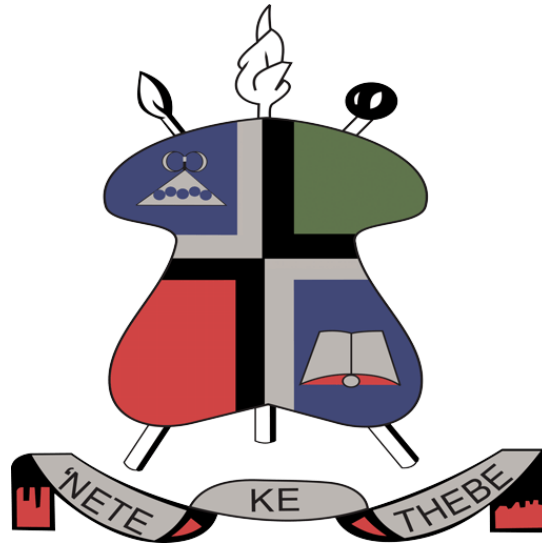# NATIONAL SECURITY POLICY AS A FRAMEWORK FOR STABILITY: ISSUES AND IMPLICATIONS FOR NATIONAL REFORMS PROCESS IN LESOTHO

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A DISSERTATION SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE MASTER OF LAWS (LL. M) FACULTY OF LAW – NATIONAL UNIVERSITY OF LESOTHO

ROMA – LESOTHO

Contents

DECLARATION

I **Mohau Maapesa,** solemnly declare that this mini-dissertation has not been submitted for a qualification in any other institution of higher learning, nor published in any journal, textbook or other media. The contents of this dissertation entirely reflect my own original research, save for where the work or contributions of others has been accordingly acknowledged.

Name: Mohau Maapesa

Signature: m.maapesa

Date: 9th July 2022

Place: Maseru

DEDICATION

This work is dedicated to my daughters for being my silent driving force throughout this journey. You have made me strong by knowing that I have to finish what I started so that you can both be proud of me.

ACKNOWLEDGEMENTS

I am grateful to everyone who has helped me in my struggle to achieve my dream of finalising the research dissertation. I am grateful to my parents for always offering their prayers and words of encouragement, and my sister, who has been nothing but amazing, thank you very much Mosia.

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I also wish to dedicate a special gratitude to my supervisor Dr. Chigowe, for holding my hand throughout this journey and for being a shining light, during the times when I thought it was impossible for me to finalise the work or to meet the required standards. I am really thankful and grateful Dr. Chigowe, I wish all the best in your life.

ABSTRACT

Since obtaining political independence in the year 1965, the Kingdom of Lesotho has been characterised by recurring political instability. Repeated interventions by neighbouring countries and the Southern African Development Community have, unfortunately, failed to guarantee Lesotho lasting peace and security. One of the ingredients that has contributed to Lesotho's instability is the uneasy relationship that has existed between the security sectors themselves, as well as the security sectors and the civilians, particularly political leadership. This has culminated in coup d'états as well as clashes between the leaders of the security sector. This study examines the causes of such security challenges which have rendered Lesotho politically unstable. In particular, the study advances the view that Lesotho has encountered security challenges because it does not have a National Security Policy. The study further argues that the adoption of National Security Policy has the potential of resolving the causes of instability that has come to characterise Lesotho. To address the National Security challenges Lesotho has started a reform process which will lead to the adoption of a National Security Policy. In particular, a draft National Security Policy and Strategy has already been adopted to address the challenges which the country has faced. The study interrogates the National Security Policy draft and the processes that led to its adoption. It argues that the current draft National Security Policy and Strategy has some shortcomings relative to other ideal situations in other countries. If adopted and implemented in its current form, it, (the policy) will hamper its intended objective of ensuring that Lesotho attains sustainable national peace and security. The study recommends that there be a removal of political influence and control within the security sector, as it was revealed in this study that those elements are the biggest contributing factors affecting national peace and security which the country has faced over the years. The study was conducted using qualitative research method, which investigated the literature and legislation on the historical overview of Lesotho political instability. It also looked into the Lesotho proposed reforms towards attaining peace and security for the country. The study also conducted a comparative study on the practices that can be used in Lesotho in order to attain national peace and security through the adoption of a National Security Policy. Through the methods used, the research revealed that an adoption of a National Security Policy can be used as a Security Sector Reform method, however the Policy must abolish all forms of political influence within the security bodies in order for it to achieve the desired results.

ACRONYMS

ABC:	All Basotho Convention
ANC:	African National Congress
ASF:	African Standby Force
AU:	African Union
BCP:	Basotho Congress Party
CADSP:	Common Defence Policy for the African Continent
CGPU:	Child Gender Protection Unit
DC:	Democratic Congress
LCD:	Lesotho Democratic Congress
LCS:	Lesotho Correctional Service
LDF:	Lesotho Defence Force
LMPS:	Lesotho Mounted Police Service
LNSP:	Lesotho National Security Policy
MoD:	Ministry of Defence.
NSD:	National Security Division
NSS:	National Security Services
OAU:	Organisation of African Union
PCA:	Police Complaints Authority
PMU:	Paramilitary Police Unit
SA:	South Africa
SADC:	Southern African Development Community
SSR:	Security Sector Reform

CHAPTER ONE: INTRODUCTION

1.1   Introduction

A country's national stability is based on the methods it uses to secure peace within itself, its neighbouring countries and for its citizens. Previously, human security in the form of food, water and or accommodation used to be a basic necessity to man, but today, security issues have become so important in the existence of humans and societies at large[1] that they are considered amongst the basic needs to the existence of the human nature. Despite this very important factor, it has become difficult to attain sustainable peace and security within nations and within the country of Lesotho. From the time that Lesotho gained Political independence from the British country in the year 1966, the country has been clouded with challenges that hampered it from fully enjoying its political stability and having a sustained economic growth.[2]

The challenges that faced Lesotho after gaining its independence involved the issue contestation of power either during the election period or after the elections. It also included issues of military interference within the political processes and or issues of political impunity. During this period Lesotho also faced a total of four *coup d'états,* of which two resulted in the change of government and two were only regarded as attempted *coup d'états.*[3] The results of this above mentioned actions had a negative effect on the country which included loss of economic prospects, deaths, and political strains which tainted the country's image in the international world.[4]

This research seeks to discuss Lesotho security structures and situations which prevent the country from attaining peace and security. It will look at the initiatives that have been taken by the country to resolve conflict in attempt to have a peaceful nation and discuss the challenges that derailed the success of the initiative. It will further examine the reforms prospects towards sustainable resolution of security issues in Lesotho. In the research, Chapter one will examine the Lesotho Conflict history on its causes and what strategies they have been used up to date to resolve conflict. Chapter two will examine will define National Security Policy and discuss on how it is used as a tool for attaining peace and security within countries. The third chapter will examine in detail the challenges that Lesotho has faced as well as to analyse the security

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[1] TK Feyisa, "The Kingdom of Lesotho conflict insight, peace and security report, institute for peace and security studies" (2019). Vol.1 p.22.

[2] Ibid.

[3] Feyisa (n 1) 22.

[4] Ibid.

laws of the country, and on whether they contribute to the security challenges that the country faces. It will further into the reforms process and how they propose to remedy the challenges the country faces and whether the proposed National Security Policy and Strategy is sufficient to address the challenges faced by the country. The Fourth chapter will make a comparative analysis on the countries that have National Security Policies to look into the best practices for Lesotho. The fifth and final chapter will look into the key findings of the study and propose recommendations for the ideal National Security Policy and Strategy for Lesotho

1.2 Background of the Study

Insecurity in a society, has ripple effects on individuals' human productivity and national economy at large. This is somehow the situational trademark in Lesotho. Since the year 1966 when Lesotho gained her independence, there has been a lot of partisan unsteadiness and safety hurdles experienced by the country. The experienced unsteadiness in the country has been attributed to numerous issues which include amongst others, frail State and governance establishments; leading dominance of the political space; continuous breakage of leader-centred political parties that possessed poor management within it and weak internal democracy; as well as politicisation of security establishments; among others.[5] The discussed issues stated herein run against the ideologies of operative and democratic governance, responsibility to the people, as well as sustainable development. They have in turn gave rise to a situation of prolonged political insecurity, an environment of chaos and abuse of human rights in Lesotho.[6]

The country's political instability as pointed herein is mostly caused by politically motivated conflicts which most of the time involve security agencies. The history of military participation in Lesotho politics goes to the 1970s when the then Prime Minister Chief Jonathan, and leader of the Basotho National Party (BNP), lost the general elections votes and the opposition party Basutoland Congress Party (BCP) came out as victorious.[7] When this happened, Chief Jonathan did not graciously leave the Prime Minister seat, instead he, declared a state of emergency, arrested, detained leaders of the opposition and established a mono-party state.[8] This action set a state of affairs in Lesotho characterised by physical force, tyranny and *de facto*

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[5] Government of the Kingdom of Lesotho, "The Lesotho We Want: Dialogue and Reforms for National Transformation. Vision, Overview roadmap" (2017) P 5.
[6] Ibid.
[7] TH Mothibe, "The military and Democratization in Lesotho, Institute of development studies" (1999) p. 1.
[8] Ibid.

one-party rule that lasted sixteen years.[9] Behind the stated affairs 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 underwriters of civilian power under conditions of civilian authoritarianism and politicians used the military to ensure their survival (politicization of the military)[10].

The country was hit by another profound conflict following the 1998 general elections. On the face of it, the conflict was triggered by the election outcome that had been overwhelmingly won by the Lesotho Congress for Democracy (LCD). However, in analysing the conflict it is contended that the plausible way to explain the battle must be tracing the many and varied unresolved political issues that transcended the election outcome. [11]In his article, Matlosa stated that a serious valuation of the then political conflict submitted that it had historical roots in Lesotho's institutional crisis and constitutional disorder of Lesotho which has ran in the country since independence. In the article he further states that a government without a significant control and authority over the security bodies is bound to eventually become a lame duck or a paper tiger. He further stated that absence of civil control over the security establishment leads to two power blocs, the security organ and the executive organ of the state that constantly contest state power through either concealed or obvious means.[12] He said that the position pointed herein was brutally confronted Lesotho since the 1993 election.[13]

The country was faced with another political instability during the year 2014-2015, which yet again involved the military. In this period political conflict between the All Basotho Convention (ABC) and the Democratic Congress (DC) played itself out in the armed forces over the nomination of the army commander. The then, Prime Minister Mosisili's appointment of the army commander, Lieutenant General Tlali Kamoli on the eve of the 2012 elections led to tensions within the army.[14] The perception was that because his 15-year dominance over Lesotho politics faced stiff competition for the first time, Prime Minister Mosisili was using the appointment to bolster his grip in the army so that he could rule continue ruling. He was accused by opposition parties of using the army to intimidate them. Although Prime Minister,

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[9] Ibid.
[10] Ibid.
[11] K Matlosa, "Conflict and conflict management, Lesotho political crisis after 1998 elections, Lesotho social science review" (1999) 8.
[12] Ibid.
[13] Ibid 12.
[14] UNDP report (n 6) 18.

