External Military Intervention in Lesotho's Recent Political Crisis

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Lesotho has in the past few years been faced with political uncertainty manifesting political turmoil and tension. As a result, Botswana and South Africa intervened militarily to restore law and order on September 22 1998. The discussion of this intervention is anchored in two competing paradigms, the need to resolve conflict by neaceful means or by the use of military force. The intervention generated a lot of controversy regarding its legitimacy and moral righteousness. Two views emerged. First, that the intervention was unlawful and amounted to an act of aggression on the sovereignty of the Lesotho state and the king. Second, that the intervention saved the government from total collapse. Of material concern in this discussion was that the intervention raised questions of the international legality of such action, the credibility and consistency of Botswana's foreign policy, the effectiveness of the Botswana Defence Force (BDF) and the appropriate role for SADC in conflict management. It nas become evident that despite it being formalised by a treaty, the actions of individual member states are still motivated by national strategic and economic interests. This paper concludes that whatever the justification of military intervention countries in the region should always strive to resolve conflicts peacefully. It further points out that SADC member states should formulate common regional strategies of resolving conflicts in a peaceful manner.

Introduction

It is such a great irony that Lesotho, one of the most ethnically homogeneous nations in Southern Africa experienced political turmoil and civil strife of the magnitude it had. To be sure, the political and civil strife that manifests itself in Lesotho's political process was a culmination of deep-seated tension that has been brewing since independence in 1966. The intervention of the Botswana

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Defence Force (BDF) and the South Africa New Defence Force (SANDF) on the 22 September 1998, dubbed operation Boleas, was a result of the historical/political forces in that country. At the time of the intervention, the Lesotho Congress for Democracy (LCD) government had lost control and the country was engulfed in mayhem, violence and arson leading to the total destruction of Maseru business district and other major urban centres. The intervention generated both optimism and frustration on the part of Basotho. It engendered optimism from those who saw it as an attempt to restore law and order, and frustration from those who viewed it as an invasion of Lesotho.

This paper broadly discusses Botswana/South Africa intervention in Lesotho paying particular attention to the part played by Botswana. Taking on board the above concerns, this paper is laid out in four broad areas. First, it provides the historical context within which to understand the political crisis in Lesotho, especially since 1994. Second, it projects scenarios on the legitimacy of the intervention. Third, it addresses the implications of the intervention on Botswana's foreign policy in Southern Africa. And last, but not lest, it concludes that a peaceful settlement was probably not fully explored in the resolution of the Lesotho crisis. The paper proceeds to discuss these issues, first by setting the contextual framework of understanding the Lesotho crisis.

Contextual Framework

The state in Lesotho has been at the centre of political uncertainty since the preindependence elections in 1965. In those elections the Basotho National Party
(BNP) which was more of a conservative traditional party won 31 of the 60
seats in the National Assembly. The Basotholand Congress Party (BCP) came
a good second with 25 seats while the remaining 4 seats went to the
Marematlou Freedom Party (MFP) (Southall, 1994: 110). However, the
political fortunes changed during the 27 January 1970 elections. The BNP,
having alienated a lot of its rural support base and also having antagonised the
monarchy by eroding its constitutional prerogatives, it became clear that it was
not going to win the elections. Arguing that the elections marred by violence,
Leabua Jonathan declared a state of emergency and suspended the constitution
and thereby instituted authoritarian rule in Lesotho. Henceforth, Lesotho did

not enjoy free political activity. Political activity was circumscribed, and after an attempted coup in 1974, opposition leaders, including Ntsu Mokhehle and their supporters went into exile in Botswana. The next elections were not held until 1985 but were nothing other than a façade of democracy. In those elections the BNP, returned all the 65 parliamentary candidates, also in part due to an opposition boycott of poll. Following those elections, the military took over power in January 1986. In a fashion typical of military take-overs, Major General Justin Lekhanya justified the intervention by arguing that the BNP government had not only lost direction but was also facing a legitimacy crisis. Political power was however not to return to civilian rule until 1993.

The military orchestrated a return to civilian rule and the first free elections since pre-independence elections in 1965 were held on 27 March 1993. In those elections, Basotho Congress Party (BCP) swept all the 65 parliamentary seats. At face value, the fact that the BCP swept all the seats suggested that it was an extremely popular political party. Yet, the political instability that rocked Lesotho since 1994 could be traced to its claim to political popularity. As indicated in Table 1 below, in 1993 the BCP swept all the parliamentary seats with 74.85 percent of the popular vote. The BNP with 22.59 percent of the popular vote was not rewarded with a single seat and the MFP with only1.44 percent of the popular vote also came out of those elections empty-handed. The 1998 election results were equally dramatic. The LCD with 60 percent of the popular vote won 79 of the 80 seats in the National Assembly leaving only 1 seat to the opposition that had collectively polled 40 percent of the popular vote. This underscores the need for a broad based electoral system.

Table 1: Party Electoral Performance in 1993 and 1998

Contestants	No. of votes	% of votes	No. of seats
ВСР	398 355	74.7	65
BNP	120 686	22.6	0
MFP	7 650	1.4	0
Other	6 287	1.2	0
Total	532 978	100	65

Party Electoral Performance in 1998

Contestants	No. of votes	% of votes	No. of seats
LCD	355 049	60.7	79
BNP	143 073	24.5	1
ВСР	61 793	10.6	0
MFP	7 460	1.3	0
Other	16 244	2.9	0
Total	584 740	100	80

Source:

Roger Southall, 'The 1993 Election', Review of African Political Economy Vol. 21 No. 59 (1994) pp. 110 - 118; Roger Southall, 'Democracy at Gunpoint? South Africa Intervenes', Southern Africa Report, Vol. 14.1 (1998) pp. 12 - 17; Independent Electoral Commission (IEC), Provisional Results, May 27, 1998.

In both the 1993 and 1998 elections, the opposition, stunned at being trounced even in areas known to be their traditional strongholds cried foul. Both these elections were observed by national and international groups. While noting some administrative hiccups in their conduct, observers declared the elections 'free and fair'. Attempts by the BNP, in the case of the 1993 election to nullify the results through the courts were defeated. Disaffection with the 1998 election was manifested by the disturbances that led to the SADC intervention.

