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THE ASSASSINATION OF MILITARY COMMANDERS IN LESOTHO: TRIGGERS AND REACTIONS

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Abstract

This article investigates civil-military relations (CMR) in Lesotho and its impact on political and security stability. The nature of CMR is unmasked by tracing the evolution of the Lesotho Defence Force (LDF) and the history of its politicisation. The assassinations of LDF commanders, Lt-Gen Maaparankoe Mahao in 2015 and Lt-Gen Khoantle Motšomotšo in 2017, respectively, by members from within their ranks, are explored to illustrate how the undue involvement of the military in politics has contributed to instability in Lesotho. Other triggers contributing to the unstable situation are highlighted. The enquiry of this article is not only about the nature of CMR but how the regional body, the Southern African Development Community (SADC) has sought to intervene in Lesotho with the aim of firstly stabilising the politics and security of the country. SADC's other aim has been the facilitating of security sector reforms that will, amongst other things, configure CMR such that the armed forces are accountable to civilian authority and they do not meddle in political contest.

Keywords: Civil-military relations (CMR), Security Sector Reform (SSR), Lesotho Defence Force (LDF), Southern African Development Community (SADC).

Slutelwoorde: Burgerlik-militêre verhoudings (CMR); Sekuriteitsektor-vormings (SSR); Lesotho Verdedigingsmag (LDF); Suider-Afrikaanse Ontwikkelingsgemeenskap (SADC).

1. INTRODUCTION

Broadly speaking, civil-military relations (CMR) relates to the relationship between national military organisations and civil societies as a whole. A narrower definition of the concept describes the relationship between the national military organisation and the civil authority (government) within a given society.¹ The use of the concept of CMR can be traced back to Tzu² and Clausewitz³ who both express the view that military organisations should remain servants of the state. Indeed, most other studies of CMR conclude that civilian control of the military is the most desirable arrangement and the only issues of contention on the matter are about how civilian control of the military should be established and maintained. The civilian control doctrine of CMR has found greater resonance with the wave of democratisation on the African continent and is lauded as the vehicle through which military institutions can be part of the good governance agenda.⁴

Despite this broad agreement that the military should be subject to civilian control, the principle has eluded Lesotho for many years. Since the eve of independence from Britain in 1966, and through much of the post-colonial period, contestants for political power have perceived the army as a tool to be employed against rivals. The Lesotho Defence Force (LDF) remains politicised. The only period of relative stability in relations between the government and the army was between 1965 and 1970. Matlosa and Pule contend that it was during this period of relative calm that seeds were sown for future instability through patronage and politicisation of the armed forces.⁵ The undue involvement of the army in politics has resulted in security instability in the country with some notable occurrences. For as long as the armed forces have been politicised, the Lesotho government and civil society have been engaged in debate about how to reconfigure CMR and professionalise the army.

Some of the efforts towards reforms of the military and the security sector as a whole have been bolstered by external assistance. The Southern African Development Community (SADC) has intervened in the country with boots on the

1 I Wogu, and J Ibieta, "Civil military relations and leadership crisis in the 21st century: An Inquiry", International Journal of Innovative Social Sciences and Humanities Research, Vol. 2 (1), 2013, p. 48.

2 S Tzu, *The art of war* (Oxford: Oxford University Press, 1971).

3 C Clausewitz, *On war* (Princeton: Princeton University Press, 1989).

4 S. Naidoo, "The role of the military in democratic governance in Africa: The need to institutionalise civil-military Relations". In: C Henricks (ed.), *From state security to human security in Southern Africa-Policy research and capacity building challenges*, (Pretoria: *ISS Monographs Series* 122, 2006), p. 33.

5 K Matlosa and N Pule, "Civil-military relations in Lesotho 1966-1998. Problems and Prospects". In: R. Williams and G Cawthra (eds.), *Ourselves to know: Civil military relations and defence transformation in Southern Africa*, (Pretoria: ISS, 2003), p. 39.

ground to ensure stability in times of security crises through various strategies such as “Operation Boleas”, as well as with training and capacity building programmes such as “Operation Maluti” aimed at professionalising the LDF. In 2000, the Institute for Security Studies (ISS) organised and hosted a three-day dialogue workshop on CMR in Lesotho, aimed at professionalising the LDF. From 2001, under an agreement with the government of India, an Indian Army Training Team (IATT) spent two years training the LDF. Other countries including Botswana, Britain, China, South Africa, Zambia, and Zimbabwe, helped in contributing to professionalise the LDF. International organisations such as the United Nations Development Programme (UNDP) and the Red Cross offered to provide technical assistance aimed at promoting the respect for constitutionalism, human rights and submission to civilian authority.