Mosisili's party went on to receive the largest votes in the elections, it did not get the majority votes and lost power to a coalition government headed by Thomas Thabane's ABC which had received the majority votes in the elections. As new Prime Minister, Thabane replaced the army commander, Lieutenant General Tlali Kamoli with Lieutenant General Maaparankoe Mahao in 2014 but the former resisted and challenged his removal until Mosisili reinstated him following his return to power through a coalition government in 2015.[15] Mahao was demoted by Mosisili to the position of Brigadier and was later accused by LDF Commander of leading a mutiny. These incidences saw the LDF embarking 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. Many other soldiers who were not arrested fled into South Africa and other neighbouring countries and only returned after the 2017 elections.[16]

During all the instances of political instability that the country experienced, there were different intervention measures taken both at the local level and by external members. The recent 2014-2015 of unsteadiness, required the intervention of the Southern African Development Community (SADC), which resulted in the discussion of wide-range of constitutional reforms which were hoped address the challenges the country was facing and to help Lesotho achieving lasting peace and stability.[17]

The constitutional reforms were said to be a process that will help Lesotho to move to a future that is politically steady in order that all of its citizens can easily reach their ambitions; it was seen as a process where all establishments and sectors are endorsed and enabled to excel and are accountable under democratic standards, and are a source of national pride in the way they serve the society.[18] It was seen as a period where all arms of Government would work together and synergistically, a future where people-centred growth is the major preoccupation of the government of the day and a time where people would live in a safe and just society where human rights are fully guaranteed for all. [19] Reforms process marked seven thematic areas as areas of concern, and among them it included security sector reforms. The security reforms focus on the reorganization of the security bodies and the laws that govern them and to remove political power and influence over security bodies so that they cannot be used in political issues

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[15] Ibid.
[16] Ibid.
[17] The Government of Lesotho (n 12) 5.
[18] UNDP report (n 6) 6.
[19] Ibid.

or they on their own be part of political instability. The reforms process is seen as not adequate to achieve all this and to attain ultimate peace and security for Lesotho by the time they are finalised. Security sector reform involves multiple players consequently a great deal of period and effort is devoted in the co-ordination of the procedure. In the light of the background, this study sought to examine the political problems that Lesotho has encountered and analysis whether the proposed security reforms can be able to address the challenges that the country has experienced.[20].

1.3 Research Problem

Lesotho has had a long history of unending internal conflict which involves security sector agencies. These conflicts are due to the interference of the security agencies within the civilians' affairs, especially within the political space. Different interventions have been made to solve the problems, in fact, Lesotho's security problem has been on the Agenda of the Southern Africa Development Community repeatedly. However, all interventions implemented to date have not dealt with the question of absence of National Security Policy. Lesotho remains a country that faces national security threats. According to Global Economy Survey of National security threats in the world, Lesotho ranked number 58 in the list of countries that face security Threats in 2021.[21] Security challenges which the organisation considers include bombings, mutinies, coups, or terrorism.[22] This makes Lesotho's security situation precarious. The Administration of security is haphazard and based on inadequate and fragmented laws which lead to recurring conflicts and security challenges. This therefore calls for Lesotho to adopt a National Security Policy in order to have a consolidated guideline that addresses security challenges in the country.

1.4 Research Questions

The study seeks to answer the following research questions:

1. What are the key reforms milestones that are possibly going to contribute to security reforms in the Lesotho?

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[20] D Philander, "Security sector reform in Lesotho: Observations from a three-day dialogue series" Institute for Security Studies Occasional Pape2000<https://www.theglobaleconomy.com/rankings/security_threats_index> assessed 21 April 2022.
[21] P Jacob and M Dorothy, "Globally, People Point to ISIS and Climate Change as Leading Security Threats"< ISIS and Climate Change Seen as Top Threats Globally | Pew Research Centre> assessed 14 July 2022.
[22]ibid.

2. Can the security sector reforms be regarded as sufficient to attain peace and security for Lesotho?

3. Can the National Security Policy be an important policy instrument in attaining sustainable peace and security in Lesotho?

1.5 Research Objectives

1. To conceptualise the National Security Policy and its relevance to attaining peace and stability in Lesotho.

2. To investigate the adequacy of ongoing security sector reforms towards attaining peace and security in Lesotho,

3. To investigate the importance of a National Security Policy as a strategic framework in attaining sustainable peace and security in a country.

1.6 Hypothesis

If Lesotho continues with the current fragmented administration of security, there will always be national security challenges given that the Constitution and other agency specific laws have not adequately covered security challenges experienced in the country over the years. This dissertation argues that well-coordinated security apparatus predicated on a well-articulated National Security Policy will provide a framework to shield security agencies from being used by civilian political principals to settle their respective political battles. An overarching sectoral policy provides the background and direction for enactment of specific legal instruments that shall be in harmony with each other and ensures uniform implementation by different role-players.

The study herein seeks to look into the proposed Lesotho National Security Policy, whether in its proposed form it can be an answer to the political instability that the country has faced due to its fragmented policy guidance on security issues.

1.7 Significance of the Study

Since Lesotho gained her independence from the British colony, there had always been issues of insecurity which faced the country, and in of identified cases the security challenges were brought by the interference of the military bodies into the political issues. In the different times that Lesotho faces such security challenges, different interventions were undertaken to remedy the situation, but up to date none of the strategies undertaken has yielded positive results in attaining sustainable peace and security for Lesotho.

This study is undertaken to analyse the methods that were undertaken to rectify Lesotho's Security Challenges which it has experienced since it gained its independence. The study proposes that Lesotho adopts a National Security Policy, in order to have a national framework that will address issues of security in a consolidated manner in order to deal with the security challenges experienced by the country. The research will be beneficial to the country as a whole as the adoption of the recommendations made herein will be an answer to what has to be done to achieve sustainable peace and security for Lesotho. The research will also be beneficial to the national security sector as it will also make a recommendation on the steps to make security bodies apolitical. The study is also important in providing fresh empirically based literature on the subject matter of national security in developing countries with Lesotho being used as the case study of inquiry.

1.8 limitations of the study

The study has some limitations in that due to the period assigned to finalise the research it was not possible to conduct interviews. It would have been beneficial and more enlightening to hear the voices of people who have been victims of the security challenges that have been experienced by the country and also to get their views on the best strategies that can be used to remedy the challenges that the country has experienced. The research would also have benefited from the voices of the security bodies personnel, on how the challenges discussed herein affect them or has affected them as people and in the discharge of their duties. Also to get the views of the security personnel and victims of political instability on the adoption and implementation of the National Security Policy by Lesotho. There was also a challenge in gathering material for the dissertation, especially on the issues on National Security Policies. It was difficult to access National Security Policies of countries over different sources, as it seems that they are highly confidential documents, therefore, the write up on the National Security Policies was on the articles written on them not from the actual National Security Policies which made it difficult to make thorough analysis on them.

Although there were challenges faced, the research herein was completed using literature that exists on the issues around Lesotho political instability, which included books, journals and reports. Also as stated that finding the National Security Policies for other countries was a challenge, the research was conducted using articles published around National Security Policies of such countries.

1.9 Literature Review

The security setting in Africa is promptly fluctuating, security pressures that are becoming progressively complex, forceful, tangled, and multifaceted[23]. Above and beyond the altering security threats, the notion of security is disconnecting from state and regime-centric and changing towards human security. Notwithstanding these changing aspects and variations in security landscape, many African countries carry on using outdated methods such as mediations to address the security threats. For Africa and its security leaders to successfully bring maintainable security to their countries, there is a must to change from the business-as-usual tactic to more practical and deliberate methodologies[24]. In providing security in a maintainable way to the people, the orthodox intermediation toolkits such as mediation intervention by different stakeholders or member states, or deployment of security forces adopted by many African countries are ill fitted to address the modern-day security threats facing Africa. Thus, there is a need for new rethinking in the way security is perceived, premeditated, achieved, and brought to the citizens in the existing African security setting.[25] This study endeavours to provide the justification for the new method that frames security in more comprehensive terms and seats citizens at the centre during the process of articulating National Security Policies and Strategies. This study pronounces this new rethinking by going through the fluctuating security pressures and opportunities, the growing concepts of security and approach, the status of present security plans and the new approach for formulating National Security Policy and Strategy in Africa and in Lesotho.

Either by avoidance or strategy, African states have been unsuccessful thus far to find permanent resolutions to security difficulties. Instead for many years, African leaders trusted the international community to resolve conflicts on the continent, notwithstanding its repeated failure to do so successfully. Already at the time of deliverance from colonial rule, the African scholar Ali Mazrui noted: "Pax Africana declared that the peace of Africa is to be guaranteed by the efforts of Africans themselves[26]." Nevertheless, it is only now at the start of the new millennium that Africa is lastly on its way to change ways of dealing with conflicts on the continent. Since the take-off of the African Union (AU) in July 2002, African leaders have

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[23] K. Luka, A, Joele; Rethinking National Security Strategies in Africa, International Relations and Diplomacy, January 2021, Vol. 9. P 1.
[24] Ibid.
[25] Ibid 2.
[26] Golaszinski,U, "Africa's Evolving Security Architecture", 2004,< Mail_Mosambik.PDF (fes.de)>assessed 20 March 2022.

started significant stages headed for the creation of an African security regime for conserving security and handling conflicts that would allow Africa to evade over-reliance on the international community and which seeks to be responsible for African solutions to African problems.[27]

Under the African region, the African Peace and Security is provided and catered for under the African Union security policy, which is a Constitutive Act of the African Union. The preamble of the Act states that the associate states of the Organization of African Unity (OAU) are mindful of the fact that the bane of battles in Africa constitutes a major impairment to the socio-economic growth of the continent and of the need to stimulate peace, security and stability as a requirement for the execution of our growth and incorporation agenda. The need for a shared African defence and security policy is spelt out in Article 3(a) to (h) as well in Article 4(d) of the Act, which calls for the formation of a Common Defence Policy for the African Continent. For the longest time, the African continent focused on national security and believed that it was a way of attaining sustainable peace for its people. However, as time went by, it was seen that human security also plays a vital role in attaining peace and security and lack of it can threaten peace and security. As organizational adjustment became an essential part of the dynamic of calamity in Africa and progressively complex, the financial problems of the continent sharp drops in living values and mass hunger shadowed.

Privatisation, denationalization, and the uncontrolled dependence on market forces habitually compounded the absorption of wealth in a few hands, expanding at a discriminating pace the number of the relegated and omitted. As Ojo[28] perceptively observed, nothing can be a more danger to security than being left out from life supporting financial events. The CHS backs this opinion by noting that prohibiting and denial of whole communities of people from the assistances of development logically add to the strains, violence and struggle within countries.

In 2010, the African region had anticipated that Africa would have a UN-style military force ready to crime squad the continents worry area. The African Standby Force (ASF) was expected to contain five regionally established brigades[29]. During phase 1 (up to June 2005),

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[27] Ibid.

[28] M Abutudu, Human Security in Africa: Challenges and prospects, < 9_Abutudu.pdf (clacso.edu.ar)>assessed 15 March 2022.