This paper is informed by the assertion that while elections are considered to be the hallmark of democracy and an important instrument through which leaders are elected into public office, they nevertheless must enjoy legitimacy and credibility of the broad cross section of the electorate (Molomo, 1997: 151). The biggest problem in Lesotho, was not so much that there were irregularities and electoral fraud, but that the results did not conform to the expectations of the political players. The lack of consonance between the expectations of the contestants and outcomes of the elections led to the perception that they were rigged. Upon the realisation that the opposition parties did not accept the election resulted and were already working to undermine the LCD government, SADC appointed a commission of inquiry to investigate the conduct of the elections. While the findings of the Langa Commission Report (1998) were not conclusive, they did point to some irregularities in the conduct of the elections. The report cited incidents of broken seals of containers that were supposed to be intact. These included opened containers with ballot papers, used ballot books and counterfoils that according to the law could only be opened through the instructions of a court order. However, in spite of the evidence the integrity of the documents was compromised by the Independent Electoral Commission's (IEC's) failure to comply with the regulations the Langa Commission was unable to nullify the election results

The concerns of electoral fraud and irregularities notwithstanding, it appears the root cause of the crisis, in part, had to do with the electoral system. Lesotho operates the Westminster parliamentary system, sometimes referred to as the 'winner-take-all' electoral system. In the same manner as in Botswana, this system produces predominant party systems (Mokopakgosi and Molomo,

1999). Under the 'winner-take-all' system, parliamentary representation is not arrived at on the basis of the popular vote. Worst still, a candidate who polls a sizeable proportion of the vote but fails to emerge as the overall winner does not gain representation to the National Assembly. This was attested by the fact that during the May 23, 1998 elections in Lesotho the opposition that polled 40 percent of the popular vote only emerged with 1 seat in parliament of 80 seats. The outcomes of these elections manifested the most cogent example of how unrepresentative the 'winner take all' situation can be. However, this system unlike Proportional Representation (PR) does not reward minor parties as well as sectional interests. While it makes a good case for strong cabinets, stable and responsive governments; through it, the implications for consensus decision-making are lost. At this juncture, the debate of which of the two systems is best is better left for Basotho but what is apparent is that the 'winner-take-all' system has exposed its limitations, at least for Lesotho's political situation.

The role of the monarchy cannot be discounted in the power struggles in Lesotho. Lesotho is a constitutional monarchy in which the King is only a ceremonial Head of State without executive powers. Nevertheless, the King still enjoys support from Basotho as the father of the nation since the preindependence elections. Marematlou Freedom Party (MFP) has been campaigning for the executive authority of the King (Southall, 1994: 110). Over the years, the monarchy has tried to assert its influence without much success. Its efforts only met limited success after the military, led by Major-General Justin Lakhanya, took over the reigns of power and temporarily vested executive and legislative authority in the King. In the continuing jostle for political power, Lekhanya forced the King - Moshoeshoe II - to leave the country in 1990 and dethroned him in favour of his son, Letsie III. Regarding the 1998 crisis, the King thought the general source of lawlessness would 'melt down' the multi-party electoral system and in the process the monarchy would assert its authority (South African Communist Party, 1998: 7).

The military in Lesotho, having successfully intervened in politics, cannot be said to be firmly under civilian control. It is commonplace that the military along with the police as the coercive arm of the state are charged with the responsibility of maintaining law and order. The role of the military is to uphold

the rule of the hegemonic alliance. To the extent that the hegemonic fraction of the ruling class is legitimate in the eyes of the populace, governance will proceed without the use of force. The role of the military has to be understood within the context of peace and security. The question of national security is a vexed, multi-faceted and sometimes polemical issue. For purposes of this paper, I will adopt the definition of Black (1998: 2) who takes a broader view of security that transcends its narrow definition to mean 'defending the sovereignty and the territoriality of the state'. Anglin (1998: 13) was comprehensive in his conceptualisation of security policy that it needs:

to encompass the consolidation of democracy, the achievement of social justice, economic development and a safe environment, and a substantial reduction in the level of crime, violence and socio-economic problems like poverty, unemployment, poor education, the lack of housing and the absence of adequate social services.

In Lesotho, the interface between government and the military has been a curious one. The BNP regime in an attempt to consolidate its hold on power, bolstered image and stature of the Basotho National Party's Youth League at the expense of the Lesotho Defence Force (LDF), an action which virtually turned the Youth League into para-military force. The creation of parallel structures in the national security system led to a loss of morale by the LDF and Lesotho experienced its first military take-over in 1986 led by Lekhanya. Later on, junior officers overthrew Lekhanya on 30 April 1991, and Colonel Elias Ramaema became the new military leader. It was not until 1993 that there was a return to civilian rule under a popularly elected government of Basutoland Congress Party (BCP). In spite of this take over, the BNP in its 27 years of rule had entrenched itself especially in the military such that successive governments were bound to encounter legitimacy crises.

Without any institutional backing from the loyal coercive apparatus, the police and military, the BCP government hang on a delicate balance. In an attempt to regain the political authority it lost, the monarchy instituted a constitutional coup in August 1994. King Letsie was able to make this move because of the tacit support of the military, an active encouragement of the opposition BNP

and royalist forces' (Weisfelder, 1997: 35). In part, the intention of the 'reluctant king' was to reinstate his father to the throne. As Weisfelder (1997) attests, the mediation by the SADC troika (Botswana, South Africa and Zimbabwe) and combination and domestic pressurre by organs of civil society not only restored to power the elected BCP government, but also led to the reinstatement of King Moshoeshoe II and facilitated a national dialogue and reconciliation that included all political parties and other interested actors. However, the untimely death of King Moshoeshoe II in a car accident in January 1996 did not help the fragile political situation in Lesotho.