Despite these interventions, Lesotho continues to experience periodic political and security crises, largely because of the LDF’s involvement in politics and its non-subscription to the doctrine of civilian control of the armed forces. The assassinations of LDF Commanders, Maaparankoe Mahao and Khoantle Motšomotšo in 2015 and 2017, respectively, significantly highlighted the CMR crisis in Lesotho. SADC intervention, in response to both these assassinations has provided detail of the crisis in a manner helpful to creating possible solutions. This article therefore, after capturing a brief history of CMR in Lesotho, explores the reasons behind the killing of the Commanders in an effort to unmask the CMR challenges and propose policy prospects.

2. CIVIL-MILITARY RELATIONS IN LESOTHO

From inception as a paramilitary force in the 1960s, Lesotho’s armed forces have always played a significant role in politics. Leeman argues that the first post-independence ruling party, the Basotho National Party (BNP), to maintain power when its legitimacy waned, relied upon the army.⁶ Sixishe concurs and adds that the armed forces were used to intimidate opposition parties that were dissenting THE BNP’s hold on power.⁷ The force was initially a paramilitary police outfit called the Police Mobile Unit (PMU), transforming into the Lesotho Paramilitary Force in the 1980s, before it was elevated to a defence force called the LDF. From the time the PMU propped up Dr Leabua Jonathan’s position as Prime Minister until the establishment of the LDF, the armed forces had become highly politicised, particularly due to the role they had played in securing political power.

6 B. Leeman, *Lesotho and the struggle for Azania*, Vol. 1, (London, 1985), p. 128.

7 D.T. Sixishe, *But give him an army too: Leabua Jonathan – A Biography*, (Maseru, Mokorotlo Publications, 1984), p. 42.

The involvement of the PMU in Lesotho politics became evident from the 1970s when the BNP lost the elections and Leabua Jonathan declared a 'Qomatsi' (state of emergency) and what he called a five-year holiday from politics.⁸ He achieved the unconstitutional stay in office through the help of the PMU. After the 1970 *coup*, the BNP government exercised stringent control over the armed forces and shaped the military to serve its own political ends. Recruitment into the army was done along political party lines; therefore, the institution owed its allegiance to the BNP and not to the constitution of the country.⁹ One of Leabua Jonathan's legacies was introducing the military to politics. To some extent, he made the military aware of its power as king maker and this strength was later perfected by future military leaders and politicians.

The 1986 *coup* provides another example of how the army's involvement in politics has contributed to political instability in Lesotho. On 20 January 1986 the Lesotho paramilitary force, led by Maj. Gen. Metsing Lekhanya, deposed Leabua Jonathan's government. Not long thereafter, the ruling Military Council entrenched its authority and banned all political activities. The military was enjoying power and was reluctant to lead the country to a democratic dispensation in the shortest possible time. In mobilising credibility for the Military Council, Lekhanya established amicable relations with King Moshoeshoe II and this arrangement became known as "military-monarchy alliance". In 1987, Moshoeshoe II gave the army the Knight Commander of the Most Dignified Order of Moshoeshoe and the armed forces changed their title to Royal Lesotho Defence Force.¹⁰ The military-monarchy marriage did not last long as the parties differed, especially on foreign relations with the then apartheid South Africa. In 1993, the country held elections after twenty years of military rule and the Basotho Congress Party (BCP), led by Dr Ntsu Mokhehle, won. Given that at the time the army had an adversarial relationship with the BCP leadership, they rebelled against the new government, citing a wage dispute. However, it later emerged that the rebellion was more about the rejection of BCP rule than it was about the issue of salaries.

In 1996, the Lesotho Parliament amended the Constitution with the purpose of providing a more effective and efficient governance machinery for the LDF. The amendments outline the structure of the LDF, organisation, administration and discipline. They also prescribe that the army should be apolitical and accountable to civilian authority.¹¹ These objectives were, however, not sustained. In their

8 S. Gill, *A short history of Lesotho*, (Morija, National University of Lesotho, 1993), p. 221.

9 K. Matlosa, "From a destabilising factor to a depoliticised and professional force: The military in Lesotho", p. 92. Retrieved from <http://issafrica.s3.amazonaws.com/site>, 20 April 2018.

10 T. Mothibe, "The rise and fall of military monarch power sharing", *Africa Insight*, Vol. 20(4), 1990, p. 69.

11 Matlosa, "From a destabilising factor to a depoliticised and professional force ...", p. 86.

quest for power, Lesotho politicians continue to involve the armed forces in politics, with the resultant effect being the militarisation of the country.

On 23 May 1998, Basotho went to the polls and the LCD, under the leadership of Phakalitha Mosisili, won the elections. A clique of opposition parties including the BNP, the Marematlou Freedom Party (MFP) and the BCP disputed the election outcome and brought the country to a state of paralysis. Mosisili appealed for SADC assistance after reporting that the army had taken sides and was supporting the opposition. SADC responded through Operation Boleas in which the South African Defence Force (SANDF) and the Botswana Defence Force (BDF) were deployed. The situation was restored to normalcy with casualties on both sides.¹² Once again, the army failed to uphold its constitutional responsibility and instead acted with partiality.

