

# **The Law and the Political Debates in Lesotho: An Assessment of the Retrocession and Integration Discourses**

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## **INTRODUCTION**

The Kingdom of Lesotho is an independent sovereign state and a member of the Organisation of African Unity (OAU) and the United Nations Organisation. This legal personality, however, obscures the dependent status of the country. It is small in size, geographically totally surrounded and economically dependent on the Republic of South Africa. These features place Lesotho closer in resemblance to the territories formally carved out by apartheid within the borders of South Africa for the self-rule of the various ethnic groupings of the black people. In as much as these territories, the Bantustans, were not created to be viable states, Lesotho in its present circumstances will probably never be a viable state. Its existence therefore is dogged by tension between legal independence on the one hand and economic dependency on the other. It is in the context of this reality that two competing propositions are being canvassed about its future.

The dispossession of land belonging to the Basotho nation by the white settlers leaving the former with a small portion of their original territory during the last century forms the crux of the case for the first proposition. The proposition envisages the engagement of South Africa in negotiations for restitution of those alienated territories to Lesotho. This is what the theory of retrocession is about. The acquisition of these territories is seen as crucial to the enhancement of the economic viability of the country and hence to the consolidation of its independence. On the other hand the second proposition postulates a merger between Lesotho and South Africa now that the latter has achieved a democratic political system. This is the essence of the integration discourse. The debates between retrocessionist and integrationist discourses have been conducted largely as if they were exclusively questions of political options. The immense legal implications which in the final analysis may overshadow the political considerations