To further exacerbate problems, the BCP was torn apart by factional fights. It would appear that these factional fights were not based on ideological differences, but rather on the lack of internal democracy within the party structures. In the wake of an ailing leader, Ntsu Mokhehle, and the lack of clearly defined lines of political succession, struggles by factions contending for hegemony ensued. The unstable political situation was further precipitated by labour unrest that resulted in government making several concessions and trade-offs with several segments of the workforce.

Due to internal divisions within the ruling BCP government, unable to restore peace within the estranged party, Mokhehle resigned from the BCP to form Lesotho Congress for Democracy (LCD). Nevertheless, Mokhehle was able to continue as Prime Minister because the majority of the BCP members of Parliament crossed the floor to join the LCD. The BCP that was popularly elected in the 1993 election was forced into the opposition in the middle of its term in office by virtue of the LCD's parliamentary majority. The BCP contested the parliamentary coup through the courts but were assured that the formation of the LCD was legitimate. However, the LCD was confronted by a severe legitimacy crisis.

The test for the political legitimacy of the LCD came through the general elections of May 23, 1998. Contrary to expectations that it would lose the elections, the LCD shocked many by being returned to power by an overwhelming of majority 79 of the 80 seats in parliament. The landslide victory that it recorded seemed to suggest that the government of Pakalitha

Mosisili would not have a legitimacy problem. However, that assumption was misplaced. Having failed to unseat government through the ballot box, opposition parties resorted to unconstitutional means. Before long the LCD government had to grapple with the worst political crisis in Lesotho. Youths armed with AK 47 assault rifles, allegedly supplied by the military, caused havoc in Maseru and other urban areas, terrorised people, high-jacked their vehicles, mounted illegal road blocks and went on a wild rampage of looting and lawlessness. It would appear all this was happening with the tacit approval of not only the opposition, but also the security establishment.

As positions hardened between the government and the opposition over contestation for state power, SADC intervened to restore peace, law and order. By way of resolving the impasse, SADC appointed Justice Pius Langa to head a commission on the conduct of the May 23, 1998 elections. As investigations proceeded, supporters of opposition parties staged a sit-in outside the royal palace 'calling on the King to dissolve parliament and form a government of national unity'. In an attempt to defuse the situation, the King was asked to address the nation and 'call on the crowd camped at the palace to disperse'. In a strange set of circumstances, which may be taken to amount to complicity, the King, as he read his speech forgot that part where he was supposed to call on the crowd to disperse from the royal grounds'. 'Instead, he asked for more powers to deal with the situation' (Mmegi, 1998: 5).

The political situation in Lesotho deteriorated from bad to worse, the rule of law was reduced to the bare minimum and anarchy set in. As it were, the handling of the Langa report was the last straw on the camel's back. Media reports hold the view that after its initial discussion by the troika, those sections that questioned the legitimacy of the LCD government were re-written (Boot, 1998: 6). When the report was finally handed down to Basotho, it was received with mixed feelings questioning its authenticity. At this stage, the ground was already set for a mutiny within the LDF. Convinced that there was a cover-up on the part of SADC, demonstrators began to intimidate people and stopped them from going to work as well as to stone and highjack government vehicles. In the wake of mounting civil unrest, the police and military instead of maintaining law and order joined the fray. The mutinous junior army officers

caused havoc, they arrested 50 of their seniors and forced 28 of them, including the army chief, to retire and as well demanded huge salary increases (AFP, 1998: 1). Bereft of any hope of controlling the situation, Prime Minister Pakalitha Mosisili requested SADC states to intervene and restore law and order in Lesotho.

Legitimacy of Intervention

The Botswana/South Africa intervention in Lesotho raised considerable debate regarding its legitimacy and moral righteousness. Basotho were divided on the issue. Two dominant positions emerged. First, some observers were opposed to the intervention. They viewed it as an act of aggression against their sovereign state and the King, and dubbed it as an outright invasion more so that it was done without the consent of the King. However, another view suggests that the Prime Minister was legally empowered to call for foreign intervention, and was not obliged to consult the King. Second, other observers hailed the intervention as having saved their government from total collapse. Those in favour of the intervention, taking full cognisance of the extent of anarchy and lawlessness, wondered what would have happened had foreign forces not intervened in Lesotho?

Inevitably, therefore, the intervention provoked mixed reactions, optimism and hope for those who were in favour of it, and anger and frustration from those who were opposed to it. Be that as it may, even though a lasting political settlement has not yet been found, questions have been raised about the necessity of the intervention. It has raised question of the international legality of such action, the credibility and consistency of [Botswana's] foreign policy, the effectiveness of the [BDF] and the appropriate role for SADC (Southall, 1998: 12).

The question of paramount importance whether or not this military intervention was legitimate? This begs a further question, legitimate for whom, the government or the people of Lesotho? It appears necessary to make a distinction between the government and the people because the legitimacy of the government was also in question. Perhaps more importantly, one must first of

all address the principle of the intervention. More broadly, the question is, if there was an abrogation of democracy in any Southern Africa country, would the SADC forces intervene? At a rather hypothetical level, if the government of South Africa was faced with a similar problem to that of Lesotho, would SADC, if requested, be in a position to intervene? My guess is no. In the case of Lesotho, one is hard pressed to dispel the thinking that it was the case of the strong prevailing over the weak! Assuming that the view that Lesotho was invaded holds, then Article 4 (a) of the SADC Treaty which underwrites the principle of sovereign equality of all member states was violated. Nevertheless. regardless of the motives of the intervention, one is bound to be concerned with the whole issue of the sustainability. It hardly needs emphasis that SADC does not have the capacity to sustain regional peace and security. In an attempt to enhance their capacity to carry out international operations, SADC member states need to embark on more joint operations to establish a common ground in military intervention operations as well as similar methods of addressing political problems in the region.²

Through the Memorandum of understanding signed in September1994, the troika came to be referred as the guarantors of democracy in Lesotho.³ More specifically, the memorandum committed the troika to 'take all necessary measures' to restore democracy to Lesotho. As noted by Weisfelder (1997: 41), the troika moved in positively to end the 'isolation' of the Lesotho Defence Force (LDF) from regional groupings. It encouraged it to participate in regional meetings of the SADC inter-state Defence and security Committee and in local interactions with South African commanders to combat drug smuggling, illegal immigration and cattle rustling along the border. Further steps were taken to ensure the political neutrality of the security forces.