[29] T Neethling, "Working towards an African peacekeeping capability: key issues, challenges and dilemmas in Darfur, Scientia Militaria", Vol. 34, (2006) 2.

the AU would progress the capability for the organization of scenarios 1-2 missions, as defined in the Policy Framework for the Establishment of the African Standby Force and the Military Staff Committee of May 2003 (namely, AU/regional military advice to a political mission, and AU/regional observer missions co-deployed with a UN mission).[30] The Southern African Region is also not exempt to the regional clashes and regional rivalry's both at the national and regional level. The region is poised of nine countries which are Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia, and Zimbabwe, and they have and clustered themselves as the Southern African Development Countries (SADC). Most of these countries have not been insusceptible to the challenges of warfare regardless of the arrangement put in place to control concerns of peace and security in the region as well as within their separate countries.

SADC was established in 1992, with the establishing of the SADC Treaty. The organisation originally concentrated on financial integration, but also inherited a defence and security-orientated program after the anti-colonial and anti-apartheid Southern African organisation Frontline States, which was disbanded in 1994[31]. The most significant legal official papers managing SADC's role in peace and security are the Protocol on Politics, Defence and Security Co-operation and the Mutual Defence Pact.[32] The SADC structure for Politics, Defence and Security herein stated to as the Organ is answerable for endorsing peace and security in the region. The Organization came into place in 1996 but continued largely inoperable till 2001 due to differences among SADC member states about the suitable organizational correlation among the Organ and the rest of SADC. Concern around the peril of creating sensitive information available to SADC donors nonetheless stimulated some member states to endorse separation of the Organ from the rest of SADC. [33] Today, the Organ is secondary to the Summit of Heads of States of SADC, the highest policy-making organization of the organisation. Nonetheless, worry about donor participation in SADC peace and security arrangements carry on to affect the efforts of the Organ to this day.[34]

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[30] Ibid.

[31] SADC 2020, "40 Years of SADC: Enhancing Regional Cooperation and Integration", SADC, Gaborone 132.

[32] A Albuquerque and C Wiklund, "Challenges to Peace and Security in Southern Africa"< Challenges to Peace and Security in Southern Africa: The Role of SADC (foi.se)>assessed 2 April 2022.

[33] Ibid.

[34] Ibid 4.

SADC as an organization seems to be less operative is conflict determinations inside a region owing to its political construction, it seems to be more of a medium where county leaders direct policy, rather than an establishment with a partly independent purpose[35]. The Structure accounts to its chair, a head of state, a position that revolves yearly and is managed by a troika of the inward, present, and leaving chair. Much of the effort and course of the Organ is dictated by the interests of the present chair, causing in little stability in its work. SADC's conflict managing and conflict precluding capabilities include a regional early cautioning system, a regional peacekeeping centre and the SADC Standby Force.[36] The SADC Standby Force is observed as one of the most established of the regional standby forces which are planned to make up a fully functioning African Standby Force from 2016. The Organ also has election monitoring and mediation capabilities, including the lately established Mediation Support Unit and a Panel of Elders to act as SADC mediators.[37]

With these measures that have been used since time in memorial to solve conflict within countries, the Lesotho reforms process is a creature of such process which came as a result of the SADC intervention in its political conflicts. It is therefore focused on traditional measures which are often adopted in resolving conflicts, it is therefore seen as likely that even after the reforms process, there will still be likely incidences of conflict which will occur. It is on this basis therefore that Lesotho should on top of the reforms process develop its National Security Policy which will be used as a guide to avoid future conflicts within the country.

Lesotho has been subjected to SADC dispute resolution mechanisms during its internal dispute and this have not provided sustainable peace and security for the country. It will herein be discussed some of the interventions that were carried out and how they played out.

When the country experienced internal conflict after the 1998 elections, which were due to the fragmentation of the political parties the government of Lesotho and opposition parties required intermediation from South Africa to settle down the dispute. The Deputy President of South Africa (SA), Thabo Mbeki, then brought together an auditing team from South Africa, Botswana and Zimbabwe, supervised by a South African High Court Judge, Justice Pius Langa to mediate under the SADC assignment.[38] After carrying out the mission, the SADC

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[35] Ibid.
[36] Albuquerque (n 37) 2.
[37] Ibid.
[38] S Santho," Conflict Management and Post-Conflict Peace Building in Lesotho" 11–13.

commission did not immediately share the findings of their intervention with Lesotho, instead the report was presented to the SADC head of states a situation that led to the Lesotho political parties assuming that the report of the findings of Lesotho had been tempered with and re-written when it was presented to the heads of states before them.[39] This mistrust of the SADC report on its intervention to resolve the country's dispute meant that the existing disputes were not resolved and the country in the same year was faced with instability which also encompassed mutiny in the Lesotho Defence Force (LDF) which broke out in mid-September 1998 at the main army barracks in Maseru. In reaction to the resultant insecurity, the then Prime Minister Pakalitha Mosisili inscribed to the heads of state of Botswana, Mozambique, South Africa and Zimbabwe, inviting military intervention in Lesotho to the on-going country fight. The result which brought armed intervention by a neighbouring state under the patronage of SADC.[40] The analysis of the South-African military intervention was however not seen as for the benefit of the country but it was seen as an in intervention by South-Africa to protect its Lesotho Highlands Water Projects to see that the dams were not destroyed during the political conflicts.[41] Lesotho was again faced with a political crisis which resulted in an attempted military coup in 2014 and this led to SADC intervention force to help stabilise the situation and ensure stability in the country.[42]

The SADC conflict management in Lesotho has made SADC seem to lack conflict management credibility for sustainable peace for Lesotho, as it unable to address main causal issues or aid hold to account for those liable for unlawful behaviour, including killings, in order to deter future conflict in the Country.[43] This therefore means that Lesotho should adopt conflict resolution mechanism that will assist it to deal with conflict and deal with it as a country, hence this research proposes that Lesotho should develop a National Security Policy as a mechanism for conflict resolution to attain sustainable peace and security. The Policy should be developed with Lesotho in mind as a country on its own, and it should adopt strategies that will work to address Lesotho specific problems and not just be a copy of other countries National Security Policies.

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[39] P Thetela, "The Linguistic of Blame in Media Discourse: Language, Ideology and Point of View in Media Reports on the 1998 Lesotho Conflict', Lesotho Social Science Review, Vol.5, No.1, June 1999, 126.

[40] F Likoti, "The 1998 Military Intervention in Lesotho: SADC Peace Mission or Resource War? International peace" 2007 2.

[41] Ibid 4.

[42] L Vaudran, "SADC shouldn't scrap Lesotho from its agenda just yet, Institute for security studies, (2019) p 1.

[43] Ibid.

1.10 Research Methodology

The study will use a qualitative research method.[44] The research will investigate the literature on the history of the instability in Lesotho and the measures which were used to bring peace and security in Lesotho through each political instability the country experienced. It will look into the reforms process that the country has undertaken and analyse if it is a proper measure to be used for attainment of the National Peace and Security. The study will be desktop research. The researcher will rely on primary sources of information such as legislations, constitutions, reports, and policy documents. Secondary sources such as textbooks and journal articles will also be relied on. The research does not involve human or animal experiments or interviews. Therefore, it will not require ethical clearance.

1.11 Chapter Breakdown

The research consists of five chapters. Chapter one provides a general introduction to study. It discusses the background of the study. Importantly, it states the research question which the study intends to investigate and the objectives which it seeks to achieve. After that the chapter outlines research hypothesis as well as the significance and limitations of the study. The chapter also provide a literature review of on national security policies in general as well as the national security situation in Lesotho.

Chapter two will provide a definition of a National Security Policy, how it is developed, the important process it has to undergo as well as its important elements which make it an ideal document that can be used as a national framework to address issues of security within a country.

Chapter three examines in detail the security challenges that Lesotho has faced as well as the security structure of the country in line with the national laws. It also makes an analysis of the laws governing security sector discussing how they are contributing to the challenges that the country has faced. The chapter further discusses the Lesotho reforms process, in terms of the security sector, looking into why it was recommended that Lesotho undertakes the security reforms process and the recommendations made, therefore. The chapter looks closely into the

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[44] H Mohajan, "Qualitative research methodology in social sciences and related studies, Journal of economic development, environment and people" Vol 7, (2018) 1-2. Qualitative research is inductive in nature, it is a method of research that explores meanings and insights in a given situation. It comprises of different methods which includes, logic, discourse analysis, case study, comparative method, historical research and others.

recommendation made on the National Security Policy and Strategy and discusses it on whether it can be an ideal document to answer to the country's security challenges as it stands.

Chapter four undertakes a comparative study between The Republic of South Africa and Zimbabwe as countries that underwent security sector reform and adopted National Security Policies. A discussion will be undertaken on the two Policies to look at their good and negative elements and practices used in their implementation with a new to gaining best practices for Lesotho.

Chapter five will conclude the discussion by looking into key conclusions of the study in line with the study enquiries and objectives of the study and make recommendation on the steps Lesotho should take to ensure that it attains sustainable peace and security.

CHAPTER TWO: CONCEPTUAL FRAMEWORK OF NATIONAL SECURITY POLICY

2.1 Introduction

The previous chapter highlighted the security challenges that Lesotho as a country faced regarding issues of peace and security since it gained independence from the British Colony. It discussed the different methods that were used and deployed by the country as a method of attaining peace and security in the country which all proved to be futile from the discussion.

From the foregoing discussion, it was discussed that Lesotho has engaged in the reforms process as a measure of attaining sustainable peace and security. In the previous discussion, the suggestion was that the country should complement the reforms process in the field of peace and security by developing as well as implementing a National Security Policy as a strategy to strengthen the country's peace and security.

This chapter, therefore, seeks to define National Security Policy, how it is developed, its essential elements which make it to be effective, and the processes that are engaged in order to formulate it and how it is implemented in a country in order to be used as an instrument to accomplish peace and security. The chapter will discuss important elements of the National Security Policy and how it is used as a tool for attaining peace and security in a country.

A nation is a main unit with a distinct land in which a lively humanity exists in and is ruled by an executive power accepted by global institutes.[45] Nations are liable for making openings for people to grow in the socio-cultural territory as well as economic development in the direction of wealth.[46] To achieve this, states have essential bodies, political and administrative, with chosen authority for the purpose. The past has revealed that societies have crumbled from within whenever states became dysfunctional owing to a lack of political ability or economic independence.[47]

Among fundamental essentials which a nation must have is an element of the state of security that it must have within itself and with its neighbours. [48]Though the definition of security is a

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[45]Z Shamisi, "Significance of National Security Policy of Pakistan" Daily Times< Significance of National Security Policy of Pakistan - Daily Times>assessed 1 April 2022.
[46] Ibid.
[47] R Rotberg, "State Failure and State Weakness in a Time of Terror, Brookings Institution Press, World Peace Foundation" (2003) 1.
[48] Ibid 3.

disputed concept an effort to offer a precise meaning might be unproductive as the notion is always fluctuating. Nevertheless, in its simplest usage, security is a state of any state in expressions of threats whether outside, inside, traditional, non-traditional, or changing.[49] In order for a state to deal with threats and attain peace and security, it must have an inclusive National Security Policy, which is a fundamental requirement for national existence.[50]

National Security Policymaking is vital for all states as it is an endless procedure that is founded on the progress, arrangement, and engagement of all fundamentals of national power. Each component of National Security is as vital as the military or economic security is.[51]

2.2 National Security Policy

National Security Policy herein denoted to as (NSP) is an outline for defining how a country runs security inside its country and for its people and is presented as consolidated text.[52] NSP document can be referred to as a plan, tactic, notion, or guideline. NSP has a current and yet to come role, delineating the essential benefits of the nation and setting rules for dealing with present and prospective intimidations and prospects.[53] Normally, NSPs are superior to other subordinate security policies such as military doctrine and the homeland security strategy, which address national security as it concerns specific agencies or issues. It is also distinguished from these other policies by the range of subjects that it addresses, attempting to outline both internal and external threats.[54] Finally, it seeks to incorporate and harmonize the contributions of national security actors in response to the interests and threats deemed most important.