The soliciting of army support by politicians was aptly captured by Principal Chief of Thaba Bosiu, Khoabane Theko in 2016 when he indicated that Lesotho had a sore history of politicians who always when they come to power, demanded allegiance from the army. He further stated that the tendency was not limited to governing parties but that all politicians solicit military support. According to Theko,

“Actually you could see that politicians think they cannot do anything if they do not have backup from the army and this has resulted in a politicised army.”¹³

Sharing similar sentiments with Khoabane is Dimpho Motsamai, Researcher at the Institute of Security Studies (ISS), that,

“The military’s involvement in Lesotho politics is still an aberration and symptomatic of a malfunctioning political system. It also underlined the inevitability of the politicisation of security institutions because the security forces have been drawn into high-level political disputes.”¹⁴

3. CIVIL-MILITARY RELATIONS AS CAUSE FOR ASSASSINATIONS

Prior to the 2012 elections, Prime Minister Mosisili appointed Lt-Gen. Tlali Kamoli as the Commander of the LDF. The strangeness of this appointment was that

12 M. Pherudi, “Operation Boleas under microscope, 1998-1999”, *Journal for Contemporary History*, Vol. 28(1), June 2003, p. 124.

13 K. Boloetse, “King rebukes politicians”, *Public Eye*, Vol. 20(37), 15-21 September 2017, p. 1.

14 D. Motsamai, “Elections in a time of instability: Challenges for Lesotho beyond the 2015 poll”, *Southern Africa Report*, Issue 3, April 2015, pp. 12-13.

Mosisili was perfectly aware that an election was looming, and the appointment should have waited for a new government to be installed after the elections. It was clear that Kamoli paid allegiance to Mosisili as a political leader and that the latter had promoted the former to ensure political survival. Mosisili lost the 2012 election to Dr Thomas Thabane, who became the Prime Minister of the first coalition government in the country comprising: All Basotho Convention (ABC), Lesotho Congress for Democracy (LCD) and the BNP

Two years after Thabane ascended to the premiership, animosity grew between Kamoli and another officer, then Brig-Gen Maaparankoe Mahao, ostensibly due to differences emanating from the political sphere. Kamoli instituted a court martial against Mahao, which was ultimately squashed by Thabane, with stiff resistance from the LDF command. When the court martial failed to achieve his objective, Kamoli hatched up another plot which involved allegations of a mutiny by a group of soldiers and implicated Mahao as leader. Based on these allegations, the LDF embarked on an operation marked by a reign of terror, which resulted in some 23 soldiers being arrested, tortured and detained at Maseru Maximum Security Prison. (They were acquitted on 18 December 2017.) Although the 2015 SADC Commission of Inquiry had concluded that there is no evidence of such a mutiny, the same mutiny was used by the Kamoli faction within the LDF to assassinate Mahao.

By August 2014, the differences between Kamoli and Thabane had become irreconcilable. Thabane then dismissed Kamoli, promoted Mahao to Lt-Gen., and appointed him Commander of LDF. Kamoli defied the Prime Minister's authority and refused to vacate office of Commander. On 30 August 2014, the LDF staged an abortive *coup*, which resulted in Thabane, Mahao, Chief Thesele Maseribane, who was Minister of Sport, Gender and Recreation, and Khothatso Tšooana, who was the Commissioner of Police fleeing to South Africa only to return under the protection of the South African Police Service.

Seeing the rise of instability in the country, the SADC appointed Cyril Ramaphosa, then Deputy President of South Africa, as the Facilitator to Lesotho to support the country towards stability. Through the facilitation process, Basotho opted to hold snap elections in 2015. These elections returned Mosisili to office. Upon assuming the reins of power as Prime Minister in March 2015, Mosisili extended his gratitude to the military, especially Kamoli, for ensuring that he was back in power.¹⁵ This was quite peculiar, as Mosisili was elected into power by Basotho voters and not installed by the LDF through a military *coup*. This reflected the relations existing between government and the LDF. One was used as a mechanism for ascending power, while the LDF militarised the country.

15 K Matlosa, "Understanding political crisis of Lesotho's post 2015 elections". In: M. Thabane (ed), *Towards an Anatomy of Persistent Political Instability in Lesotho, 1966-2016*, (Moriya: National University of Lesotho, 2017), p. 148.

One of Mosisili's first political actions was to dismiss Mahao as Commander of the LDF and demote him to the rank of Brig.-Gen. while reappointing Kamoli as Commander. He contended that Thabane's dismissal of Kamoli was illegal, as, amongst other things, he did not afford him a proper hearing. The government gazettes issued to communicate these terminations and appointment were certified by the King. It is due to the provision of the Lesotho Defence Act that the King appoints the Commander of the LDF at the advice of the Prime Minister. In practice, however, the King has no choice but to act in the manner advised by the Prime Minister. In practice, politicians maintain the power to appoint the heads of the armed forces. The debate about who should appoint the commander of the LDF has been one of the contentious issues concerning the Lesotho CMR debate.

