

# The Military and Democratization in Lesotho

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*This article attempts to contribute to an understanding of the challenges involved in trying to bring the military under constitutional rule. It analyses Civil-Military relations during Basutoland Congress Party (BCP)/Lesotho Congress of Democracy (LCD) regimes in Lesotho in 1993-1998. In the aftermath of the 1994 constitutional crisis the civilian government aided largely by the SADC countries of Botswana, South Africa and Zimbabwe on the one hand and British and United States of America on the other made aggressive effort to bring the military under its authority which until July 1998 appear largely successful. In August/ September 1998, however, in the midst of a very serious political crisis, all these efforts were proved to have been futile.*

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## Introduction

The history of military involvement in Lesotho politics dates back to 1970 when Chief Jonathan, then Prime Minister of Lesotho and leader of the Basotho National Party (BNP), lost the general elections to the opposition Basutoland Congress Party (BCP). Instead of handing over power, Jonathan declared a state of emergency, arrested and detained leaders of the opposition and established a mono-party state. That action set in motion an authoritarian agenda characterised by brute force, naked oppression and de facto one-party rule that lasted sixteen years. Underpinning and sustaining this agenda was the Paramilitary Police Unit (PMU) in the 1970s, and the Lesotho Paramilitary Force (LPF), and the Lesotho Defence Force (LDF) in the 1980s. In short, in the period 1970 to 1986 the military acted as guarantors of civilian power under conditions of civilian dictatorship and politicians used the military to ensure their survival (politicization of the military). In 1986, this force staged a

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military coup d'etat and instituted military rule that lasted until 1993.

Following the military managed transition to democracy, the third post-independence general elections were held in March 1993 and were massively won by the BCP. Military rule in Lesotho was ended but not the centrality of military and military-type solutions in politics (militarisation of politics). This is what Hutchful (1993) refers to as 'regime-induced transition' characterised by a situation in which while the military leaves political power, it also entrenches itself for personal and institutional interests.

Following undiplomatic, mostly inept and careless actions of the BCP government, especially on the question of the reinstatement of King Moshoeshoe II, King Letsie III staged a coup in 1994 which was only reversed by strong Basotho opposition in particular and external intervention of Botswana, South Africa and Zimbabwe in general. In the aftermath of this coup, the BCP government supported by foreign governments and institutions initiated a series of reforms whose objective was to establish civilian control of the military. These reforms form the basis of this paper.

Writing on the question of military issues in the transition to democracy with emphasis on the sensitive issue of reform Hutchful (1998:602) advises:

the objectives of reform should be at least fourfold: first, the democratic subordination of the military; second, the economic sustainability of the military establishment; third, military efficiency; and finally, military institutional stability.

This paper attempts to contribute to an understanding of the challenges involved in trying to bring the military under constitutional rule in new democracies by analysing the case of the LDF between 1993 and 1998. In the aftermath of the 1994 constitutional crisis, the BCP and Lesotho Congress for Democracy (LCD) governments aided largely by Botswana, South Africa, Zimbabwe, Britain and United States of America made aggressive efforts "to restore and sustain civil supremacy over the military" which, until July/September 1998, appeared largely successful. In August and September 1998, however, in the midst of a very serious political crisis, all these efforts

were proved to have been futile. What had happened and what is the way forward for the LDF?

The historical context of the necessity of restoring and sustaining civil supremacy over the military in Lesotho is the role of the military in the 1994 palace coup and to this we turn.

### **The 1994 Palace Coup**

On the 17<sup>th</sup> August 1994, King Letsie III announced the dissolution of a democratically elected BCP government and parliament. The reasons for this coup have been critically analysed elsewhere and therefore need no repetition. (Mahao,1997; Makoa,1995; Mothibe,1998; Thabane,1998) This move which had the support of the BNP, royalist forces and the military, was vehemently opposed by internal democratic forces as well as the international community.