A National Security Policy is considered a director to achievement for the government: it is not law but its application may demand alterations in the lawful framework that administrates security establishment, supervision, and oversight.[55] It provides a chance to apply the values of noble authority to the security sector. It also reflects national securities and values, supremacy constructions and decision-making measures and usually concludes in a long-term

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[49] M Anthony, "An Introduction to non-traditional security studies; A transitional approach "SAGE Publications Ltd, (2015) 5.

[50] The Republic of Philippines, National Security Policy (2011-2016) p 5.

[51] L Retter, "Relations Between Economy and National Security; Analysis and consideration for economic security, RAND Corporation" (2020) 4.

[52] The Republic of Philippines, (54), P. 1.

[53] Ibid.

[54] A Boucher, "National Security Policies and Strategies: A Note on Current Practice Future of Peace Operations Program" Henry L. Stimson Centre (2009) 1.

[55] Ibid.

goal of the country and future human security. A National Security Policy should reveal the point of view of the government in place and other state institutions, as well as those of citizens whose views are sought using democratic image and processes.[56]

As highlighted by United Nations Security Sector Reform Task Force, National Security Policies dealing with both efficiency and answerability are vital for the legality of security institutions and the security of citizens and their human rights.[57] National Security Policies are linked to Security Sector Reform (SSR), they signify strategic entry points for participating in and managing SSR efforts. As National Security Policies are grounded on fundamental national legal documents, the progress of NSPs also offers a chance to review and advance the legal framework of a nation in respect to security issues.[58]

A National Security Policy must endeavour to improve security sector governance which labels how the values of noble governance relate to public security provision.[59] The philosophies of reputable governance are accountability, limpidity, rule of law, involvement, openness, efficiency, and competence.[60] A good Security Sector Governance is hence an ideal standard on how the country security sector should function in a democracy. The security sector is poised the organizations, establishments, and personnel in charge of security provision, supervision, and oversight at national and local levels.[61] Good Security Sector Governance means that the security sector affords state and human security, successfully and accountably, inside a framework of democratic civilian control, rule of law, and respect for human rights. Achieving good Security Sector Governance is thus the objective of security sector reform.[62]

Security Sector Reform is the technical and political process of refining state and human security by creating security establishment, super vision, and oversight more in effect and more answerable, within a framework of democratic civilian control, rule of law, and reverence for

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[56]S Aftergood,S, "The Purpose of National Security Policy" Declassified 2012<The Purpose of National Security Policy, Declassified – Federation Of American Scientists (fas.org)> assessed 7 April 2022.

[57] L. Johnson, "Security Controls Evaluation, Testing, and Assessment Handbook" Second Edition, Syngress (2020) 471.

[58] Ibid 471-536.

[59]Carothers and S Brechenmacher, "Accountability, Transparency, Participation, and Inclusion: A New Development Consensus; Carnegie Endowment for International Peace" (2014) 6.

[60] Ibid.

[61]Geneva centre for security sector governance, Security Sector Integrity,< DCAF - Security Sector integrity> assessed 21 April 2022.

[62] Ibid.

human rights.[63] Security Sector Reform might concentrate on part of or whole of security system, as long as the goal is always to improve both the efficiency and accountability of the national security.[64]

However, as issues of security are interconnected, it appears as fit that the Security Sector Reform centres on the whole security system to evade leaving subjects that may be perilous and making the process useless. This is because Security Sector Reform addresses security glitches and attempts to recover the condition over institutional reforms. Security and peace are understood as a public good[65]. Society as a total, as well as its specific members, profits from growth in security. Security Sector Reform must be assumed as a broad idea, which also concerns a more efficient use of scarce resources to improve security.[66] Democratic, civilian control over security forces is critical for the running of security in the comforts of the population. Democratic resolution making entails transparency and accountability[67]. Thus, the public at large needs to be involved. However, democratisation is no assurance of enhanced security. The fact that democratisation has so often been related with increasing political violence is perhaps no coincidence since it challenges recognized freedoms and raises political anticipation which are not all the time fulfilled[68] . Hence, the core of the Security Sector Reform is the expansion of both effective civil oversight and formation of institutions skilled on providing security [69]which is understood to be achievable when a country uses the National Peace and Security Policy as a tool as a strategy to realize peace and security.

2.3 Elements of National Security Policy

To function well and deliver its envisioned mandate, a National Security Policy must have a proper framework. The framework should detail the main sectoral urgencies and important values,[70] legal basis, and role of key actors in national security policymaking and application[71].

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[63] DCAF (n 18).

[64] Ibid.

[65] H Wul "Security Sector Reform in Developing and Transitional Countries, Berghof Research Centre for Constructive Conflict Management" (2004) 2.

[66] Ibid.

[67] Geneva centre for security sector governance, Democratic Control Over armed forces,< Democratic Control of Armed Forces (ethz.ch)>assessed 21 April 2022.

[68] R Luckham, "Democratic Strategies for Security in Transition and Conflict in Governing Insecurity, Democratic Control of Military and Security Establishments in Transitional Democracies" < Democratic Strategies for Security in Transition and Conflict - GSDRC>assessed 21 April 2022.

[69] Wulf (n21).

[70] Boucher (n 10) 2.

[71] Ibid 3.

It should be grounded upon democratic values and demarcate the association and order between security establishments and civil institutions.[72] The framework should contain a policy procedure for the security sector and found the policy on accountability, involvement, and a culture of inclusivity, with an available process that promise transparency, efficiency, and ownership.[73] The current constitutional framework and supplementary national security legislation should be inspected to guarantee that they outline the fundamental duties of each security actor. The law should also command civilian authority over security institutions and the sequence of command for policy application and force employment decisions,[74] command separation of civil policing and internal defence, and define the values on which security bodies base their actions.[75]

When a National Security Policy contains the basic values, it is taken to possess fundamentals that offer a comprehensive basis for state and human security. One of the most significant benefits of a national security policy can be the shared vision for security that is produced as a result of drafting such a policy.[76] Having a common vision for security enunciated in a National Security Policy endorses reliability in decision-making and helps to highlight among varied interests and objectives. [77]

2.4 Formulation of National Security Policy

Though there are no fast hard rules in the development of a National Security Policy, definite steps must be engaged in order to have a well-formulated NSP that serves its envisioned purpose[78]. The Policy creation procedures must achieve many different and occasionally contradictory goals. Further, procedures must acclimatize to the essentials and interests of the existing leadership and the nation at large[79]. As a result, there is no faultless process. Instead, method strategy includes creating choices among desired objectives[80].

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[72] Ibid.
[73] Ibid.
[74] Ibid.
[75] Ibid.
[76] R Janjua, "National security policy' International the news" (2022), <National security policy (thenews.com.pk)> assessed 24 April 2022.
[77] Ibid.
[78] M Cancian, "Formulating natural security strategy; past and future choices, centre for strategic international studies" (2017) 4.
[79] Ibid.
[80] Ibid.

Certain steps have to be followed in the development of the Policy and amongst others include initiation; consultation and drafting; review and reconciliation; approval and dissemination.[81] The formulation steps are carried out in the following manner.

2.4.1 Initiation

National Security Policy process may be introduced by the executive subsequent to a policy resolution or be maybe a consequence of a legal necessity or the consequence of an evaluation of a preceding policy cycle.[82] The procedure might occur frequently every several years, or at random breaks, as deemed essential by the current government or dictated by law.[83] It is good preparation in planning for a new National Security Policy to start with a feasibility study to decide on the choice and procedure of the policy creation process, assign human and financial resources and raise public consciousness.[84]

2.4.2 Consultation and drafting

The executive generally engages an *ad hoc* committee or tasks an existing body with development consultations and/or drafting the National Security Policy.[85] Specialised security advisory institutions, such as Parliamentary Committees or National Security Councils, may play this role because they benefit from the experience, institutional support, and a security-focused mandate, but independent non-government experts may also be involved.[86] The committee may be accountable for steering meetings and needs valuations, authorizing background papers and external expert studies on significant topics, as well as writing and revising sequential drafts, and reconciling feedback to produce the final version of the policy.[87] Engaging a technically capable and representative drafting committee at an early stage improves the process of the development of a National Security Policy.[88]

2.4.3 Review and reconciliation

A procedure of reconciliation is the concluding part of the drafting procedure, conveying all the contribution from previous drafts and discussions to develop and review a final draft of the

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[81] Ibid.
[82] Cancian (n 30).
[83] Ibid.
[84] Ibid.
[85] L Kuol, "National Security Strategy Development in Africa Toolkit for Drafting and Consultation" Africa Centre for Strategic Studies, (2021) 31.
[86] Ibid.
[87] Kuol (n 35).
[88] Ibid.

National Security Policy.[89] Comprehensive consultation can disclose many diverse views on national security, and it is the role of the drafting committee to synthesize the differing visions into a coherent approach to state security provision for all men, women, girls, and boys as well as the state.[90] This can be attained by distributing initial drafts of the policy during the consultation and drafting process, either internally, publicly, or by both.[91] A two way approach can also help to resolve diverse inputs into national security policy: first, a broad and comprehensive public consultation produces non-binding submissions for the national security policy, and then a government drafting committee can draw on these suggestions in creating and confirming its own draft.[92]

2.4.4 Approval and dissemination

The body that is instructed a draft national security policy must approve the policy before it can be executed.[93] Parliament's legal approval of a national security policy is not required in every political system, but the validity of a National Security Policy always rises if it is willingly accepted by a democratically elected legislature.[94] Parliamentary endorsement of a national security policy also increases public consciousness of the policy, and may be an significant component of a comprehensible strategy for statement and dissemination of the new policy. For these reasons, an executive might willingly submit a new National Security Policy to parliament for deliberation, discussion, modification, or endorsement.[95] Different parliaments have altered roles in National Security Policy-making: in some schemes, parliaments have the power to make fundamental variations to a national security policy before approving it,[96] in other cases, parliaments may only allow for a new policy without creating adjustments, and fairly often parliament has no role at all in approving a new National Security Policy, or does so only at the preference of the executive.[97]

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[89] R Kugler, "Policy analysis in International Security Affairs; new methods for a new era" Centre for Technology and National Security Policy National Defence University, (2006) 12.

[90] Ibid.

[91] Kugler (n 39) 13.

[92] Ibid.

[93] Ibid 14.

[94] Geneva Centre for security sector governance; Roles and responsibilities in good security sector governance, <Parliaments: Roles and Responsibilities in Good Security Sector Governance (ethz.ch)> assessed 21 April 2022.