Mosisili's re-appointment of Kamoli intensified a CMR regime characterised by the politicisation of the military and the militarisation of politics. The politics of vengeance emboldened Kamoli's iron fist to deal ruthlessly with his opponents, both inside and outside the army, mostly using the elite force within the LDF, known as the Special Forces, under the leadership of Col. Tefo Hashatsi. The LDF took an interest in the functioning of government and persons who occupied positions in it. The nature of the CMR meant that those who challenged the government, by proxy also challenged the military. Therefore, the politicians and army officers supported and protected each other to entrench their stay in power.

However, Mosisili's tenure of premiership was not to last, as he lost a motion of no confidence in Parliament in March 2017. To save his position, Mosisili advised King Letsie III to dissolve parliament and call for a snap election. After the 2017 elections, Thabane became the Prime Minister again after forming a coalition of four political parties comprising ABC, BNP, Reformed Congress of Lesotho (RCL), led by Mrs Keketso Rantso, and Alliance for Democrats (AD), led by Mr Monyane Moleleki.

When Thabane took over as Prime Minister in 2017, Kamoli had resigned from being Commander of the LDF, due to pressure exerted by SADC in the Lesotho government for him to vacate office. Lt-Gen. Khoantle Motšomotošo was the Commander of the LDF and cooperated with Thabane's government in efforts to bring to book LDF personnel who had acted extra-legally, especially in connivance with politicians. This was to prove a difficult and ultimately fatal task because the LDF ranks had many of Kamoli's allies.

4. ASSASSINATIONS OF LDF COMMANDERS

4.1 Maaparankoe Mahao

With all plots having failed to get rid of Mahao out of the LDF, on 25 June 2015, he was assassinated by members of LDF. According to the post-mortem, Mahao died from eleven gunshot wounds “caused by high-velocity military type weapons”, which resulted in blood loss.¹⁶ By the time of his assassination, it was no secret that Kamoli’s faction was following Mahao on a daily basis. On 30 August 2014 Mahao was attacked by the army at his home in Koalabata, Maseru but survived while his property was destroyed (house, cars and one of his dogs was killed).¹⁷ During the SADC Commission of Inquiry, Mahao’s wife attested to the fact that her husband had identified one of the voices of his attackers as that of Col. Bulane Sechele.¹⁸

The LDF members who killed Mahao claimed that he was resisting arrest; a version that the Mahao family vehemently rejected based on the account given by a nephew who was with him at the time. According to the nephew, Mahao had surrendered and thrown his hands as soon as one of the three LDF vehicles blocked his way, but they fired anyway.¹⁹ The nephew also reported that after the shooting, one of the soldiers made a phone call and reported their success, possibly to their superiors,

“Re mo fumane. Re mo thuntse. Ke na le Sajene Majara.”²⁰
(We found him. We shot him. I am with Sergeant Majara).

Mahao was perceived as the enemy of both the government and the LDF and assassination was considered the best option to eliminate him. It can also be argued that the involvement of high ranking officers of the LDF, as the foot soldiers in the operation, indicated its political importance.

According to the testimony before the SADC Commission of Inquiry, there had been a number of overt threats against Mahao’s life coming from within the ranks of the LDF. Mahao’s widow confirmed that there had been a number of

16 K. Mohloboli, “Mahao autopsy revealed”, *Lesotho Times*, 17 December 2015. Retrieved from <http://lestimes.com/mahao-autopsy-revealed/>, 24 March 2017.

17 M. Pherudi, *Governance and democracy in Lesotho: Challenges faced by SADC intervention, 2007-2015*, (Pretoria: Preflight Books, 2016), pp. 239-240.

18 Report of SADC Commission of Inquiry into the circumstances surrounding the death of Brigadier Maaparankoe Mahao, 10 November 2015, p. 27-30.

19 D Ambrose “Assassination of Maaparankoe Mahao on 25 June 2015”, *Summary of events in Lesotho*, Vol. 22 (2), Second Quarter 2015, p. 32.

20 M Rupa, “Regional intervention in fragile African states: Comparative case studies in South Sudan and Lesotho – Any lessons learned?”, *Journal of the African-Centred Solutions in Peace and Security*, Vol. 1(1), 2016, p. 17.

warnings to the family that Mahao's life was in danger one of these being theft of ammunition from the LDF armoury. Mrs Mahao indicated that her husband had received a warning that he was going to be killed and advised to leave the country. She also gave an account of the attacks on their family residence at about 04h00 on 30 August 2014, including the damages incurred on their property and vehicles.²¹ The consistent and persistent threat on Mahao's life was finally accomplished when he was shot and killed on 25 June 2015.