Various reasons have been advanced why the military supported the King's coup. First, the dominant suspicion was that it was to be disbanded and replaced by Lesotho Liberation Army (LLA) at worst or neutralised at best. Presidents Mugabe and Masire (1994:4) attest to this when they say

...there was thus deep distrust of the Government [BCP] by the army, especially in the presence of rumours that the government was seeking to replace it with forces deriving from the Lesotho Liberation Army (LLA).

This was fuelled by anti-army statements made by senior BCP figures including Prime Minister Mokhehle who was reported to have said that, among the five enemies of democracy in Lesotho, was the army. (MoAfrica, 10 Hlakubele, 1994). The opposition parties, especially the BNP leader E. R. Sekhonyana, exploited government's incompetence in addressing real and imaginary grievances of the army by repeatedly alleging that the government wanted to replace it with LLA. Secondly, and most importantly, was Prime Minister Mokhehle's decision to set up a Commission of Inquiry into events relating to the LDF's armed confrontation of January 1994. The Commission's terms of reference included, among others, "to identify the persons or groups whose activities caused or contributed to those events," and recommend, "the

incorporation of former members of the Lesotho Liberation Army into the Lesotho Defence Force..." The commission was further mandated to recommend the future role of the army, redeployment of some of its members and possible legal proceedings against those involved in the January mayhem.

This move fuelled the military's suspicions that government had a secret agenda of bringing LLA through the backdoor. This was so because, although Prime Minister Mokhehle had claimed, on a number of occasions, that the LLA had been disbanded before his return from exile, some of the senior members of the BCP, including ministers, made persistent calls for its integration into the LDF.

Following the reversal of the coup in the form of the Memorandum of Understanding (MOU) signed between King Letsie III and Prime Minister Mokhehle and guaranteed by Botswana, South Africa and Zimbabwe (the troika) which provided, among other things, the reinstatement/restoration of the BCP government, the latter embarked on measures to promote civilian control of the military.

### **Civilian Control and its Institutionalisation**

Civilian control of the military is critical if democracy is to survive in Africa. Kohn (1997:143) defines civilian control as:

...not a fact but a process...The best way to understand [it], to measure its existence and evaluate its effectiveness, is to weigh the relative influence of military officers and civilian officials in decisions of state concerning war, internal security, external defense, and military policy (that is, the shape, size, and operating procedures of the military establishment).  
(emphasis in original)

In other words, in a democracy civilian control means "**civil supremacy over the armed forces and subordination and accountability of armed forces to the elected civil power.**"(Nathan,1995:50,58) The government, for its part, has a number of reciprocal duties if democratic civil-military relations are to be maintained and sustained. First, the military should not be used for sectarian

purposes by government. Second, both the government and the military should realise that the military's acceptance of the primacy of civilian rule does not mean that the military is the object of executive decrees. Third, government should act lawfully. Fourth, promotion within the military should be based solely on merit. Finally, government must provide adequate financial resources to enable the military to perform its tasks efficiently and effectively.(Ibid:60-1) The civilian control over the army goes with its full participation "in the development of defence policy **without undermining or usurping the authority of civilian decision-makers.**"(Ibid:51) The institutional mechanism of a democratic civil-military relations lies in the creation of a civilian Ministry of Defence; "the **locus** of executive authority over the armed forces."(Ibid:55) (emphasis in original)

In August 1994, the Government of Lesotho established the Ministry of Defence (MOD) and appointed an assistant minister responsible to the LDF and National Security Service (NSS). The 1997/98 annual report of MOD puts its mission as:

...to reflect the notion of civilian control of the military and security service. Civilian control is an essential aspect of democratic government. This is a condition which ensures that the military operates in accordance with the constitution and wishes of parliament...In order to establish civilian control the civil-military relationship is governed by four principles: separation of military and civilian powers, legality, accountability and transparency.(Annual Report 1997/98:3)

In this ministry, policy is jointly formulated and executed by the Principal Secretary (PS), the Commander of LDF and Director of NSS.

This arrangement, while entrenching civilian power over the military through the PS, provides a formal avenue for the military to advance their professional views and institutional interests. It also ensures regular and dynamic interaction and cooperation between the military general staff and the civilians.

