CCL ran several full-page newspaper ads with the electoral pledge and pictures of the signing event. No further incidents of confrontation occurred and the atmosphere became noticeably more relaxed.

Like the Reynold’s visit, this breakthrough was accomplished through careful introduction and management of a short-term external visitor. The platform for this and the credit for its success belonged to the local mediators. But the UN brought essential resources of money, experience in planning and implementation, ability to strategically brief the visitor for maximum impact, and followup capacity that

3. LESSONS FOR PDA MANAGEMENT

The Lesotho mediation could provide lessons regarding the roles of any of the various actors involved, whether RC, Governance, or HQ-based supporting staff. However, the concluding focus here will be on Peace and Development Advisors, given the centrality of the PDA in the mediation efforts in Lesotho and the relative infancy of this role in the UN system.

1. *A strong partnership among the PDA, the RC, local UNDP Governance staff, and at key moments, DPA in New York, was critical to the success of peacebuilding in Lesotho.* Over time a pattern developed: Local Governance staff closely monitored local events through media and personal sources and briefed the PDA and RC. The PDA would then reflect on recent developments and develop possible responses, in oral or written form.

These then became a catalyst for discussion among Governance, RC, and PDA. The RC gathered the UNDP team, set an overall mission, and took the lead when protocols required. The PDA provided strategies and insights from conflict resolution. Local governance staff drew on their deep, often intuitive knowledge of history, culture, and local personalities in evaluating options and determining how to implement strategies once agreed. From these discussions emerged strategic plans which were implemented as required.

Virtually every step in the peace process required all three actors to play their part in this pattern. Had any of the three actors been missing, or had communication and teamwork among the three been bad, it is doubtful that any of the breakthroughs could have been achieved.

And then, of course, a fourth actor came into the picture at a pivotal moment, the DPA- sponsored elections expert. On the other side of the globe, DPA had little choice other than to play the role of informed observer during most of the process. But through Desk Officer David Bongwele, it tracked activities carefully and when the need came for expertise assistance, DPA was positioned to deliver with remarkable speed. Its ability to offer the right person quickly was pivotal to the possibility of breakthrough.

2. *Laying careful groundwork for a PDA's arrival is a critical task and should be considered a multi-step process.* By normal standards, an impressive amount of consultation took place to get a mandate from local actors for the assignment of a PDA to Lesotho. Two different teams visited to consult with local actors, one from BCPR and one from DPA. By all signs, there was clear support for a PDA to be assigned to Lesotho.

But connecting a long-term outsider to a local mediation effort is one of the trickiest of support missions, and there was evidence of confusion and wariness among some members of the local team for at least a year regarding the PDA and his role *vis a vis* the local effort. It is critical that efforts are made to avoid confusion among local partners about the role of the PDA prior and in the early months after the incumbent's arrival.

3. *For local mediation efforts to reach their potential, the UN can offer valuable organizational and technical support, including helping to clarify roles, responsibilities, and duties of different actors.*

Considerable time and effort was lost due to internal challenges of communication, organization, and implementation faced by the local team. Several strategies might be adopted to accomplish this:

a) *Encourage local mediation groups to lay a solid foundation of clarity* about their own structure, decision making processes, roles and powers of members, and financial protocols.

b) *Writing a mission statement* is a useful strategy for a local peace initiative to achieve clarity on issues that are often ignored. Such a statement would usefully describe both the mission of the initiative as well as who is involved and the nature of the organization itself.

c) Including an *agreed procedure for resolving internal differences* amongst actors involved in peacebuilding. Agreeing on procedures for dealing with differences within helps raise awareness that internal maintenance is at least half the battle in sustaining a successful peacebuilding initiative.

4. *Managing relationships with the media is critical, as they play an important role in influencing public attitudes, inflaming tensions or, alternatively, encouraging peace.*

This proved one of the weakest areas of performance by the local mediators. Chronically short in time for preparations, appointing a press spokesman never seemed to be a priority, despite frequent urgings to the contrary by the PDA. Journalists filled the gap by calling the clergy at home for comments, or worse, attributing things to them that were never said.

In a positive vein, when strategic efforts were made to involve the press to amplify progress, the payoffs were big. The ads and posters announcing the politicians' commitment to the electoral pledge following Tutu's visit seemed effective in establishing a public benchmark of conduct for the politicians. The presence of media at a meeting just after the election to record for the nation the acceptance by politicians of results enabled everyone to finally relax.

4. CONCLUSION

The new coalition government is sure to face immediate challenges as members confront the realities of dividing a limited number of government posts among several parties. But optimists take hope in the strengthening of trust in dialogue built up over the last year, the removal of key flaws in electoral laws, and the inclusive approach of the new government.

While credit necessarily lies with the Basotho for the ability to commit to dialogue and mediation, the early recognition of the UN both in the local team and UNDP/BPCR and DPA in New York of the need for preventive action is a noteworthy example of the ability of the international community to make a huge difference in peaceful resolution of national politics without manipulating outcomes or displacing local initiative. The decision to invest in the insertion of a Peace and Development Advisor with a modest supporting budget would seem to be a prime example of a small investment with an enormous return. While hard to quantify the outcome in fiscal terms, the PDA played a number of significant roles in linking the UN system together; providing analysis and insight on which to inform responses; arranging for input from the larger UN system in key moments, and, ultimately, encouraging and supporting local actors to mediate through the provision of subtle but effective technical support.

The peaceful transition in Lesotho continues an encouraging trend of electoral success in Africa. However, the Lesotho experience lifts the bar higher than most comparable experiences in its reliance on local resources. It represents one of the few experiences anywhere of politicians coming to full resolution of a paralyzing political crisis through the mediation efforts of national mediators. "We never thought we could take it so far," reflected one of the church leaders to UN staff. "We never thought we would see this happen in Lesotho." This renewed sense of confidence in local capacity may in the end be the most important outcome of the experience.