4.2 Khoantle Motšomotšo

On 1 December 2016, Kamoli resigned, due to local and international pressure and Lt-Gen. Khoantle Motšomotšo succeeded him as the Commander of the LDF. From the beginning, Motšomotšo seemed determined to bring the army under the control of the civilian government. After assuming office, Motšomotšo's was mandated to implement the recommendations of a SADC commission of inquiry, which included the apprehension of soldiers who had committed various crimes.²² He impressed upon all members of the LDF his intention to honour Lesotho's commitment to the SADC to implement the commission's recommendations and it became apparent from that point that those fingered by the commission would offer him no support. Despite discontent from members allied to Kamoli, Motšomotšo cooperated with the LMPS and handed over some LDF members implicated in various criminal activities to account.

On 5 September 2017, Sechele and Hashatsi assassinated Motšomotšo. On that fateful day, the two headed to Motšomotšo's office at Ratjomose Barracks and accused him of selling them out to the police. The commander offered the explanation that the handing over of LDF members to the police was because of the SADC mandate to investigate all soldiers implicated in criminal activity. Not being satisfied with the response, Sechele fatally shot Motšomotšo, who died immediately on the scene.²³ While the two officers rushed out to flee the place, the bodyguards who were at the commander's office shot at them. Between the two officers, Sechele was found with two guns and two hand grenades while Hashatsi was found with one hand grenade.²⁴ While Sechele died on the scene, Hashatsi died later at the hospital.²⁵ Both Sechele and Hashatsi were aware that a net was closing in on them for the criminal activities they committed prior to the 2017 snap elections.

21 *Ibid.*

22 M Latela, "Motšomotšo burial on Thursday", *Informative*, 12 September 2017. Retrieved from <http://informativenews.co.ls/2017/09/12/motsomotso-burial-on-thursday/>, 16 September 2017.

23 N Muzofa, "How Motšomotšo was killed", *Lesotho Times*, 7-13 September 2017, Vol. 10(23), p. 2.

24 *Lesotho Times*, Vol. 10(25), 21-27 September 2017, p. 2

25 *SABC-Matshohlo Programme*, "Lesotho breaking news", 6 September 2017.

It is quite clear that a major trigger for Motšomotšo's assassination was his acceptance of the principle of subjecting the army to civilian control. Secondly, he presented an existential threat to those who had been found to play a role in the commission of crimes, including Mahao's assassination and the killing of other persons who were perceived to be political opponents. A senior member of the LDF, Brigadier Ramanka Mokaloba said, Motšomotšo was killed because he could not back down on his plan to implement the SADC commission recommendations. He argued that those who killed him were exerting pressure on him to undo that decision.²⁶

Additionally, a day before Motšomotšo was murdered, he had released several officers who had gone beyond retirement age. Some of the names on that list were known to have been very active members of the militia who faced criminal prosecution. Terminating their contracts sent a clear message that Motšomotšo was on a different route from that of his predecessor, of protecting the criminal elements within the LDF. According to Lesotho political commentator, Sejanamane, Motšomotšo was not regarded as a strong person, but he had been relatively fine since the elections because he had not resisted the government. This may explain why his fellow officers targeted Motšomotšo. They knew their fate was sealed and that they could not take over government, but they could kill and assassinate.²⁷ Those involved in the killing of Motšomotšo were the same people who were instrumental in the chaos of 2014 and the assassination of Mahao.

5. SADC INTERVENTION IN LESOTHO

In response to the declining security situation in Lesotho, the SADC held a Double Troika Extraordinary Summit on 3 July 2015 in Pretoria, South Africa. The summit took a number of decisions, but key among them was the urgent establishment of a Commission of Inquiry into the circumstances surrounding Mahao's death.²⁸ The setting up of the commission of inquiry was in response to Mosisili's request to the SADC. According to Mosisili, the reasons his government asked for SADC assistance was not that they could not set up a commission, but that they wanted it to be independent, impartial, transparent, thorough, non-partisan, objective, professional and apolitical.²⁹ Although Mosisili had said that he did not

26 "Army hunts soldiers", *The Post*, 3(41), 14-20 September 2017, p. 2.

27 M Sejanamane, "Murder, politicians and rebellious soldiers", 12 September 2017. Retrieved from <<https://lesothoanalysis.com/2017/09/12/440/https://lesothoanalysis.com/2017/09/12/440/>>, 21 September 2017.

28 Communique of the Extraordinary Summit of Double Troika, Pretoria, 3 July 2015.

29 Speech by the Right Honourable the Prime Minister, Dr. Pakalitha Mosisili, MP at the tabling of the Phumaphi Commission Report in the National Assembly and Senate, 8 February 2016, p. 2.

want his government to appear biased, he later displayed reluctance to accept the findings of the commission and to implement its recommendations.