The establishment of the ministry was followed by sustained consultations/inputs among and between the military, friends from within the region and further afield, and government (Defence News, 1996) These consultation

resulted in the enactment of the Lesotho Defence Act of 1996 whose objective is " to provide for the command, control and administration of the Defence Force of Lesotho and to provide for incidental matters." (Lesotho Defence Force Act, 1996:863) This act marked the legal entrenchment of civilian control of the military and the latter's acceptance of its role in a democracy. Critical in the act is the major revision and replacement of the Defence Commission by the Defence Council made up as follows: the Minister of Defence who shall be Chairman; the PS Defence; Commander of LDF; Secretary appointed by the Minister, and two members appointed by Prime Minister (Ibid:870) It is important to note that each meeting of this council has to be chaired by either the chairman or the PS (both civilians) and the chairman has a casting vote.

The MOD also embarked on an education programme for the military regarding the latter's appropriate role in a democracy - respect for democracy, human rights and the primacy of civilian rule. Edmonds (1990:110-112) maintains that the education and training of officers and soldiers provides the foundation on which the normative aspects of professionalism are built. He argues that such education and training should focus specifically on the relationship between armed forces and society so as to discourage illegitimate forms of military involvement in public affairs. Since its establishment the following are just a few examples of activities undertaken by the MOD in the fields of education and training of its officers:

- (a) In March, 1995, the United States Embassy in Lesotho funded a workshop on the role of the military in a democracy which was addressed by Lieutenant Colonel Marley of the United States Army and Dr Laurie Nathan, Director of the Centre of Conflict Resolution, University of Cape Town among others.
- (b) In July, 1995, the United Nations Development Programme (UNDP) in Lesotho funded a seminar on Democracy and the Disciplined Forces officially opened by the Prime Minister and addressed by experts from United States, South Africa, Zimbabwe and Kenya.
- (c) In September, 1996, the Ministry of Defence funded a seminar for

members of the military at the Institute of Southern African Studies (ISAS) addressed by the National University of Lesotho (NUL) Academics.

UNDP has also funded studies at the diploma and post-graduate levels for the members of the military at the national tertiary institutions and abroad. (Mothibe, 1998:16)

Government's financial commitment to the military has shown a steady and hefty increase since 1995/96 financial year when the budget allocation to defence was M102.63 - a huge difference of M39.42 million from that of 1994/95. (Ministry of Finance) In 1996/97 it grew to M123.8 million ( 9.1 percent of the total budget and the third highest allocation). (Lesotho Budget Speech, 1996/97) In the 1997/98 financial year it was M147. 1 million and second only to Education. (Ibid) ...This has increased to M165.5 million in the financial year 1998/99. This reflects the increasing importance of defence in the national priorities of Lesotho as well as its strategic position for the survival of the BCP/LCD government. It is also an indication of the willingness of the Government to provide sufficient funds to enable them to perform their tasks effectively and efficiently. The Minister of Finance said as much when presenting the 1998/9 budget, "...the Government recognises the need to maintain a numerically small defence...which should be well trained, professional, accountable, highly motivated and well equipped." (Ibid:39) Furthermore, members of the military are also rumoured to be more than adequately remunerated.

At the public relations level, the MOD has set up a public relations office MOD manned by military personnel to provide a window for the public into military matters. Prime Minister Mokhehle visited the army at least once each year since 1995 to address them, and has been reportedly well-received. We have heard less and less of anti-army venom from the government ministers and members of parliament in particular and the BCP/LCD in general. On the contrary, the Prime Minister and Minister of Defence, in a 1996 Christmas message stated that "...I, and my Government are encouraged by these positive developments [climate of change in the defence and security forces] and the direction you

have achieved so far in moving towards greater professionalism and discipline."(Defence News, 1996) Before leaving office of Prime Minister, Mokhehle visited the barracks to bid farewell to the military and announced that with immediate effect the rank of the commander of LDF was being raised from that of Major-General to that of Lieutenant General. The official reason was that that rank allowed the commander to attend regional meetings of chiefs of the military as an equal. (Radio Lesotho Broadcast, 13<sup>th</sup> April, 1998)

The King, on the advice of government, conferred highest honours on Basotho and foreign experts who were charged with the task of establishing civil-military relations in April 1998. These people ranged from Political Advisor to the Prime Minister to the Ambassador of the United States of America. (The Southern Star, 17 April 1998).