[95] Ibid.

[96] DCAF (n 44) 3

[97]Ibid.

2.5   Implementation of National Security Policy

It is not regarded as enough for a country to just formulate and have a National Security Policy in place.[98] Following approval of the NSP, distinct security actors are accountable for executing the NSP, which would undoubtedly include comprehensive competence valuations and policy reviews in each activity involved.[99]

Usually, after the approval of the NSP, the involved or concerned security organization may commend on some essential changes which may contain an adaptation of existing policy instruments. This can have consequences for personnel levels, the geographic distribution of resources, procurement policies, and a variety of other instruments.[100] Any secondary policies, such as national defence or military strategies, should be altered to relate to the NSP.

The creation of new policy tools can include oversight committees, inter-departmental working groups, or other mechanisms.[101] On the national level, NSP application can be assisted by the formation of standing groups to monitor the way in which National Security Policy is fulfilled, though some may view this as an obstacle to proficient security decision-making. These groups evaluate NSP in the light of current capabilities and threat assessments. Some countries attribute this task to an established body such as the National Security Council, others foresee regular meetings by an ad hoc interdepartmental review group. Preferably, the monitoring bodies' composition and proceedings follow the same principles of inclusiveness, transparency, debate, and consensus as the NSP review committees. Some monitoring bodies may propose an NSP review to the executive when they deem it necessary.[102]

2.6 Security Sector Reform

The above discussion on the National Security Policy are the steps that countries engage on in order to reform their national security for attaining national Peace and security. Security Sector Reform is a political and technical process of improving state and human security by making security provision, management and oversight more effective and more accountable, within a

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[98] Geneva Centre for security sector reform, "National Security Policy, Security Sector Governance" <National Security Policy (dcaf.ch)> assessed 21 April 2022.
[99] Ibid.
[100] DCAF (n 54).
[101] Ibid.
[102] Ibid.

framework of democratic civilian control, rule of law and respect for human rights.[103] It is a process that concerns all state and non-state actors involved in security provision, management and oversight and it emphasis the links between their roles, responsibilities and actions.[104]

2.7 Conclusion

A good National Security Policy should strive to be an answer to the nationals of a country in attaining peace and security. In order to achieve its objectives all stakeholders must be consulted and all inputs analyzed to answer the critical questions of a particular country, and this must not be a once process, but it should involve constant review to address the emerging security challenges across all sectors as they emerge.

Having a National Security Policy will be beneficial for Lesotho as there will be a guiding policy which is made by the Legislature guiding the security issues in Lesotho. It will provide clear strategies on how the country should deal with threats to security and it will put the country under an obligation to constantly review its security strategies in order to deal with emerging or potential pressures to peace and security even way after the reform's procedure has been finalized.

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[103]SSR Backgrounder; Security Sector Reform <DCAF_BG_2_Security Sector Reform.pdf>assessed 7 September 2022.
[104] Ibid.

CHAPTER 3: THE LESOTHO SECURITY STRUCTURE AND THE NATIONAL REFORMS PROCESS

3.1   Introduction

Chapter two discussed the concept of a National Security policy. It was argued that National Security Policies are a strategy for ensuring peace and security within a state. The chapter highlighted how the National Security Policies are developed and the important elements that must be incorporated in such policies for them to be effective. Having discussed the nature and purpose of national security policies in general, this chapter will examine issues of national security in Lesotho. The discussion begins analysis of Lesotho's security structure. Thereafter, the discussion will examine the challenges that have been encountered as a result of a National Security Policy. The discussion will move to examine the main components of Lesotho's National Security Policy draft. The objective of the discussion is to predict the efficiency of the policy in addressing security challenges that Lesotho faced in the past. Therefore, the focus of the discussions is to scrutinise whether the National Security Policy draft in its current form addresses the causes of security challenges which have dominated the country's political landscape.

3.2   Lesotho Security Structure

Since obtaining independence in 1966, Lesotho has experienced recurring internal political instability, feeble democratic bodies and practices, and parochial security institutions.[105] Due to its instability, Lesotho has faced extreme systems of governance, from military rule to constitutional democracy.[106] There have been attempts by the country to reform the security management, in order the rectify the issue of peace and security in the country. For instance, in 1994, there was an attempt made at reforming the security sector management of Lesotho and the process resulted in the establishment of the Defence Council. [107] This is the body that was meant to be responsible for appointing, disciplining and removing, members of the security bodies. The chapter look into the governance structures of the security bodies in Lesotho and the challenges they face, and also look into the incidences that led the country to engage in the reforms process which included the security reforms. The security bodies which will be looked

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[105] Transformation Index, The Lesotho Country Report<BTI 2022 Lesotho Country Report: BTI 2022 (bti-project.org)>assessed 19 May 2022.
[106]F Makoa, Electoral reform and political stability, AJCR 2004/2 < Electoral Reform and Political Stability in Lesotho – ACCORD> assessed 19 May 2022.
[107] Philander (n 20).

into are, The Lesotho Defence Force (LDF),[108] National Security Services (NSS),[109] Lesotho Mounted Police Service (LMPS),[110] and Lesotho Correctional Services (LCS).[111] The security bodies outlined herein form part of Lesotho's security sector and are responsible for maintaining law and order in the country, as well as to uphold peace and security in discharging their duties. Their roles will be discussed herein describing how they are established and the laws and policies that guide their work.

3.2.1   The Lesotho Defence Force

The Lesotho Defence Force (LDF) is main purpose is to maintain internal security and defence for Lesotho. Its mission is to defend territorial integrity and independence and to uphold the Country's constitution .[112] The Constitution states that the Prime Minister is Commander-in-Chief and governs the operational use of the LDF.[113] The appointment and removal of the commander of the LDF rest with the king on the advice of the Prime Minister.[114] It should be noted that, under the Lesotho Constitution, the King's actions are only ceremonial, in that his acts are premised on the advice of the Prime Minister or any responsible body that advises him on a particular issue. Thus, the King does not have the powers to disregard the advice he is been given.[115] The LDF consists of an army and the Lesotho Defence Force air wing, with a personnel component of around 2 100 people. The Lesotho Defence Force headquarters also consists of; 7 infantry companies; 1 support company; 1 armoured reconnaissance company; 1 artillery battery and 1 logistics support group.[116]

Lesotho Defence Force is also governed by the Defence Force Act[117]which is aimed at establishing the structure, organization, and administration, as well as discipline for the forces.[118] As stated above, the primary role of the LDF is to safeguard the territorial integrity and independence of Lesotho. Its subordinate role comprises assistance in the protection of life,

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[108] The Lesotho Constitution 1993, s 145.
[109] Ibid s 146
[110] Ibid s 147.
[111] Ibid s 149.
[112] The Government of Lesotho, Ministry of Defence and National Security< MINISTRY OF DEFENCE AND NATIONAL SECURITY – Government of Lesotho (www.gov.ls)> assessed 18 May 2021.
[113] The Lesotho Constitution (n 7) s 145 (1).
[114] Ibid, s 145 (4).
[115] H Nyane, "Re-visiting the powers of the King under the Constitution of Lesotho: Does he still have any discretion?" De Jure Law Journal, (2020) 161
[116] G Martin and A Kriger, "The Lesotho Defence Force, Defence web"< Lesotho Defence Force - defence Web>assessed 16 May 2022.
[117] Lesotho Defence Force Act 1996.
[118] Ibid preamble.

health, and property, provision and maintenance of essential services, upholding law and order in support of the police as directed by the government, support to state departments as directed by the government, submission with international responsibilities such as peacekeeping-support processes and regional military assistance.[119]

When discharging its constitutional duties, the Lesotho Defence Force stands by values and standards which are, respect for others courage[120] cohesion,[121] integrity,[122] commitment and loyalty.[123] Despite the stated values, the Lesotho Defence Force has over the years remained at the centre of much of the political stage in the country.[124]

3.2.2 The Lesotho Mounted Police Service

The second security branch is the Lesotho Mounted Police which is responsible for law enforcement. The authority of the Police Service is conferred in the Commissioner of Police and subjected to the authority of the Minister, the Commissioner is in charge for the discipline and administration of the Police Service.[125] The command to employ a person to hold or act in the office of the Commissioner of Police and the power to remove him from that office is bestowed in the King, acting on the advice of the Prime Minister, as may be recommended by an Act of Parliament.[126]

Lesotho Mounted Police Service is also governed by the Lesotho Mounted Police Service Act[127] which provides that LMPS shall be an efficient and effective Police service for Lesotho.[128] In addition to the LMPS Act, there is the 1997 White Paper on Police Reform[129]. The White Paper's vision, is to build proficient police service which is able to discharge its legal orders and functions without political bias and in collaboration with communities.[130] The LMPS is intended to deliver high-quality Police Service in Lesotho with the help of the

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[119] Ibid s 5(a) (c).

[120] Ibid.

[121] Ibid.

[122] Ibid.

[123] Ibid.

[124] K. Matlosa, "From a destabilizing factor to a depoliticised and professional force. The military in Lesotho; Evolution and revolution; a contemporary history of militaries in Southern Africa" Pretoria ISS (2005) 91.

[125] The Lesotho Constitution s, 147(2).

[126] Ibid, s 147 (3).

[127] Police Service Act 1998.

[128] Ibid part II (4).

[129] The Kingdom of Lesotho, White paper Police reform, 1997.

[130] Ibid.

community, other organizations, and bodies seeking to uphold the well-being and security of the individual, decrease crime, disorder, and terror and improve assurance in the rule of law.[131]

Over the years, Developmental Plans for the LMPS have been adopted, such as the Police Strategic Plan (2010-2013), which among its objectives indicated that by 2016, the LMPS shall be a proficient and responsible police service, providing protection and security in partnership with the community, with particular emphasis on crime prevention, reduction, detection and human rights observance.[132] In addition to the above-stated operations of the LMPS, in the year 2003, it established the Child and Gender Protection Unit (CGPU)[133] in the police administration. The CGPU has divisions in all 11 police districts nationwide, and it deals with crimes against women and children, particularly abuse.[134]

3.2.3   Lesotho Correctional Service

The Lesotho Constitution provides that there will be a Lesotho Correctional Service that will be in charge of the management of prisons in Lesotho.[135] The Superintendence of the Lesotho Correctional Service shall be conferred in the Commissioner of Correctional Service and, subject to the Minister's direction, the Commissioner of Correctional Service shall be answerable for the administration and discipline of the Lesotho Correctional Service.[136] The command to engage a person to hold or act in the office of the Commissioner of Correctional Service and the power to remove him from that office shall vest in the Prime Minister, as may be set by an Act of Parliament.[137]

The Lesotho Correctional Service is also governed under Lesotho Correctional Service Act 2016, which replaced The Basutoland Prisons Proclamation of 1957. The main duties of the Act include ensuring the security and safe custody of all inmates detained in custody in that prison or correctional facility. Also that the treatment and discipline of inmates therein is in accordance with the provisions of this Act. [138]The LCS is tasked with contributing to the conservation and safeguard of a society that is just, peaceful and safe. This it does by making

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[131] Ibid.

[132] Lesotho Mounted Police Service (2010). Lesotho Mounted Police Service Strategic Plan 2010–2013.