Justice Mpathi Phumaphi chaired the commission, and its terms of reference, included, among other things: (i) reviewing of the investigation into the alleged mutiny plot; (ii) investigating Mahao's killing; and (iii) investigating the legality of removal/appointment of Kamoli and Mahao.³⁰ Some members of the Lesotho government mocked the establishment of the SADC commission of inquiry. For example, on 6 July 2015 Monyane Moleleki, who was the Minister of Police said that the findings of the commission would not be prosecutable since the Lesotho Public Inquiries Act of 1994 gave the Prime Minister discretion either to or not implement its recommendations.³¹ Sentiments expressed by Moleleki gave a clear indication that the Mosisili-led government would not hold the killers of Mahao responsible; instead, it would protect them and by implication perpetuate impunity.

The commission began its hearings on 31 August 2015 and collected over 70 oral testimonies. The government's complicity in Mahao's murder became clear for all to see during the proceedings of the commission. All government representatives from the Prime Minister, down to the lowest of the officials, pretended not to know any of the killers. None could explain how the elaborate scheme to hide evidence, including washing of the deceased's body and clothes, could take place in a properly functioning democratic state. They were unable to explain as to why not all the physical evidence was handed to the investigators.³² As a result, the SADC commission terminated the hearings on 21 October 2015, two months earlier than scheduled. The chair of the commission said that the early conclusion of proceedings was because the government and the LDF were uncooperative and had frustrated his attempts to establish the facts on the ground. Phumaphi completed his report in November 2015 and handed it over to the SADC.³³

A major finding of the commission was that evidence showed that Mahao did not resist arrest and that the degree of force used by the LDF members was not commensurate to the danger he posed with his pistol. The commission also noted that some of the LDF members held on mutiny charges were tortured with a view to have them confess and implicate others and therefore concluded that the alleged mutiny might be a fabrication. Mahao was, in similar vein, cleared from having participated in any form of mutiny.³⁴ In light of the findings

30 Pherudi, *Governance and Democracy in Lesotho*, p. 368.

31 <http://the.post.co.ls/mahao-findings-not-prosecutable-moleleki>, on 16 July 2016.

32 Ibid.

33 Report of the SADC Commission, pp. 60-61.

34 M Sejanamane, *Struggle against impunity in Lesotho*, (Morija: National University of Lesotho, 2017), pp. 55-56.

the commission recommended: (i) relieving Kamoli of his LDF command; (ii) all soldiers suspected of murder, high treason and other serious crimes, shielded by the LDF command, be suspended while investigations continue; (iii) all soldiers who had been detained and charged for mutiny be given amnesty, since there was no substance to charges of mutiny.³⁵

The commission's report was tabled at a SADC Double Troika Summit on 18 January 2016 and the summit urged the government of Lesotho to implement its recommendations. Given the adverse findings against the army command, the Lesotho Government reacted to the commission's report with much reluctance. At the Summit, Mosisili refused to accept the report because there was a matter before the Lesotho courts seeking to nullify the commission. After being threatened with suspension from the SADC, on 19 February 2016, Mosisili accepted the commission's report and agreed to publish it and implement its recommendations. Upon his return from the summit, Mosisili declared that he had decided to accept the report only out of courtesy, but would not be forced to implement all its recommendations, explaining that only decisions of the courts are binding while recommendations of a commission are not. After sustained pressure from the SADC, Mosisili tabled the commission's report in Parliament on 8 February 2016 and expressed regret over Mahao's death.³⁶

In his analysis of the situation, Sejanamane, questioned the legitimacy of the government's action to protect murderers of another citizen and articulates that the resistance to implement the commission's recommendations may suggest official sanction of criminality. He also pointed out that the commission's report was binding on the Lesotho Government because of the SADC Treaty and protocols, which clearly spell out that the decisions of the summit, were binding. Lesotho therefore could not violate international law and protect itself with arguments of sovereignty.³⁷

After Motšomotšo's assassination, the SADC Double Troika dispatched a Ministerial Fact-Finding Mission (MFFM) to establish the causes of violent outbreak within the LDF. The mission interacted with several affected parties in Lesotho. On its part, the Lesotho Government made a request that the SADC should deploy a force the size of a battalion to ensure security while the SADC recommendations were being implemented.³⁸ This is because government was aware that the army would not take kind to the prosecution of some of its members. Therefore, as a proactive measure, Thabane requested the SADC military support to suppress any possible rebellion. At the conclusion of its work, the MFFM established that the

35 Ibid.

36 Speech by the Right Honourable Prime Minister, pp. 7-8.

37 Sejanamane, *Struggle against Impunity in Lesotho*, p. 54.

38 Double Troika Summit Annotated Agenda, "Findings of the Ministerial Fact-Finding Mission", Pretoria, 15 September 2017.

former Deputy Prime Minister of Lesotho, whose party was now in opposition, was instigating the army to destabilise government. It was also concluded that Motšomotšo did not enjoy the support of Military Intelligence, a section of the LDF still beholden to Kamoli.³⁹