The role of SADC and Britain and United States of America has been as critical in the area of technical assistance. Each country either contributed military personnel to help in building civil-military relations consistent with democracy, regional workshops, educational programmes and practical support. For its part, Britain provided civil personnel in the forging of civil-military relations. In 1994, the British government seconded a certain Mr. Phil Jones "to provide advice to the Government and senior staff (i.e. PS Defence, Commander LDF and Director NSS) on the issues relating to the organisation and management of defence - in particular the setting up and operation of the Ministry of Defence."(Defence News, 1995).

What emerges from our discussion so far is that since 1995, the BCP/LCD civilian governments have, to a large extent, aggressively attempted to steer the military towards acceptance of the implications and advantages of constitutional rule (read subordination of the military to civilian authority) with success. Prime Minister Mokhehle who was also minister of Defence said as much when he noted that "the restructuring of the Lesotho Defence Force and National Security Service is a milestone, and I want to put on record that it has been a successful endeavour." (Annual Report 1997/98:1) Lt. General Mosakeng, commander of LDF is more direct, "I wish to put on record my sincere appreciation for the valuable contribution our defence made in promoting



democratic principles." (Ibid:15) This can be attributed to two factors namely, the role played by the United States of America, Britain, Botswana, South Africa and Zimbabwe in the restructuring and training of the military and the establishment of the Ministry of Defence. The fruits of these governments' actions can be seen by the following examples. In February 1997, an armed section of the Royal Lesotho Mounted Police (RLMP) dismissed the Commissioner of Police, his deputy and many senior police officers; forcibly seized and occupied the Maseru Central Police Station and Police Headquarters. The military which was ordered to quash this police mutiny stormed the Maseru Central Police Station and Police Headquarters, arrested all the mutineers except two who escaped. Two policemen were killed in the process and the mutiny was ended. In June of the same year, Prime Minister Mokhehle, then leader of BCP, announced in the National Assembly the formation of his new political party, LCD which immediately became a ruling party and formed government because it commanded a majority of seats in the National Assembly. The BCP, the winner of the 1993 general elections, which was then relegated to official opposition, felt betrayed and vigorously opposed the LCD with the support of BNP, MFP and other smaller parties. Twice, marches by opposition parties were organised to the palace requesting that the king dismiss Mokhehle, dissolve parliament and call fresh elections. All these came to nought. The military, for its part, gave tacit support to the constitution (read LCD government).

### **Political crisis of 4 August to 22 September**

All these successes have, however, been seriously reversed by the political crisis which arose following the general elections of the 23rd May 1998 which were unexpectedly massively won by LCD with 79 seats and 1 seat for BNP. The three opposition parties of BCP, BNP and MFP have refused to recognise the LCD government because they allege it won elections fraudulently. After their unsuccessful legal challenges at the High and Appeal Courts of Lesotho these opposition parties had, since the beginning of August, mobilised their supporters, occupied and kept vigil at the palace grounds requesting, among other things, that the king should dissolve the LCD government.

What started as relatively peaceful protests turned violent when opposition supporters intensified their struggle on Monday 10<sup>th</sup> August, by imposing a stay-away that was characterised by violent blockades and commercial lock-out of Maseru, the result of which was that vehicles that ferry people to work as well as private vehicles were either turned away or damaged. Violent clashes ensued between opposition and government supporters and some people lost lives while others were injured and lost their properties either through arson or hijacking. Maseru remained largely inaccessible throughout the week of Friday/Monday, 11/17th August. Members of the army who patrolled the city remained largely indifferent to these acts of violence and intimidation which were perpetrated in their presence.