The intervention in Lesotho needs to be placed in the right regional context. Lesotho finds itself in an unenviable geo-political situation of being totally surrounded and economically dependent on South Africa. In order to assert its independence and sovereignty, it has to find the right balance to co-exist with its powerful neighbour on mutually beneficial terms. The maintenance of that balance has not been easy for the mountainous kingdom. Lesotho, during the era of the 'Total Strategy' was a victim of South Africa's destabilisation

campaign, and naturally the 1998 intervention, more so that it resulted in loss of life, opened old wounds. That South Africa's economic blockade of Lesotho was a catalyst to the 1986 military take-over was not in doubt, but it could not be argued conclusively that it had a hand in the coup. However, as pointed out by Matlosa (1991: 5), there is ample evidence that after the coup South Africa 'pressed home its advantage' and 'developed a harmonious relationship' with the military government.

The assertion by Swatuk and Black (1997: 139) that wars of the next millennium would be fought over scarce resources such as water was given more credence by the Lesotho intervention. The Katse Dam of the Lesotho Highlands Water Scheme, constructed with the assistance of South African capital is one of the largest man made dams in the Southern Hemisphere and supplies South Africa with water. It appears reasonable to assume that apart from its obligations as member of troika, South Africa had sufficient motive to intervene in Lesotho. Well, in a remote sense, it could be argued that South Africa intervened in Lesotho to contain the political unrest in that country from spilling over into its territory. Furthermore, South Africa may have feared to be inundated with political refugees from Lesotho if that country fell to military rule.

It was expected that South Africa during the post-apartheid period would emerge as a 'benevolent regional hegemon' (McGowan, and Ahwireng - Obeng, 1998). With the military intervention in Lesotho, questions were being asked whether the region, with South Africa taking the lead, was sliding back into the era of destabilisation? The moot question was why did South Africa under the auspices of SADC intervene in Lesotho and not say in Angola? Needless to add, the Angolan government never requested SADC for assistance, but it is ironic that its member states never found it appropriate to intervene militarily in that country, especially since the 1992 elections whose results were rejected by UNITA. Nevertheless, it was pertinent to point out that since the UN brokered peace accord in Lusaka in 1994, peace or failure to secure peace in Angola has been a matter for international concern.

The reasons for Botswana's military intervention in Lesotho were not so

apparent. The commander of the BDF, Lieutenant-General Matshwenyego Louis Fisher (1996: 2), outlined that, among others, Botswana's national interests include national survival, sovereignty, territorial integrity, military and economic security, self reliance and social justice. Therefore, based on the above assertion and also its geo-political situation in relation to Lesotho, it is hard to imagine that Botswana intervened in Lesotho on account of national security considerations. But it is pertinent to ask, what would Botswana's stability mean in a volatile region? At best, a spokesperson of the Ministry of Foreign Affairs said, apart from its responsibility as part of the troika to guarantee democracy in Lesotho, Botswana intervened in Lesotho in good faith -to help a sister country that was in turmoil. It is without doubt that Batswana have a natural affinity to Basotho and would want to help them at a time of need. However, cynics argue that Botswana's intervention only served to legitimise what would otherwise have been dubbed a South African invasion of Lesotho, to pass as a SADC intervention (Botswana Guardian, 1998; 8). We shall return to this point when we discuss South Africa's intervention in Lesotho.

International peace keeping operations that Botswana participated in, like the ones in Somalia and Mozambique, were greeted with favour by Batswana, but the Lesotho intervention was viewed with mixed feelings. The Lesotho intervention was different in many respects. First, it was different because it involved an element of surprise and all the stakeholders were not consulted prior to its execution. Second, it was not accorded a peacekeeping status as the other ones that the BDF participated in under the auspices of the United Nations referred to above. Third, unlike in other operations, Botswana intervened in Lesotho without having signed the Status of Forces Agreement (SOFA), that is, the rules regulating the conduct of forces in a foreign country. And finally, much as it was called a SADC operation, Botswana has to pay the entire bill of its operation in Lesotho. In a strange set of circumstances, in that the operation is dubbed a SADC operation, the Lesotho government had to pay for all the expenses incurred by the SANDF in the operation. The intervention in the DRC also projects another scenario.

When civil war broke out in the Democratic Republic of Congo (DRC) and the

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Tutsi led rebels with the assistance of Uganda and Rwanda, both Botswana and South Africa opted for a peaceful settlement through negotiations. Yet, the two SADC states found it appropriate to intervene militarily in Lesotho. To further conflate the situation, the intervention in Lesotho was done at the request of the head of government without the knowledge of the head of state - the King. Zimbabwe, as part of the troika, was invited to intervene in Lesotho but declined because it was already involved in the DRC. However, Zimbabwe feeling vindicated from its militaristic forages in the Congo it gave other members of the troika a nod to intervene. The Congo with its vast mineral and water resources has great promise for the region in the next millennium. Respecting the intervention in the DRC, the strategic and economic gains for Zimbabwe⁵ are apparent. The economic potential of the Congo for Southern Africa in terms of investment and trade links are obvious, but unfortunately they can only be tapped by making sure that it does not fall into rebel hands.

To be sure, the SADC intervention in Lesotho was markedly different from that in the DRC. In Lesotho, notwithstanding charges of irregularities and electoral fraud, SADC intervened to support a popularly elected government. The same analogy, however, cannot be made of the DRC because President Laurant Kabila came to power as a result of force in opposition to Mobutu's kleptocracy and authoritarian rule. In effect the intervention in the Congo was to support an undemocratic government. In the final analysis, the foreign intervention in the DRC seems to have provided Kabila with the impetus to refuse to negotiate with the Tutsi-led rebels that are trying to remove him from power (Fabricius, 1998: 12). With the war in the Congo and the intervention in Lesotho at least six SADC countries were at war, a worrying situation indeed.