In addition to the MFFM, the SADC Defence Intelligence Sub-Committee (DISC) conducted a security scan of the country and on 13 September 2017, identified, among other things: (i) lack of trust between security structure and poor control and accountability regarding the use of the arms and ammunition; (ii) high levels of politicisation of Lesotho's security structures as well as the continuing relevance and influence by soldiers, which still had allegiance to the former LDF Command; and (iii) rampant ill-discipline within the army. In light of these observations, the DISC recommended that the SADC should urge the Lesotho Government to prioritise security sector reforms (SSR) and that the LDF should be supported through training, including programmes to re-instil discipline, accountability, command and control.⁴⁰ These recommendations were aimed at professionalising the LDF and improving CMR. Both the MFFM and DISC reports highlighted convergent points on the politicisation of the military and lack of trust between the Thabane led Government and the LDF.

Following the MFFM and DISC assessment missions, the SADC Double Troika Summit met on 15 September 2017 and approved the deployment of a Contingent Force comprising military, security, intelligence and civilian experts to support the Government of Lesotho. The summit also directed the Chiefs of Defence and Security to assess the logistical requirements for deployment by 22 September 2017.⁴¹

Fabricius, a consultant at the ISS, expressed a view that a full battalion of SADC troops deployed in Lesotho could set Thabane at an advantage against LDF renegades. That amount of force presented a potential for enough protection for Thabane to act against members of the LDF who have been effectively running the country for years, killing enemies and committing many other crimes with impunity. According to Fabricius, the LDF had been destabilising Lesotho for decades.⁴² On the other hand Dr Fako Likoti, an analyst and former advisor to Mosisili, argued that,

39 "SADC missions makes shock claims", *Lesotho Times*, 10(25), 21-27 September 2017, p. 4.

40 Ibid.

41 Communiqué of the Double Troika Summit of the SADC Heads of State and Government at OR Tambo Building, Department of International Relations and Cooperation (DIRCO), Pretoria, 15 September 2017.

42 P Fabricius, "Is the SADC at last flexing muscles in Lesotho", *The Daily Monitor*, 10 October 2017, p. 5.

“SADC cannot solve our national problems, only Basotho can do that. ...It is important to give the citizens’ approach another chance for reforms to stabilise Lesotho.”⁴³

Though Likoti argued against perpetual SADC intervention in Lesotho, this view neglects the fact that it was the political leadership of Lesotho, which invited the SADC on a number of occasions. Had the SADC not been invited, it is unlikely that the organisation would impose itself on a sovereign state.

Weisfelder also highlighted that almost all Lesotho’s past and present leaders have, at one time or the other, denounced the SADC, and particularly South African interference, on Lesotho’s sovereignty. Nevertheless, the same leaders have not hesitated to call for assistance when their own power had been threatened; often asking for more extensive engagement than the SADC and South Africa permitted. Since 1986 from Lekhanya, Mokhehle, Mosisili and Thabane, all prime ministers have at some time requested the SADC for support. They have, perhaps unintentionally, drifted into a dependent mindset.⁴⁴ Weisfelder’s observation demonstrates dependence of Lesotho’s political leadership on the SADC, even in order to stay in power.

6. PROSPECTS FOR STABLE CIVIL-MILITARY RELATIONS IN LESOTHO

It is clear that in Lesotho, democracy and good governance have been negatively impacted by the nature of the CMR. Naidoo argues that the classic understating of civil-military relations is about the balance of power between the civilian authority and the military. Therefore, democratic civil-military relations necessitate that the military is subordinated to a democratically elected civilian government and civilian oversight becomes a key aspect of the relationship.⁴⁵

A number of deliberations have taken place in Lesotho about the nature of the CMR and how it can be improved. The recommendations of the three day-dialogue workshop on civil-military relations in Lesotho organised by the ISS in 2000, are still relevant and need to be revisited. These include: (i) the need to build public trust in the military; (ii) the need for a broadly inclusive process informing the security sector reform process; (iii) concerted efforts towards de-politicisation of the military; strengthening the civilian oversight over the military

43 F Likoti, “Citizen’s diplomacy can stabilize Lesotho”, *The Post*, 3(41), 14-20 September 2017, p. 5.

44 R. Weisfelder, “Free elections and political instability in Lesotho”, *Journal of African Elections*, 14(2), 2015, p. 73.

45 Naidoo, p. 36.

and the need for the establishment of a defence and security portfolio committee of Parliament.⁴⁶

In his contribution to the debate on reforming the CMR, Khabele Matlosa, mapped three options that Lesotho can pursue:

- i. Maintaining current arrangements and assuming the problem would go away with time;
- ii. Disbanding the army and integrating it into the police force; and
- iii. Embarking on a process of SSR.⁴⁷

The first option will in no way promote political and security stability as the current manner in which the armed forces relate to the civilian government is a source of militarisation of society and a culture of violence, human rights abuse and impunity.