[133] UN Women, Child and Gender Unit < Child and Gender Protection Unit (unwomen.org)> assessed 25 May 2022>.

[134] Ibid.

[135] The Lesotho Constitution, sec 149 (1).

[136] Ibid s149 (2).

[137] Ibid s149 (3).

[138] The Lesotho Correctional Service Act 2016 s 34(a).

sure that the sentences given by the court on the guilty parties are carried through imprisonment. While in imprison the LCS endures that the prisoners are safe and secure by insuring that their human rights are secure, their human dignity respected promoting self and ensuring reformation, rehabilitation, and social reintegration of inmates into society.[139]

Despite the fact that the rights of prisoners have to be respected, there are reports which show this not be a fact.[140] There are shown claims of human rights violations of people in custody by prison officials. As the Lesotho Council of Nongovernmental Organisations, reports by prisoners confirm that they were assaulted while in police holding cells and prison.[141] The Ombudsman report of 2007, documented the abuse of prisoners at Quthing Correctional Services, a revelation that led to an inquiry being launched. [142] The investigation revealed serious abuse of prisoners and resulted in the commanding officer being relocated to another facility. Despite the inquiry, there were no reports on action being taken against prison officials who were involved in the illegal activities.[143]

3.2.4 National Security Services

The Constitution establishes National Security Service and it provides that it shall be responsible for the protection of national security.[144]The Command of the National Security Service is vested in the Director-General of the National Security Service who is responsible for the management and discipline of the National Security Service.[145]The command to put I charge a person to hold or act in the office of Director-General of the National Security Service and the authority to remove him from such office just like it is with the Lesotho Correctional Service is vested in the Prime Minister.[146]

In addition to the Director, the NSS shall be composed of members of service and ancillary staff.[147] The officers of service are chosen by the Minister on the guidance of the Director-

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[139] Government of Lesotho, Ministry of Justice, Human Rights and correctional services.< Ministry of Justice, Human Rights and Correctional Services – Government of Lesotho (www.gov.ls)> assessed 18 May 2022.
[140] Lesotho Council of Non-Governmental organisation, joint UPR submission, Lesotho, 2009.
[141] Ibid.
[142] Bureau of democracy, human rights, and labour, Lesotho.< 2009 Human Rights Report: Lesotho (state.gov)> assessed 20 May 2022.
[143] Ibid.
[144] The Lesotho Constitution s 148 (1).
[145] Ibid s 148 (2).
[146] Ibid s 148 (3).
[147] Ibid s 148 (4)(a).

General,[148] while the subordinate members staff are appointed by the Director-General on the recommendation of the board.[149] The main duties of the NSS includes the protection of national security,[150] and the protection of the state against threats of espionage, terrorism, or sabotage which may infringe on national security.[151] Also to guard the country from actions of agents of foreign powers, actions of persons intending to topple or undermine democracy by political, industrial, or violent means.[152]

3.3   Oversight of the Security Bodies in Lesotho

The Lesotho Defence Force is accountable to the parliament through the Prime Minister who is the head of the Defence Commission[153]. The Defence Commission is a body answerable for the nomination, discipline and removal of members of the Defence force, members of the police force and members of the prison service.[154] The Prime Minister being the head of the Defence Commission, makes the oversight of the military bodies to be in the hands of government through the powers of the Prime Minister. There is also Ministry of Defence (MoD) which was established in August 1994. [155] The said Ministry is also under the control of the Prime Minister, as the constitution provides that the commander of the Defence shall be appointed or removed by the Defence Commission, which is headed by the Prime Minister, this means that all of the Military actions are overseen and accountable under the office of the Prime Minister.[156]

The LMPS is also accountable to the Defence Commission, as the Commissioner of Police is appointed or removed from the office by the Defence Commission which is headed by the Prime Minister. There is also the Ministry of Home Affairs[157], which oversees the operations of the LMPS, and there is a Police Complaints Authority (PCA) which was created by the Police Service Act to provide administrative support and to ensure that the police carry out the reforms proposed in the 1997 White Paper on Police Reform[158]. The Police Complaints Authority may be seen as an important oversight structure that monitors police performance

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[148] Ibid s 148(3).
[149] Ibid s 148 4(c).
[150] Ibid, s 148 (5) (1).
[151] Ibid, s 148 (5) (2) (a)
[152] Ibid, s 148 (5) (2) (b).
[153] The Lesotho Constitution s 145(2).
[154] Ibid, s 145 (2).
[155] Government of Lesotho (n 11).
[156] Ibid.
[157] A Dissel, (n 26) 8.
[158] Ibid.

and deals with grievances of police personnel. Since it does not have a specific statute establishing it, rather it is still under the police authority as it was established.[159] It may therefore lack in being firm in dealing with complaints brought by the police against the Police Service itself.

To also try to avoid political imposition into the affairs of the police, the 1997 White Paper allows the Commissioner of police to determine police plans and utilize resources required for policing, in consultation with the Minister responsible for the police. The White Paper gives the Commissioner the direction and control of the Lesotho Mounted Police Service, it removes the political influence on how the Commissioner deals with the police officers.[160]

With regard to the Lesotho Correctional Service, the Minister of Justice, Human Rights, and Correctional Services is responsible for ensuring that the LCS delivers on its mandate.[161] In turn, the Minister, Principal Secretary, and head of the LCS are significant role players in overseeing the services provided by the LCS on behalf of the government.[162] To strengthen the oversight role of the LCS, the Minister of Justice, Human Rights and Correctional Services established the Human Rights Unit to help the LCS to adhere to acceptable human rights standards. This unit has specified that many important human rights issues still require closer inspection within the LCS. The rights of those imprisoned in correctional facilities need priority monitoring.[163]

The Lesotho National Security Services is placed under the Ministry of Defence.[164] The Ministry's role towards the NSS is to assist it to uphold and preserve the highest standards of state security and stability in the national interest, by providing an outstanding intelligence service, apolitical and associated to regional and international trends whilst not sacrificing basic

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[159] Lesotho Times Newspaper; Police Complaints Authority Needs Overhaul, 2017<Police Complaints Authority needs overhaul | Lesotho Times (lestimes.com)>assessed 23 June 2022.
[160] The Government of Lesotho (n 26).
[161] The Government of Lesotho, ministry of justice, human rights and correctional services< MINISTRY OF JUSTICE, HUMAN RIGHTS AND CORRECTIONAL SERVICES – Government of Lesotho (www.gov.ls)> assessed 18 May 2022.
[162] African Democracy Encyclopaedia Project, the office of the Ombudsman< EISA Lesotho: Office of the Ombudsman> assessed 25 May 2022.
[163] The Government of Lesotho, Lesotho correctional services< Ministry of Justice, Human Rights and Correctional Services – Government of Lesotho (www.gov.ls)> assessed 25.May.2022.
[164] The Government of Lesotho, Ministry of defence and national security<MINISTRY OF DEFENCE AND NATIONAL SECURITY – Government of Lesotho (www.gov.ls)> assessed 24. May 2022.

national trends.[165] The Ministry further ensures that the National Security Service has the essential resources at its disposal to fulfil the commitments placed on them by the Government.

3.4 Lesotho Security Challenges and the Reforms Process

Since its independence, Lesotho has operated without a National Security Policy (NSP) and throughout the years, its security bodies have in history been held responsible for the political instability and uncertainty in the Kingdom. Accordingly, the requirement for security sector reform which came to occupy a prominent place in national deliberations.[166] The Lesotho national reforms came as a result of Lesotho's past of political unsteadiness and security challenges. The instability in the country has been attributed to numerous factors which included feeble state governance institutions, elite supremacy of the political space, as well as the politicisation of security establishments.[167] The reform process showed that security institutions were seen to have been historically at the centre of political instability and insecurity in the country. Reviewing and reforming the national security agencies was suggested to be one of the ways that can be engaged to achieve lasting peace for the country.[168] Some of the prominent challenges which were seen to be affecting the country's security services are discussed below. [169]

3.4.1 The Lesotho Security Challenges reflected in the reforms process

3.4.1.1 Relations between civilians' leadership and the leadership of the security sector agencies

The Lesotho Constitution as discussed above makes the Prime Minister as the head of the security bodies in Lesotho. Issues of appointment and removal as well as oversight are done by the office of the Prime Minister.[170]This means that when governments change, the Prime Minister is given powers to appoint the Commander of LDF and can dismiss the one he finds in office. For example, in the period of the year 2014-2015 when Lesotho conducted by-elections, in a period of two years, the new Prime Minister removed the Commander who was appointed by the outgoing government when it came into power. This means the head of the LDF was changed in a period of two years, an act that caused instability within the LDF and

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[165] Ibid.
[166] The Lesotho we want: Dialogue and Reforms for National Transformation, (n 61) 2018, p 14.
[167] Ibid, p2.
[168] Ibid. p 14.
[169] Ibid, p13.
[170] The Constitution of Lesotho s 145-149.

the country as a whole. The consequential instability led to the involvement of the SADC community, which recommended reforms process.[171]

3.4.1.2 Overlap of security bodies mandates

The finding of the SADC commission of inquiry showed the national Constitution creates an overlap of the mandates of the security bodies. The Constitution states that the LDF shall be blameable for the maintenance of the internal security,[172] while the Police force shall be responsible for the maintenance of law and order in Lesotho[173], and the NSS which shall be responsible for the protection of national security.[174] The wording of the functions herein provides for an overlap of the duties of the mentioned security bodies. The SADC Commission of Inquiry to the Kingdom of Lesotho report also showed that nearly of all political and security difficulties in the Kingdom of Lesotho originate from the Constitution of Lesotho. [175]It stated that the shortages and intersections in the constitution with regard to the obligations of the security bodies need to be looked into with an all-inclusive strategy to reform them.[176] The overlaps meant that from the wording some of the mandates of the security forces seem to be similar, leading to security bodies seeming to enter into territories of others. For example, the Constitution provides that the Defence Force will be in charge of internal peace and the LMPS shall be to be looked into with a complete strategy to reform them.

3.4.1.3 Appointment of the leadership of the security sector agencies

As discussed herein, the Lesotho Constitution places the appointment of the leader of the security bodies in the hands of the Defence Commission which is headed by the Prime Minister.[177] This has been seen from the reform process to be a challenge in that it puts the security bodies in the midst of political challenges that the country experiences. The SADC mission therefore recommended reforms in this aspect that the security leadership should be removed from the control of the political bodies.[178]

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[171] The SADC commission of inquiry to the Kingdom of Lesotho "The SADC commission of inquiry into the circumstances surrounding the death of Brigadier Nqosa Mahao" (2015) 18.
[172] Ibid s 146 (1).
[173] Ibid s147 (1).
[174] Ibid, s 148 (1)
[175]Phumaphi (n 170) 10.
[176]Ibid.
[177] Ibid s 145 (1).
[178] The Government of Lesotho (n 26) 13.