APPENDIX

Timeline of Peace Process in Lesotho

1820s: Basutoland founded by Moshoeshoe, who unites various groups to repel challenges from Zulus.

1884: Becomes a British colony.

1950s: Political parties emerge, press for independence.

Independence and Democracy

1966: Independence for Kingdom of Lesotho. Moshoeshoe II is king and Chief Leabua Jonathan (Basotho National Party) wins polling as prime minister.

Democracy Interrupted

1970: Opposition Basutoland Congress Party leads in polls but BNP suspends constitution, sends king into temporary exile, and all active opposition are killed or silenced.

1986: Army steps in and replaces Jonathan with Major-General Justin Lekhanya in a coup.

1991: Lekhanya is forced out by Colonel Elias Tutsoane Ramaema, who lifts ban on political activity.

Democracy Re-established

1993: First democratic election since 1970, won by Basutoland Congress Party.

1997: Basutoland Congress Party splits and Lesotho Congress of Democrats (LCD) forms.

Democracy Turns Violent

1998: LCD wins general elections, Pakalitha Mosisili becomes prime minister. Opposition parties protest results. Rioting breaks out and large sections of Maseru are burned. At government's urging the South African Development Community (SADC) sends military force to help restore order. Multiparty Interim Political Authority is established to review the electoral process and organise next elections.

New Electoral Model Agreed as Solution

2001: The Mixed Member Parallel political system is adopted, which advantages minority parties.

2002 May: Ruling Lesotho Congress for Democracy (LCD) wins parliamentary elections, held under new MMP system. Poll is endorsed by international observers, rejected by opposition as fraudulent, but nevertheless accepted by most Basotho.

2005 April: Former communications minister Thomas Thabane and 17 other MPs leave LCD to form All Basotho Convention (ABC).

Trouble with the New Electoral Model

2007 February: LCD wins early parliamentary elections, taking 61 of 80 constituencies. Opposition parties cry foul,

on grounds that LCD formed a pre-election coalition with a smaller party and instructed supporters to vote in a way that independent experts agree manipulated the MMP system. LCD names its coalition partner as the official “opposition”.

2007 March: General strike ends after two days when SADC promises to send a mediator.

2007 May – July 2009: Former Botswana President Masire mediates talks to resolve the dispute. He eventually withdraws, publicly blaming the government for lack of cooperation.

2007 October: Five charged with high treason for their alleged role in attacks on the homes of the opposition leader and cabinet ministers.

2009 April: Premier Mosisili survives an apparent assassination attempt. (No apparent connection to the electoral dispute.)

Civil Society Led Peace Process

2009 July: A group of NGO leaders meet with political leaders who agree to participate in talks, to be chaired by national Heads of Churches.

2009 July: A team (organized by the UN Interagency Framework Team and the UNDP Regional Service Centre in Johannesburg, with BCPR and DPA support) visits Lesotho and recommends establishing a Peace and Development Advisor position to expand local peace capacities.

2009 August: Talks begin at UN House, chaired by four Heads of Churches, supported by Technical Team of NGO leaders.

2009 November: Peace and Development Advisor (PDA) arrives, but is kept at fringes for first year by local team, some of whom are threatened by presence of outsider.

2010: Talks continue but yield no agreements due to weak facilitation and lack of followup. Attendance of parties and commitment of facilitators dwindle.


2011 February: Key opposition leader Thabane requests UN RC to arrange meeting with head of IEC, in which he apologizes for criticizing her, signaling his intention to drop talk of boycotting election.

2011 March: UNDP arranges for DPA Electoral Assistance Division electoral law expert to advise on disputed issues. He and PDA meet with all parties separately, and find consensus on key issues of coalitions and ballots. Heads of Churches convene plenary to formalize consensus.

2011 up to 2012 election: UNDP Governance Team provide intensive support to strengthen Independent Electoral Commission.

2011 August: Agreements are entrenched in Electoral Law Amendments Act and Constitutional amendments.

2011 October: Local elections conducted “free and fair”.



2011 November: UN PDA takes IEC commissioners on two day retreat to resolve personal conflicts and facilitates conversation between commissioners and parties about this.

2012 January: Quarterly coordination meetings of RC and PDA with Heads of Churches shift to monthly, becoming weekly as election nears.

2012 February: The ruling LCD party splits, with the PM leading a new DC party

2012 February – May: Deputy leader of ABC, the largest opposition party, is assassinated at his home by unknown killer. Prime Minister’s rallies are targeted by protesters, leading to rock throwing and serious injuries. Army patrols increase in visibility. Heads of Churches hold six dialogue sessions with party leaders, described as “Prayer Breakfasts”.

2012 April 27: With endorsement of parties, Heads of Churches invite Archbishop Desmond Tutu to oversee signing of an Electoral Pledge of good conduct and acceptance of outcome of election. UNDP prints and distributes hundreds of large posters of Pledge and places full page ads in newspapers just prior to election. Coalition-Led Democracy

2012 May 26: Election held “free and fair”, declared as such by all observers and participants, but the result is a hung Parliament.

2012 June 1: With tension high over a hung Parliament, Heads of Churches convene party leaders, who agree on process for government formation.

2012 June 8: New PM sworn in. Former PM congratulates new PM Thabane and pledges to be active in “loyal opposition”, marking the first constitutional transfer of power and the first government of coalition in the nation’s history.



The new Prime Minister of Lesotho, the Hon. Tom Thabane (center), being sworn into office at the National Stadium as the out-going Prime Minister Mosisili looks on.

Photo: UN Lesotho.

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