In the midst of the daily fast deteriorating situation, South African Deputy-President, Thabo Mbeki accompanied by Foreign Minister, Alfred Nzo, and Defence Minister, Joe Modise on behalf of SADC chairperson, President Mandela, arrived in the country to mediate. Out of the mediation an agreement was brokered that a Community SADC team of experts from Botswana, South Africa and Zimbabwe be instituted to probe the opposition allegations of the rigging of May elections as well as "other matters relating to the electoral process," and report its findings within fourteen days. (Radio Lesotho broadcast 15 August, 1998)

The SADC experts began probing alleged irregularities in the 23rd May general elections results on Saturday, 15th August. The team was chaired by Justice Pius Langa, deputy president of South Africa's Constitutional Court and made up of Auditors, elections, legal and computer experts from the troika countries. Unfortunately, the Langa Report took until the 17th September before it was delivered to relevant authorities and its findings were far from satisfactory. One commentator would note that 'its findings were neither fish nor fowl' as the following ambiguous findings clearly shows:

We are unable to state that the invalidity of the elections has been conclusively established. We point out, however, that some of the apparent irregularities and discrepancies are sufficiently serious concerns. We cannot however postulate that the result does not reflect the will of the Lesotho electorate...(Langa

Report, 1998:28)

The week beginning 17th August kicked off with Maseru once again in a standstill after fatal shooting of protesters was reported at the Palace gates which resulted in two deaths and many injuries by the police. There was also a bloody clash between the police and members of the military guarding the Palace. The opposition, the police and the military blamed each other for the cause of these shootings. It is worth noting that on the same day at the same place in 1994, the members of the military killed Basotho protesting against the unconstitutional dissolution of the BCP government by King Letsie III. What was shocking to note in this state of anarchy was the role of the members of the military. During the unfolding of this political saga, members of the military were visible in and around Maseru presumably with the purpose of keeping law and order. As things turned violent as a result of forced stay-aways and clashes between the protesters and supporters of the government, members of the military hardly ever intervened. What was even more shocking about this situation was that for the whole period when the city was inaccessible, the country was effectively without a government as the country's political and military leadership appeared totally helpless. Prime Minister Mosisili, also minister of defence, came over the national radio to assure the nation that the security forces would bring the situation to normalcy expeditiously. This did not happen; instead, the opposition tightened their seige of the city. The Commander of LDF, the Commissioner of Police and some government ministers respectively promised the same, but all these promises came to nought. Instead, the situation deteriorated after each promise culminating in mid-August and early September with the confiscation of government vehicles, closure of government offices, parliament, parastatal and private businesses, and the state run radio.

It was in the midst of this state of total anarchy that on the 10/1<sup>th</sup> September that Radio Lesotho announced the rather puzzling statement that: "We, the Lesotho Defence Force, are telling the nation and the world they [sic] should not be disturbed by what is happening. (The Star, 4 September, 1998) This statement, we now know, followed the arrest and detention of 28 senior LDF officers, including its commander, Lieutenant-General Mosakeng by junior officers.

Mosakeng was to announce the dismissal of those detained officers as well as his own on the 11<sup>th</sup> September, 1998. (Radio Lesotho broadcast 11 September, 1998).

These repetitive actions of the military reminiscent of those of 1991 and 1993 when junior officers of the military successfully forced the resignation of Major-General Lekhanya, then Chairman of the Military Council and commander of RLDF and Brigadier Kopo, then deputy commander of RLDF, Colonels Moeko, Khemi and Lehloma respectively were coming at a time when it was clear that the LCD government enjoyed no support of the LDF, quite understandably, interpreted by the government as a coup plot. (Matlosa, 1998:495) Deputy Prime Minister Maope had, on the 10<sup>th</sup> September sounded an alarm over the national radio that "we have something like a coup in the kingdom". This was significant coming as it did from someone who had worked under the military and had seen how they stage coups. In the event, Prime Minister Mosisili invited the SADC forces led by South African National Defence Force (SANDF) and Botswana Defence Force (BDF) to support his government because "...The mutiny in the LDF is taking root...[and] in this instance, we have a coup on our hands."(Mail & Guardian 16 September, 1998)

This SADC intervention forces, as we now know, brought untold suffering to Basotho in terms of precious lives lost, injuries sustained, total destruction of the business districts of Maseru, Mafeteng and Mochale's Hoek and the resultant loss of jobs, loss of national political and territorial integrity and enormous polarisation and hatred among Basotho.