Due to the discussed finding from the reforms process as discussed above herein, the Government as recommended by SADC recognized the need for National reforms, which included the reforms on the security sector. The reforms were seen as a tool that would, let Basotho, to create a nationally-owned vision for its security sector including the institutional plan that would best suit the Lesotho context, wants, and ambitions of the Kingdom.[179] The objectives of the security reforms process were among others said to be:

3.5 The Objectives of the proposed reforms process

The first objective is to develop a common and more inclusive national vision and policy for the security sector. The objective herein as reflected in the national reforms process provides that the country should adopt a National Security Policy which will offer the overall premeditated course and long-term vision for the country's security sector reform. This aspired vision and objective from the reforms process led to Lesotho drafting the National Security Policy.

The second objective is to implement immediate measures for enhanced professionalism, coordination, information sharing and transparency in the security sector.

The objective reflects that while the reform development would propose legislative amendments and institutional reform, the government of Lesotho, should classify and implement measures to enhance professionalism and public faith in the security sector.[180]

The third objective is to develop and implement a longer-term reform strategy for the security sector linked to legislative changes and the constitutional review process as necessary, this objective proposes that the reform security strategy be informed by an assessment of the security bodies, security bodies expenditure review, as well to conduct expert discussions that will reach broad agreement on the solutions best suited to address the challenges faced by the security bodies in Lesotho.[181]

3.6 The Lesotho National Security Policy and Strategy (Draft)

In line with objectives of the reforms process, a recommendation was made that in order to address the issues that Lesotho faces, the country should develop a National Security Policy and Lesotho has engaged in a process of drafting a National Security Policy (LNSP)[182]. The National Security Policy is divided into four different sections which will be discussed as

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[179] United Nations (n 54).
[180] Ibid 14.
[181] Ibid 15.
[182] The Government of Lesotho, National Security Policy and Strategy 2022)22.

follows; Part A; the first part of the Policy encompasses the background, purpose and the security analysis of the Policy. The Policy recognises that the development of the National Security Policy and Strategy was handled by the National Reforms Authority as the country does not have an established security council. The journey commenced by conducting the national stakeholders' workshop on the formulation of the road map for the development of the Policy and the strategy in September 2021.[183] It reflects the purpose of the Policy to be a document that will serve as a guiding tool for the country to address the security needs of the country. It will be a tool that sets out the security needs of the country, and security priorities of the country as well as set out the security roles of security actors and institutions. It sets out that security agencies will be answerable to the people through civilian control.[184]The development of the National Security Policy and Strategy commenced in September 2021 and a draft was produced in 2022. The LNSP draft is established to monitor the national security agencies and institutions of Lesotho and to provide guidance in the implementation of security strategies in order to promote a favourable environment and sustainable socio-economic growth of the country.[185]

It recognised that the country has been faced with violence and violent crimes, which it attributes to the fact that Lesotho did not have a unified Policy to provide guidance on how to deal with security issues. The Policy recognises that due to the lack on National Security Policy, the country faced challenges of being governed by outdated security laws. This contributed to the overlapping of security bodies mandates which resulted in the violation of human rights and lack of trust in the security sector by the citizens and the demoralised security sector.[186] The policy aspires to end the conflicts and sufferings suffered by the citizens, by creating a security sector that will be proficient of providing security to the state and its people. It shall be able to deal with natural disasters, and it is premised on the values of peace, and it is steered by the desire to achieve human security for the nation of Lesotho.[187]

In analysing the security challenges that the country faces, the Policy acknowledges that the country has had a history of security instability which involved the military, and due to that the SADC community intervened to assist in the situation and the intervention resulted in the

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[183] Ibid 13.
[184] Ibid 15-16.
[185] Ibid 1.
[186] Ibid 12.
[187] Ibid 2-3.

reform process for the country.[188] The Policy reflects the security pressures and or weaknesses as those that the country faces internally or from its neighbouring country, which are in a form of political threats, economic threats, social and cultural threats, technological threats, environmental threats, legal and security threats.[189] It reflects the security threats which are faced by the country to include a lack of appropriate equipment for the security sector, as well as a lack of crime prevention mechanisms. The Policy also states that the country faces high rates of homicide which the country does not provide enough support for. It also acknowledges that since Lesotho is enclosed by the Republic of South Africa it faces a possible attack from its neighbouring country and it does not have enough strategies in place to respond to such possible attacks.[190]

Part B the second part of the policy reflects the guidelines, vision, objectives, guiding principles as well as the policy statements of the NSP. Its guiding principles are the maintenance of independence, sovereignty and territorial integrity of the country as well as safety of the safety of citizens.[191] It seeks to see Lesotho as a stable country that maintains professional security agencies that are responsive to the civilian authority. It seeks to use the national power for purposes of ensuring respect for human rights and a state of security through apolitical security which responds to threats.[192] The Policy objectives include having security bodies that are neutral and adhere to democratic processes and which are accountable to civilian control.[193] To achieve its objectives, it seeks to maintain principles that are in the interest of the country, which respect human rights and seek to enforce the rule of law in the country. The Policy statement is based on national security for Lesotho which is the authority that all citizens enjoy security in the country. [194]

Part C establishes the National Strategy for the National Security Policy.[195] The strategy serves as a guiding tool for the Policy, and it is based on the principles which will assist the security institutions to be able to maintain national security and interests. It reflects the mandate of the security sector as a body that seeks to create a country where the citizens believe the security

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[188] Ibid.
[189] Ibid 18-19.
[190] Ibid 19-20.
[191] Ibid 21.
[192] Ibid.
[193] Ibid 22.
[194] Ibid 23.
[195] Ibid 26.

sector will protect them and not abuse them, a country where members of the security are not influenced by politics.[196]

The strategy objectives are set to provide steps for security bodies to realise the vision of the National Security Policy. It is based on the assumption that to be adequately effective, the strategy will enjoy the support of the people and that of the parliament. That the security bodies will have adequate resources to implement their duties.[197] The strategy recognises that the executive, through the national cabinet will provide clear leadership, guidance and oversight and strategic management of the security institutions. It states that there will be also the national security council which shall be the head of the security bodies to endure the effective implementation of the National Security Policy.[198] The policy draft further states that upon its adoption, relevant authorities shall ensure that the country is safe in the face of all kinds of threats for all people who live in it.[199]

The Policy also mandates that the authorities shall be in charge for the establishment and efficient operation for stable and transparent security institutions which able to execute their functions in a professional manner, without the interference of party politics. The authorities will also be mandated to establish bodies which will be accountable for the running and oversight of the security bodies, which will ensure that the security bodies remain apolitical, and which are subjected to civilian control and democratic oversight.[200]

Part D provides for the monitoring and evaluation of the Policy. It provides that the National Security Policy will be implemented under constant review by the national security council, in order to check for its effective implementation.[201]

Having looked into the National Security Policy and Strategy draft, the discussions will look into whether the aspired Policy and Strategy can be an answer to the challenges that the country has faced over the years. From the reading of the draft policy, there are issues which will be discussed which are likely to hamper the effectiveness of the desired Lesotho National Security Policy and those are in the following area,

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[196] Ibid 26.
[197] Ibid 27.
[198] Ibid 28.
[199] Ibid 23-24.
[200] Ibid.
[201] Ibid 46.

3.7 Challenges in the Lesotho National Security Policy and Strategy

3.7.1 Insufficient consultative process in the building up of the LNSP

A consultative National Security Policy-making procedure is said to promote national channel of communication and collaboration across different professionals, public, political and subsector groups and discussions can encourage agreement on core values of state security provision, management and oversight.[202] The Lesotho draft NSP process was commenced in September 2021, with the National Stakeholders workshop for the formulation of the roadmap for the development of the NSP, a draft was produced by March 2022. From what has been discussed the time frame taken to come up with the policy is insufficient and could have an impact on making the Policy to be effective. The time frame also taken to develop the country's first NSP by the National Reforms Authority is regarded as insufficient, as the development of the NSP requires multiple engagements and consultations and engagements in order to secure that the document covers all the aspects that are to be addressed by it.

For example, in Pakistan, the development of the country's National Security Policy 2022-2026[203] began in the year 2014.[204] Through the development procedure, numerous rounds of meetings were held with official stakeholders, including all federal ministries and division, provincial governments and military institutions.[205] Contribution was also sought from intelligentsia and citizens. Salient features of the National Security Division's (NSD) discussions with over 120 experts over thematic working groups under its Council of Experts were incorporated in the Policy document.[206] In the year 2021, 7 years after the initial process had begun online and in person consultations were held with over 500 specialists and civil society members, as well as university students representing the views of the country's future generations. At the end of the procedure, open hearings on the key contours of the policy were held in public and in private universities.[207] Pakistan appreciates that while extensive consultations have meant a long gestation period for the production of the NSP, they are pleased

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[202] SSR Backgrounder, "National Security Policies, formulating national security policies for good security sector governance"<https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BG_9_National%20Security%20Policie >assessed 11 June 2022.

[203] National Security Policy of Pakistan (2022-2026).

[204] Ibid 2.

[205] Ibid.

[206] Ibid.

[207] Ibid.

that the Policy includes buy-in from all official stakeholders and this is crucial in ensuring the sustainability of the Policy.[208]

3.7.2 Implementation of National Security Policy (Draft) according to the provisions of the national Constitution

The draft NSP states that authorities will establish bodies answerable for the effective administration and oversight of the security sector to ensure that the security sector operates effectively and efficiently.[209] It continues to state that the Kingdom of Lesotho will ensure that the operations of the LDF are in line with the constitution and relevant laws,[210] also that the efficiency of the LMPS and the NSS will also be done according to the constitution and the relevant laws.[211] The challenges discussed in this paper touched on the challenges that face the security bodies due to the provisions in the constitution. It has been discussed that the Constitution has put the power to appoint, remove and oversight of the security bodies in the hands of the Prime Minister, a situation which was discussed to have caused politicisation of the security bodies. The constitution also creates an overlap on the functions of the security bodies. The stated provisions of the National Security draft do not change the current landscape that the country faces as it still vests the power to appoint and remove the heads of the security bodies in the hands of the Prime Minister. It will therefore be a futile exercise to implement the provisions of the Policy in the light of the current Constitution. The Constitution will have to be amended in order to remove the challenges discussed herein in order to be able to accommodate the spirit of the NSP.

3.7.3 Budget control of security Institutions

The Lesotho National Security Policy Draft provides that Parliament will approve, amend, or reject the budgets of all security agencies and institutions.[212] The Constitution of Lesotho provides that the budget the Minister of Finance shall be caused to be presented before parliament financial year estimates.[213] This implies that the budgets for different ministries including the ministries for the security bodies are made and approved by the parliament. This fact can cause the government to still control the security bodies to fulfil their commands as they are likely to provide sufficient budgets to the security bodies when they fulfil their

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[208] Ibid.
[209] Ibid 24.
[210] Ibid.
[211] Ibid 25.
[212] National Security policy and strategy (n 94) 34.
[213] The Lesotho Constitution (n5) s 112 (1).

mandates and make budget cuts in instances where the security bodies seem not to act according to the governments wishes and demands. It is suggested that to remedy the situation there be a National Security Council which is headed by the heads of the security bodies which will be able to defend and justify the security bodies' budget before parliament to avoid leaving it just in the hands of the political bodies.