Out of this concern, two schools of thought emerged regarding the SADC military intervention in Lesotho. The first view maintained that, whatever the justification, peaceful negotiation should take precedence over military intervention? The second was that a military intervention was justified. Let us begin with the first argument. The undeniable truth is that a peaceful settlement was the preferred solution to the Lesotho crisis, and that no amount of force can produce a lasting political solution. Equally disturbing was the loss of life and destruction of property in Lesotho. The military intervention in Lesotho was

condemned by both political⁶ and civil society⁷ organisations. To this effect, a statement by the Secretariat of the South African Communist Party (SACP) (1998:11) was incisive to the understanding of the situation. It said:

The opposition parties clearly had a case when calling into doubt the fairness of the May elections. But the opposition parties, and King Letsie were prepared to play a highly reckless game in pursuit of their various objectives. The call for fresh elections, or at the very least by-elections in many constituencies, was absolutely legitimate, as was mass Mobilisation around such demands. But fostering of a creeping coup, the use of junior ranks of the LDF (historically a problematically partisan army with allegiances to the BNP) to undermine the unity of the army, and to terrorise the police, went way beyond the legitimate.

To say that the army went beyond the legitimate does not ipso facto justify a foreign intervention. It does however, indicate that the opposition and law enforcement institutions were speculating on the breakdown of law and order. Basotho need to be reminded that for democracy to work both ruling and opposition have a constructive role to play in society. Ruling parties are given the mandate to govern in consultation with the various interests in society. For its part, as observed in the statement of the SACP (1998: 11), the LCD government despite the fact that it had lost control of government remained defiant and 'extremely arrogant about the elections and about its right to rule'. Opposition parties also have a responsibility to project an alternative vision within the confines of the law to that of the ruling party. By their very nature they seek to capture state power, but this has to be done within the laid out parameters. As well argued by Booysen (1998: 31), in the event that they fail to win elections, they are expected to remain loyal opposition parties and participate in the affairs of the state in an attempt to 'modify the policies and actions of government (or lack of action). Yet, in the case of Lesotho, the opposition worked to undermine government and even led to the collapse of law and order.

The second view was one that favoured a military intervention. The arguments in favour of a military intervention were that the extent of lawlessness in Lesotho was beyond reproach and could only be redeemed by force (Tsie, 1998: 12). Needless to add, before the intervention Lesotho was already under

siege from youths masquerading as the armed vigilantes. So, to blame the violence and arson that took place in Lesotho on the intervening forces as some Basotho maintain is not totally correct. Besides, the fight that the LDF put against the SADC force, especially at Makhonyane barracks was prove of their tenacious determination to hold their ground. The destruction of Maseru reflected deep-seated frustration among Basotho not only towards a foreign intervention, but also to the high levels of unemployment. Faced with a shrinking job market in the South African mines as preference was given to South African citizens, Lesotho has to deal with serious economic hardships (Weisfelder, 1997: 38). So under the circumstances, the argument goes, only a military intervention could restore law and order in Lesotho. As it turned out, weighing its options the SADC troika decided to intervene militarily.

Briefing members of the diplomatic community, Botswana's Foreign Affairs Minister, Lieutenant General Mompati Merafhe (1998) said Botswana's primary objective in its intervention in Lesotho was to restore public order and normalcy in that country. He further pointed out that a military take-over had been in the offing in the kingdom. In its mandate as a SADC force, he concluded, the Botswana Defence Force (BDF) will remain in Lesotho until a long-term political solution was found.⁸ Merafhe justified the intervention that it was not only in accordance with Article 5 (c) of the SADC Treaty and Article 51 of the United Nations Charter, but also the Organisation of African Unity (OAU) resolution of the Harare Summit of 1997 that condemns the overthrow of legitimate governments by the military.⁹ In what Good (1997) would term accountable to themselves Minister Merafhe did not take kindly to probing by opposition Members of Parliament on whether or not government had consulted fully before intervening militarily in Lesotho.¹⁰

Returning to South Africa's intervention in Lesotho, their position was explained by Mangosuthu Buthelezi (1998:9), who at the time was acting President in the absence of Nelson Mandela and Thabo Mbeki, that it was meant to neutralise a brewing military coup in Lesotho. According to van Nieuwkerk (1998: 3), Buthelezi maintained that the coup would have prevented the majority party, the opposition and the monarchy from performing their respective constitutional roles and would have been an equal threat to them all.

For his part, foreign minister Afred Nzo is reported to have said, the South African government would not stand by and watch groups in Lesotho refuse to explore all peaceful means of dispute and allow that country to slide into lawlessness. For South Africa, it would appear the whole talk of African renaissance would be hollow if the people in the region were engulfed in conflict.

Quite to the contrary, a dominant view in Lesotho was that the military intervention of Botswana and South Africa was to prop up the LCD government widely regarded as illegitimate because it supposedly came to power by rigging the May 23 1998 elections. However, at variance with the speculation that the intervening forces would be partial in favour of the LCD, it turned out that they intervened to lay a stable foundation for an even-handed settlement of the dispute over election results. The SADC mediation also recommended the formation of an Interim Political Authority (IPA)¹³ that would facilitate the holding of a fresh election within 15 to 18 months. Notwithstanding the difficulties that the IPA is facing in carrying out its mandate, it appears that Lesotho is moving toward reconciliation as the LCD government has unconditionally released some of the alleged perpetrators of violence and the foiled coup.

Questions were raised as to whether or not operation Boleas was indeed a SADC operation, and this has generated a lot of debate in peoples' minds. First, if this was indeed a SADC operation why did the BDF not arrive at the same time as the SANDF? Second, why the SANDF when they arrived in Lesotho already signed an agreement defining the Status of Forces Agreement? Third, if the operation was conducted under the auspices of Article 5 (c) of the SADC Treaty, why is SADC not footing the bill? The Ministry of Foreign Affairs and the SADC Secretariat maintain that SADC had not yet ratified the protocol establishing the SADC Organ on Politics Defence and Security. By the same token, then, how can it be a SADC operation?