The role of the military in this political crisis has triggered a lot of controversy. Two schools of thought have been advanced to explain the LDF's role in the crisis. The first school argues that ".....the BNP in its 27 years of rule had entrenched itself especially in the military such that successive governments had a legitimacy crises" (Molomo, 1999:5). In this crisis, therefore, LDF was on the side of the opposition parties. They point out that since the 4 August until the 22 September, when Maseru was under siege, and the LCD government was virtually paralysed, the LDF did nothing. They further point out that on the 3 September, for example, when the police attempted to disperse

the opposition members camped at the Palace gates, automatic gunfire was exchanged with members of the LDF on duty at the Palace. One activist was killed while twelve others were injured (Mohlanka, 11 September 1998)

The second school argues that the indifference/reluctancy/hesitancy of the LDF was proof of a patriotic military which refused to be used "to butcher one of their own" on behalf of a party which had fraudulently won the election and had formed an illegal government.(anonymous).

It seems obvious from the contention of the two schools of thought that the LDF has failed to justify the rationale for its formation and existence namely, "the prevention and suppression of internal disorder and maintenance of law and order and prevention of crime" during the August and September 1998 political crisis. We say so because of the following reasons. First, the Sixth National Development Plan (1996/1997 - 1998/99:243) in paragraph 17.64, section (ii) and (iii), spells out in very clear terms the objectives of the LDF as: "providing military assistance to the civil authorities in the maintenance of internal security, when requested by government; and providing military assistance to the civil authorities in the maintenance of essential services" Second, under the provisions of Section 5, subsections (b) (ii) and (c) of Lesotho Defence Force Act, (1996:869) "the Defence Force shall be employed... in the prevention or suppression of internal disorder and the maintenance of law and order and prevention of crime." Third, the constitution under Section 146(1) defines, in a very specific way, the function of the Defence as that of maintaining internal security and the defence of Lesotho. Fourth. Justice Maqutu (1995:2) is more forthright:

The maintenance of law and order, protection of lives and property and to govern the country are the principle duties of Government. It is clear therefore that the Defence Force, Police Force and the National Security Services are the arms of Government.

In summary, only two of the four organising principles proffered by Hutchful, namely, the economic sustainability of the military establishment and military efficiency appear to have largely been fulfilled. The enormous financial resources allocated to LDF over the past four years speak for themselves.

LDF's efficiency has also been tested and found to be good, judging by the quelling of the February 1997 police mutiny. What remains unfinished are the democratic subordination of the LDF as well as military institutional stability as the events of August and September once again showed.

### **Conclusion**

Against the background of persistent interference/dabbling in politics by the LDF in spite of attempts by post-military governments to keep it out of politics and the absolute need of a non-partisan military if democracy is to take root and prosper in Lesotho, it is imperative that "professional and politically correct armies in the service of democratically-elected governments ought to be encouraged and supported...." (Chege, 1995:15). To this end, the Lesotho Defence Force Act of 1996 which provides the legal framework for democratic civil military relations must be strictly adhered to. It draws a distinction between the respective powers of the military and civilian leadership; it offers normative guidelines for military professionalism; and it confers on Parliament a significant role regulating the military and defence policy.

However, the Lesotho Defence Force Act does not, and cannot, guarantee that civil-military relations will in fact be stable and consistent with democracy because civilian control is a process. The extent to which this goal is achieved, depends on the following factors in no order of priority:

- The acceptance by LDF of the primacy of civilian authority and the rule of law.
- Civilian authority must be accepted by all the country's political leadership and the general populace.
- The forging of a common loyalty and discipline among all members of the LDF.
- The LDF mission statement must be incalculated in the minds of all members of LDF. (Annual Report 1997/98:16).

Civilian authority must be supported by all organs of civil society.

Finally, on a more controversial note, the need for a defence force for a country totally surrounded by another country small, economically dependent and very poor needs to be revisited and widely debated.

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