Regarding the second option, there is indeed need for genuine and serious dialogue as to whether the country needs an army or not. With many episodes of LDF involvement in politics, the question as to whether the existence of the LDF is justified, has been a subject of discussion at many solution-seeking forums. After taking over as the Prime Minister in June 2017, Thabane indicated his intention to neutralise the LDF because its role in destabilising the country since 2014, even if it meant getting rid of it entirely. However, he later reneged and publicly declared that he was not going to dissolve the army.⁴⁸

One of the proponents of the disbanding of the LDF is Dr Tlohane Letsie, Political Science Lecturer at the National University of Lesotho. He argues that Lesotho does not face any external military threat and, as a result, the LDF ends up straddling into the mandate of the police.⁴⁹ The SADC commission report concurred with this view and recommended that Lesotho legislation should make a clearer distinction between the roles of the LDF and the police.

There are a few small states around the world, which do not have standing armies, such as Iceland, Mauritius, Panama, Grenada, and Androssa. However, for Lesotho, the option of integrating the army into the police force is quite controversial and seems politically unviable. The key question in this regard is how could one get rid of an already existing army with the sole monopoly of

46 D Philander, "Security sector reforms in Lesotho: Observations from a three-day dialogue series", *ISS Occasional Paper*, 45, July 2000, pp. 2-3.

47 Matlosa, "Understanding Political Crisis of Lesotho's Post 2015 Elections", pp. 149-150.

48 R Southall, "Why Lesotho is in such a mess and what can be done about it, 20 June 2017. Retrieved from <<https://www.wits.ac.za/news/latest-news/in-their-own-words/2017/2017-06/why-lesotho>>, 18 October 2017.

49 T Letsie, "Lesotho must demilitarise". Paper delivered at Development for Peace and Education, Maseru, 6 April 2017.

violence, without risking its own demise? It would be difficult to sell this option to the political elite and military personnel who have thus far managed the CMR in such a way that it becomes a lever of political power.

The option to embark on the SSR, and the reconfiguring of the CMR holds better promise for stabilising the Lesotho political situation. Basotho seem to be embracing the need for the SSR and the reconfiguration of the CMR as evidenced by government's reforms proposal to a multi-stakeholder dialogue titled "Lesotho we want". The main aim of the reforms should be to establish civilian control of the army, including the exercise of oversight in a manner that will demilitarise politics and depoliticise the military. Key to this is that both politicians and military personnel have to have a clear understanding of their respective roles in a constitutional democracy.

There should be, amongst Lesotho stakeholders, deliberate and thorough discussions about constitutional provisions relating to the role of the military and authorities empowered to appoint its leadership. It would also be helpful for the constitution to prohibit an officer to carry out a manifestly illegal order. This will serve to deter politicians from conniving with army personnel in the commission of crime. There should also be better clarity in legislation, particularly the Lesotho Defence Act, regarding the roles and functions of the LDF. Additionally, parliamentary oversight of the defence sector is crucial in ensuring that the army is managed similar to any other public entity. Therefore, it is essential to afford ample attention to the legal and formal frameworks of a parliamentary authority that provides the critical oversight of the defence sector.⁵⁰ Parliament should assert itself and deliver on its charge to keep oversight of all activities of the LDF and the establishment of a functioning portfolio committee on defence would be a good start.

SADC supports the idea of the SSR in Lesotho and has posited that the reforms should be undertaken by the Basotho themselves including determining the scope of the reforms. The regional body has further committed that it will provide the country with technical assistance where necessary. Therefore, the SADC does not intend to impose itself or its ideas on Lesotho. It is all up to the Basotho to ensure the constructing of a CMR that promotes political stability and the consolidation of democracy.

7. CONCLUSION

The contamination of the CMR started after 1970 when Leabua Jonathan introduced politics in the army. Since then, the military has been directly and indirectly involved in the country's instability. The CMR culture within Lesotho is

50 Naidoo, pp. 35-43.

such that there is limited, if any, control and oversight by the civilian authority over the army. High turnover in political office has exacerbated episodes of violence as sections of the LDF act out of allegiance to particular politicians and not to the constitution. The assassinations of two commanders of the LDF in less than three years serve as examples of the extent to which the politicisation of the military has resulted in instability. Local conflict resolution and management efforts have failed and interventions by external actors such as South Africa, Botswana and Zimbabwe did not succeed

Given the destabilising effect that the current CMR arrangements have had on the political and security situation, maintaining the *status quo* is untenable. Although disbanding the LDF is an option that has potential to quell the security crisis, it would be a hard sell to both politicians and army command. Therefore, the reform of the CMR such that there is civilian control and civilian oversight over the military holds better prospects for stability and democratic consolidation in Lesotho. The idea of reform has gained traction within some sections of civil society and the current government while the SADC has also offered support and technical assistance towards the reforms. If conducted diligently and with sincerity, the reforms may prove to be a lasting remedy to Lesotho's CMR challenges and resultant political and security stability.