The manner in which operation Boleas was orchestrated raised scepticism not only about it being a SADC operation, but also about it being a peacekeeping mission. On a positive note, at least for Botswana, Basotho perceive BDF

intervention as having been done in good faith. Thanks to its experience in international peacekeeping missions in Somalia and Mozambique, Botswana entered Lesotho in full view flying a white flag up front and a Botswana flag at the back. However, media reports in South Africa responding to the loss of live by the SANDF, without full knowledge of how the operation was planned. opined that had the BDF been swift enough in their intervention, probably Maseru would not have been subjected to so much devastation, arson and violence. The Ministry of Foreign Affairs and the BDF have however refuted these allegations. The BDF commander, Fisher was unequivocal in his assertion that, 'the late arrival of the BDF in Lesotho was by design'. He added, 'we had strategised with the SANDF that they would move in first and would follow later', a view that was confirmed by the Ministry of Foreign Affairs. 14 Asked why there was an element of surprise¹⁵ in the intervention, the BDF responded that it was necessary to minimise the likelihood of casualties on both sides. The problem was that the SANDF did not expect to face intense resistance from the mutinous LDF, especially at the Makoanyane barracks. The SANDF had to call for more reinforcements from troops stationed in Maseru and thereby weakening the power of that force to deal with the looters. Fisher's point of view was, though indirectly, corroborated by Lieutenant-Colonel Laverne Machine (1998:1) who admitted that the operation was misled by 'sloppy intelligence and a false sense of military superiority'. Besides, the rules of engagement were not clear, it was not clear what to do with the looters. There was also no curfew to unable the army to effectively contain the mutinous situation

In any case, whether or not the intervention was legitimate, it is now water under the bridge. Much as the intervention can be treated as a fait accompli, there is need to draw lessons from it and chart a way forward. Naturally, issues of foreign intervention hinge on a country's foreign policy, and the following section focuses on it.

Implications for Botswana's Foreign Policy

Botswana's foreign policy needs to be anchored on its national values of peace and democracy. Widely regarded as a peace-loving nation, its relations with

other countries must reflect that image. Over the years, Botswana has maintained a policy of peaceful co-existence and non-interference in the internal affairs of other countries. Without doubt, Botswana is a front runner in multi-party democracy and as such has been seen as a beacon of democracy in the region. Botswana as a member of the United Nations (UN) has contributed to peace and security in Africa by participating, with great distinction, in UN peacekeeping operations in Somalia and Mozambique. However, these operations were different from the intervention in Lesotho. The inclination of Botswana to resolve the Lesotho crisis by military means is a source of grave concern because it not only compromised its cherished ideal of non-interference in the internal matters of other countries but also its integrity as a peace loving nation.

Botswana has during the 1990s, in a quest to build a viable national army, committed at least 13 percent of its national budget to defence. As a result, countries in the region have been apprehensive about Botswana's military build up, especially the building of the Thebephatswa¹⁶ Air Base. By way of registering their uneasiness to the built up, some neighbouring countries opposed its purchase of Leopard Tanks from the Netherlands, which they subsequently got from another source. The BDF also acquired F5 fighter-bombers from the Americans.

The implications of Botswana's foreign policy and security need to be understood within the regional context. The growth of the BDF has generated debate within and without the region regarding its possible trajectories. First, this growth was viewed favourably by some, especially militarists, who regard it as enhancing the country's capacity to effect a solid national defence system. In this regard, the military is said to impact positively on national security by acting as a deterrent to forces that may seek to destabilise the polity. It has been convincingly argued that through regional peace and stability there is a greater chance for the state to marshal its resources toward the alleviation of poverty, hunger, disease, and the provision of social services. Second, it was viewed with suspicion within the country that it would undermine the democratic culture that the country has promoted and nurtured since independence. Furthermore, it has also been seen as having a destabilising effect as a source

of insecurity among neighbouring countries as well as an effective instrument for suppressing citizens, and a drain on resources that could be used for national development. Third, the region had just emerged from South Africa's destabilisation during the era of the total strategy was weary of any militarisation that could give rise to further uncertainty. This insecurity may lead countries in the region into an arms race that would not only divert funds from development projects, but may also precipitate war. True to history, these fears are not baseless. Botswana's relations with Namibia, though cordial, have not been smooth since the territorial claims of both countries over Sedudu¹⁷ Island in the Chobe River.

Botswana's role in a highly volatile region is worth mentioning. It has been in the forefront of regional co-operation and integration. It was a member of the Frontline States, an organisation whose political objectives closely mirrored the economic objectives of the Southern African Development Co-ordinating Conference (SADCC). As we approach the new millennium, there is great optimism concerning political changes in the region. Since the advent of majority rule in South Africa, SADCC has since changed its focus from reducing dependence on South Africa to regional integration. The loose grouping of Southern African countries was formalised with the signing of the Southern African development Community Treaty in 1992. However, the recent military interventions by SADC member states in Lesotho and the DRC undermined this relative peace in the region. The region is now thrown into civil strife as well as outside interventions.

Following the decolonization of the entire Southern African sub-continent, the FLS outlived its mandate and was dissolved. In its wake, SADC proposed the creation of the Organ on Politics, Defence and Security that would co-ordinate the regional security and defence matters. To recapitulate on the issues, when the Organ on Politics, Defence and Security was initially conceived it was supposed to report directly to the SADC Heads of State summit, which is the supreme policy body of SADC in terms of the 1992 Treaty. However, the SADC council of ministers on 18 January 1996 agreed to recommend to the summit that the structure of the Organ should allow more flexibility and timely response, at the highest level, to sensitive and potentially explosive situations.

As a result, the protocol establishing the Organ departed substantially from the earlier position and it was made to operate as an autonomous body from SADC.

The parallel structures that exist for SADC and the Organ of Politics, Defence and Security have thrown regional initiatives into total confusion. Its conceptualisation as an autonomous structure was probably oblivious of the historical development of the region. During the liberation struggle in Southern Africa, Zimbabwe's role as a key player was undisputed. A related, though not a central issue, was the fact that the ZANU (PF) government supported the Pan Africanist Congress (PAC) and not the African National Congress (ANC) So, there has always been a latent discord the ANC led government in South Africa and the ZANU (PF) government in Zimbabwe. Furthermore, South Africa's admission into SADC in 1994 also stole the limelight from Zimbabwe. At least when Botswana was still chair, the struggle for hegemony was not obvious, but with South Africa sitting on the chair of SADC these manifestations are unfolding.

So, given the sensitivities in the region, it was probably unwise to have Mandela chair SADC and Mugabe the Organ on Politics, Defence and Security. This set up has polarised SADC to the extent of even threatening its cohesion. The SADC chair, on the one hand, supported by some SADC countries prefers the organ to be answerable to the mother body. While the chairman of the Organ, on the other hand, argues for its operational autonomy in order to perform its 'unique and specific mandate'. The impasse that SADC faced on the intervention in the DRC underscores the importance of a resolution to this issue. Otherwise SADC will operate like an ad-hoc body bereft of any clear direction.

Finally, in absence of debate in the National Assembly or dialogue with organs of civil society and the academic community, the bureaucracy remains the sole agent in defining the form and content of Botswana's foreign policy. Over the years foreign policy making has been a preserve of the Office of President and the Ministry of foreign Affairs. However, there have been some recent overtures to open up the foreign policy making process but this has not yet been visible on the ground. That being the case, the influence of the military in the

formulation of Botswana's foreign policy has been brought into sharp focus by the participation of former army chiefs in the top echelons of government. Two examples lend themselves vivid examples. These are the appointments of Lieutenant-General Ian Khama Seretse Khama, the Vice President and the Minister of Presidential Affairs and Public Administration and Lieutenant-General Mompati Merafhe, Botswana's Foreign Minister.

Conclusion

The Botswana/South Africa intervention in Lesotho has important lessons for the region. It has demonstrated that for democracy to function it needs to be anchored on clear definitions of political responsibility. The people need to fully understand the import of the law in general and electoral law in particular. It comes out clear in the foregoing analysis that the political crisis in Lesotho was precipitated by, among other things, the failure of the electoral system. Much as the Independent Electoral Commission has been wanting in its conduct of election, the biggest flaw, it appears to me, lies in the electoral system. The election outcomes of both the 1993 and 1998 general elections, as illustrated in table 1, demonstrate that 'the-winner- take- all' electoral system falls far too short of satisfying the political expectations of Basotho. It would appear that some brand of the PR system would come closer to resolving the problem.

Much as SADC can be blamed for its poor co-ordination of operation Boleas, Basotho also share the blame for burning down Maseru. Basotho need to know that there are well-defined structures for redress, but violence is not one of them. Through the intervention, SADC not only exposed its lack of capacity to carry out regional peace keeping missions, but also the lack of coherent policy regarding the role of SADC and the Organ on Politics, Defence and Security. The operation reflected the inadequacy of intelligence information that about the movement and positions of the rebel forces. What SADC needs to do is to re-focus and develop a strategic vision that would solve conflicts in a peaceful manner. Peace keeping operations in SADC need not only involve governments but needs also to involve organs of civil society. This analysis recognizes that while SADC in a Community of the basis of the treaty it signed in 1992, the

individual member states are different in their ideological and political outlooks. A more pressing need is to ground SADC with the grassroots to forge a closer identification with the people.

By way of conclusion, it needs to be stated that no amount of foreign intervention can win peace in Lesotho. This begs the question of how long the SADC forces would remain in Lesotho to restore law and order? And what guarantee do we have that after their departure order will prevail in that country? The onus is on Basotho to bury the hatchet and open a new leaf of national reconciliation toward sustainable democracy. Furthermore, attempts to restructure and depoliticize the LDF must proceeded cautiously in the overall context of a political settlement.

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Notes

A subsequent analysis of the election results reflected that the BCP had polled 49.8% of the popular vote translating to 36 seats while the BNP had 42.2% of the popular vote but only 23 seats, and MFP 7.3% of the popular vote resulting in 1 seat.

SADC member states had one such operation in Zimbabwe in 1996 and the next one termed 'blue crane' is planned for April 7 to 30, 1999 in South Africa. For further detail see Mabel Kebotsamang, 'SADC to Embark on Regional Peace Keeping Exercise', *Botswana Daily News* 5 March 1999, p. 1.

This memorandum was entered into by the Presidents of Botswana, South Africa and Zimbabwe (often referred to as the SADC troika), His Majesty King Letsie III and the then Prime Minister of Lesotho, the late Dr. Ntsu Mokhehle.

The 'Total Strategy' was a policy of the South African State in which it was at war with its own people as well as its neighbours in the region. At the national level the policy sought acquiescence and complicity from the oppressed majority. At the regional level, it wanted to cow the neighbouring countries from being vocal against apartheid and act as a bulwark against the imposition mandatory economic sanctions. It involved economic back-mail and cross -border raids (1982 and 1985) designed to destabilize these countries. For detail see Ben Turok, (ed.) Witness From the Frontline: Aggression and Resistance in Southern Africa, London: Institute for African Alternatives, 1990.

Zimbabwe has clear business interests in the Congo. The Zimbabwean Defence industry was said to be owed sometime in September 1998 some US\$ 20 million from the sale of arms, mortars, uniforms, dry rations and ammunition. See *Mmegi* 11-17 September 1998 p. 21.

Opposition political parties in Lesotho were unequivocal in their condemnation of foreign intervention in their country. They said they regarded any intervention from outside as aggression against King Letsie III and his kingdom. According to a spokesperson of the Basotholand Congress Party, Molapo Qhobela. Lesotho is a sovereign state and not a SADC colony. For their part, opposition political parties in Botswana shared similar sentiments of their counterparts in Lesotho and condemned the intervention in Lesotho. The leader of the Botswana National Front (BNF), Dr Kenneth Koma said, instead of uniting the people of Lesotho the soldiers engage them in war [that] result in the death of people. He further charged that, SADC leaders should have sat down, looked at the findings of the Langa Commission and acted on the findings which [suggested] irregularities in the elections. The United Action Party leader Ephraim Setshwaelo said Botswana's military intervention in Lesotho was uncalled for because a peaceful solution could have been reached had we not sent our troops. Setshwaelo further remarked, it was surprising that the two countries were intervening on behalf of a country accused of rigging elections whilst on the other hand they claimed to be protecting democracy. To

this end, Setshwaelo concluded, if interventions of this nature are not condemned SADC will in the end be reduced to a machinery whose overall duty is to maintain dictators and despots. For his part, the Executive Secretary of the official opposition, Botswana Congress Party (BCP), Raphael Sikwane, wondered why countries that opposed military intervention in the Democratic Republic of Congo have seen it fit to send troops to Lesotho. Joining the chorus, the leader of the United Socialist Party, Nehemiah Modubule, said his party's view of the issue was simply that Lesotho had been invaded by foreign troops whom he said should be pulled out as soon as possible to let Basotho solve their own problems. The Langa report, Modubule emphasised, had clealy indicated that the Lesotho elections were rigged by the ruling party and, as such, they saw no reason why the BDF should be used to protect an illegitimate government. In South Africa too, the opposition parties were up in arms calling for a truce and mediation in the Lesotho crisis. The leader of the National Party, Marthinus van Schlkwyk, said the joint South African/Botswana forces have not brought stability to the region but have instead exacerbated the situation. In a similar fashion, other opposition leaders, Tony Leon of the Democratic Party and Constant Viljoen of the Freedom Front condemned the deployment of foreign troop in Lesotho and called for an immediate cease-fire and withdrawal of foreign troops. For further details see: A Statement of the South African Council of Churches, 'Conflicts Should be resolved by Peaceful Means', The Gazette, October 7 1998, p.11; Dikarabo Ramadubu, 'BDF in Lesotho,' The Midweek Sun, 23 September 1998, p. 1; Morula Morula, 'Pull out of Lesotho - Urge Botswana Opposition Parties', The Botswana Guardian, 25 September 1998, p. 2; Jovial Rantao, 'Opposition SA Parties Call for Truce and Mediation', The Star, 24 September 1998, p. 3.

The South African Council of Churches that charged that the Botswana/South Africa intervention in Lesotho neglected the principles of negotiation and non-violence that defeated apartheid shared the view for peaceful dialogue. In a more forceful way, the SACC urged Southern African governments to refrain from military involvement from neighbouring countries and allow them to solve their internal problems by peaceful means.

AFP, 'Calm return to Lesotho After two Days of Heavy Fighting', *Botswana Daily News*, Sept. 24, 1998, p. 1. Botswana's intervention was enforcing the terms of a memorandum of agreement signed by King Letsie III, Lesotho's former Prime Minister, the late Ntsu Mokhehle, Botswana's former President, Sir Ketumile Masire and South Africa's Nelson Mandela in 1994. For further information see: Benison Makele, 'peacekeeping: What SADC Force, By Whom?,' *The Botswana Guardian* Sept 25 1998, p. 3.

Mompati Merafhe, 'Brief on the Political Crisis in Lesotho', A Brief to the Diplomatic Community, 27 September 1998, p. 10.

A visibly irate Merafhe went on to castigate the opposition BCP MPs as frustrated men, and even singling them out by name and said Rre Rantao you are frustrated. Merafhe further asserted we consulted and we owe no body an apology.

Buthelezi in justifying his intervention said he consulted with President Mandela and

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Deputy President Thabo Mbeki both of whom supported the intervention. Furthermore, he consulted with his cabinet colleges, the Minister of Defence, Joe Modise, the Minister of Safety and Security, Sydney Mufamadi, the Deputy Minister of Defence, Ronnie Kasralis, the Deputy Minister of Foreign affairs, Aziz Pahad and the Director -General of Foreign Affairs, Jackie Sebele. The full text of Buthelezi's statement can be found in the *Star* Tuesday 6 October 1998, p. 9; Kerry Culliman and Jovial Rantao, Cabinet Endorses Decision to send Troops', *The Star* 24 September 1998, p. 3; Anthoni van Nieuwkerk, Implications for South Africa's Foreign Policy Beyond the Lesotho Crisis,' *Presentation to a Discussion Forum organized by the Cease-fire Campaign and the Southern African Human Rights NGO Network*, October 2, 1998, p. 3.

- The Deputy President of South Africa talk of the African renaissance which means the self belief and the reinvigoration of the African continent to claim its rightful place in the global economy. See Thabo Mbeki, 'speech Made on behalf of the ANC on the Occasion of Adopting the Constitution on 8 May 1996' *The Star* 10 December 1998, p. 20.
- The Independent Political Authority (IPA) is a body that was formed in place of the Independent Electoral Commission to facilitate the arrangements for elections within 15 and 18 months. For all intends and purpose, based on its composition, it is an all-party electoral commission. It is rumoured that the IPA does not find the necessary cooperation from government because it wanted to project itself as an alternative government.
- Interview with Mustaq Moorad and Samuel Outlule of the Ministry of Foreign Affairs on 16 February 1990 and The Commander of the BDF, Lieutenant-General Matshwenego Louis Fisher on 17 February 1999
- People would have noticed a combined convoy of the SANDF and BDF through South Africa and they would have alerted the mutinous soldiers in Lesotho.
- Thebephatswa is Botswana's Air Base located in the Kweneng District near Molepolole. It is said to be one of the largest and sophisticated air bases in Africa. Its construction raised a lot of disquiet in the region regarding Botswana's intentions at a time when the region seems to be moving toward greater peace and cooperation.
- Sedudu is an island along the Chobe River over which Botswana and Namibia have territorial claims. Bilateral talks between the two countries to resolve the matter have failed as well as the mediation by President Robert Mugabe of Zimbabwe. At the time of writing the case was being heard at the International Court of Justice at the Hague for arbitration and both parties have made an undertaking to respect the final verdict.

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