3.8   Conclusion

From the reforms process, the recommendation was that Lesotho should adopt a National Security Policy which will work towards curing the security challenges that the country has always experienced. However, from the wording of the draft, it seems that due to the shortcomings discussed above the National Security Policy will not change the landscape as there is still power and control given to the political authorities to control the security bodies. As much as the NSP is recommended to be a document that will be able to cure the security challenges that the country has experienced, it is recommended that it should not be done in a hurried process and passed into a working document lest it fails to address the challenges faced by the country. The county should engage in more consultative exercises and present the draft to all members of the society in order to be able to find its shortcomings and comb them out before publishing the document as the national working document. Taking into account the challenges that the country has experienced, it deserves a document that will fully cure its challenges and attain peace and security for it.

CHAPTER 4: THE EFFECT OF NATIONAL SECURITY POLICY ON THE ATTAINMENT OF SUSTAINABLE PEACE AND SECURITY: A COMPARATIVE ANALYSIS

4.1 Introduction

Chapter three examined the national security situation in Lesotho. It was revealed that for a long time, Lesotho operated without a national security policy. As a result of this, numerous challenges were encountered that threatened the national security of the country. The chapter revealed that in an attempt to address these challenges, Lesotho initiated a reform process which culminated in the adoption of the National Security Policy Draft. The chapter examined the contents of the National Security Policy draft and how it intends to address the security challenges which have affected Lesotho. In the discussion, potential challenges that may undermine the efficacy of the National Security Policy, if implemented in its current form were identified. This chapter will undertake a comparative study in which the National Security Policies in other countries will be examined. The purpose of this comparative study is to determine whether Lesotho can benefit from that best practice in order to improve its National Security Policy.

4.2 The National Security Policy in the Republic of South Africa

When the Apartheid era ended in the Republic of South Africa, the country had to look into its security system to align it with a free democratic country. [214] The then government which was headed the African National Congress (ANC) faced formidable security challenges, for which it was not prepared for.[215] The apartheid government had put in place a broad national security management system to deal with both internal and external threats, but it had been mainly destroyed and was based on political repression, militarism, and conflictual relations with neighbouring countries and had been largely unaccountable, based on the apartheid principles[216] The ANC had to transform the security policy and governance and rearrange the different security institutions.[217]

After the apartheid era, the South African revolution of the security sector was combined using different processes which comprised policy reviews to determine new priorities and strategies

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[214] Z Larson. Z, "South Africa twenty five years since apartheid"< South Africa: Twenty-Five Years Since Apartheid | Origins (osu.edu)>assessed 10 June 2022.

[215] G Cawthra, "Security Governance in South Africa, Friedrich Ebert Stiftung Security Governance Project" 1.

[216] Ibid.

[217] Ibid.

for the security sector of the country.[218] The overhaul of the security sector in South Africa was for the country to redefine, the roles of security actors within the country and to bring the security agencies under civilian control.[219] South Africa's alteration included demilitarization, demobilization and rebuilding of society, and reorientation of the security sector.[220]

The makeover and build-up of the South African security sector under apartheid mirrored the racially split nature under apartheid design. The geographical and political landscapes were categorized by a proliferation of security structures[221], which reflected security forces that were racially stratified and reflected the divisions and division of apartheid. The security forces were not subject to the rule of law. It was shown at the Truth and Reconciliation Commission, which was established post-apartheid era, that many members of the security forces were involved in extra-legal activities. The activities of the security sector were branded by substantial secrecy. There was no actual oversight by parliament, which meant that parliament did not have the ways to hold the executive answerable to it.[222]

All of these aspects were confronted during the consultations for a new political allowance and the processes leading to the reform of the security sector.[223] The country's first democratic parliament created the frameworks for the creation of united, combined, and clear security entities, overseen by parliament and accountable to the executive.[224] There were however challenges faced in restructuring the security sector which included physical rearrangement and rehabilitation into society, the pressures of investigations into previous abuses, and adaptation to a new order.[225] The parties however persisted and to a large extent managed to overcome the challenges of disarmament, demobilization, and reintegration of previously opposed armed creations setting new policy frameworks and advancing the new security agenda.

In re-looking into its security system, post-apartheid period, the main issues on security was to safeguard that the security sector is not subject to political meddling and is free to bearing its

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[218] S Africa, "Transformation of the South African Security Sector: Lessons and Challenges, Geneva Centre for the Democratic Control of Armed Forces (DCAF) Policy Paper –no. 33, 13.
[219] Ibid.
[220] Ibid.
[221] Britannica, "The Editors of Encyclopaedia apartheid Encyclopaedia Britannica"(2021) https://www.britannica.com/topic/apartheid <assessed 1 June 2022.>
[222] Africa (n 9).
[223] Ibid.
[224] Westhuizen (n 214).
[225] Ibid.

Constitutionally instructed tasks.[226] This was made clear in the National Security Policy which states that no member of any security service may follow a clearly illegal order.[227] Further, neither the security services nor any of their members, may, in the performance of their roles bias a political party interest that is legitimate in terms of the Constitution or further, in a prejudiced manner, any interest of a political party.[228] To eliminate political control of the national security bodies, the South African National Security Policy provides, multi-party parliamentary committees must have oversight of all security services in a manner determined by national legislation or the rules and orders of Parliament in order to give effect to the values of transparency and accountability.[229]

To further remove the security bodies from political interference, there has been established the National Security Council which comprises of senior ministers and officials dedicated to making resolutions on high-impact security issues, whether for internal or external purposes.[230] The security functions are further subjected to government auditing processes and to the inspection from Parliamentary Standing Committee and the Human Rights Monitoring Agencies.[231] In this way, South Africa has removed the political control of security bodies in the sole hands of the president, by providing that actions taken towards the security bodies must be accounted to the parliament. Since parliament composes even of opposition parties this creates a great platform for checks and balances.

The National Security Reform also led to a process of the White Paper which stipulated clearly the functions of the security borders in order to avoid the overlap of functions, by explaining principles of democratic control and clearly specifying the roles and functions of the various security actors. It specified the roles and functions of the defence force - formulated in standard terms as a defence against external hostility, although secondary roles such as international peacekeeping, border guard and support to the police were provided for.[232] The National Security Policy has also provided for a civic education programme for security officers to guarantee that officers and soldiers recognize democratic politics, constitutionalism,

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[226] A Johnston, "Review of International Studies" Vol. 17, No. 2 (1991), Cambridge University Press 149.
[227] The Republic of South Africa, National Security Policy, s 199 (6).
[228] Ibid, s199 (7).
[229] Ibid s 199 (8).
[230] Cawthra (n 213).
[231] Ibid.
[232] Ibid.

democratic civil-military relations, military professional obligations and international humanitarian law.[233]

The National Security Policy development also took into account an intensive consultation process during its development. During the development process, extensive choices of civil society organisations, the media and the public at large were powerfully engaged in policy arguments over the defence. The executive, parliament and the department of defence itself all went out of their way to consult with civil society organisations and the general public throughout the major policy development procedures around defence. [234]

With the security reform in place in the Republic of South Africa, the security decision-making has been replaced by a harmonized system for national security management which was not the situation during the apartheid era. [235]As discussed above, during the apartheid era, the security bodies were based on political repression, reflected the division of the apartheid era and were not overseen by parliament. However, after the reforms process through the National Security Policy, the security bodies are now accountable to different bodies such as the cabinet committees of security governance and international relations, peace and security and justice, crime deterrence and security, and not just to the ad-hoc decision-making of the President.[236] There is also national ownership of the security reforms due to the involvement in the consultation process during the making of the Policy.

The way the Republic of South Africa NSP is drafted and the supporting laws as well as the supporting structures makes its implementation to be effective and allow the document to achieve its objectives. The fact that the NSP allows for the operations of the security bodies to be overseen by multi party parliamentary bodies removes political control and influence with the security sector. Also, the Republic of South Africa Security Council is composed of senior ministers and officials, this also removes the President control over the security bodies as is seen in most of the countries. Also, the National Security Council, though made of ministers from the ruling party is able to remain neutral in the discharge of its functions are overseen by the multi-party parliamentary bodies. Again, the security functions are subjected to human rights monitoring agencies, which provides for a body that checks that the security bodies

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[233] Ibid.
[234] Ibid.
[235] Cawthra (n 214).
[236] Ibid.

observe human rights as they discharge their mandates and also to monitor that their human rights are respected so that they can discharge their functions free from fear or oppression.

4.3 National Security Policy in Zimbabwe

For many years Zimbabwe was faced with challenges that involved the politicization and militarization of many of Zimbabwe's areas and state institutions.[237] It is projected that three-quarters of commissioned officers across the various sectors were either ex-combatants or former Youth League/Youth Brigade members. This led to a commonly reinforcing, generational politicization in the armed forces.[238]

The Zimbabwe military had been entrenched in the politics of Zimbabwe and had produced competing parallel structures within the country.[239] The interventionist military in Zimbabwe politics caused Zimbabwe's malaise. The real difficulty had been the calamity in political governance, and this led to the misappropriation of political space by the military; that is why a constitutional evaluation process was desirable for the country hence the Political and Security Sector Reform.[240]

Zimbabwe had been faced with a number of military operations since the year 2000, which most of the time overlapped with national elections. The actions comprised the anguishes that were imposed on the victims of state-sponsored political violence and extreme, continued and systematic violence that led to a legacy of lasting bitterness against the state and the military by many sections of Zimbabwean society. During the said period, the citizens were pressing the ruling party which was regulating the military to try and convict the perpetrators and the managers of the crimes, and that, in turn, made the military elite even more unruly. It also made the space for inclusive civil-military relations more problematic. The operations secured the deadly skills and solidarity of the unlawful military operations and also established a generational continuity through the enrolment of youths into the militia.[241]

The situation continued and was exacerbated in the year 2002 when Zimbabwe went for presidential elections. The elections were operated like a military operation. A national command centre was put in place, and its task was to safeguard that the then-president won the

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[237] K Chitoyo. K. "The Case for Security Sector Reform in Zimbabwe" Royal United Services Institute (2009) 35.
[238] JAlexander, "Perspective of Zimbabwe post-independence" Africa Journal of the International African Institute, Vol. 68 No. 2, (1998) 153.
[239] Ibid.
[240] Chitoyo (n 21) 19.
[241] Ibid, p.4.

elections.[242] The approaches involved the military taking command of the electoral institutions, the strategies included the use or threat of force to ensure voting submission in favour of the then ruling president.[243]

Due to negative results that were brought to the country by the intervention of the military into state institutions, in the year 2009, the country engaged in the reforms process which involved security reform. For Zimbabwe, security sector reform meant the restructuring of the security, political and judicial system to ensure security institutional efficiency. [244]

As a result of the initiative for Zimbabwe, the Security Sector Reform, a process that took a period of about five years,[245] was able to achieve some developments for the country which included, the establishment of the National Security Council which was able to convene in the same year and created a forum for civilian oversight of civil-military relations.

The process also resulted in the establishment of the National Organ on Healing and Reconciliation which began the difficult important task of social peace-making,[246] where the security sector had to admit the violence against civilians over the past four decades. The Security Sector Reform also permitted space for Zimbabwe to engage in a Government of National Unity [247]

Despite the security reform that the country took in the year 2009, which resulted in the National Security Policy for the country, the country's Constitution which came into effect in the year 2013, still does not allow for an ideal security reform which removed the political interference within the security bodies ambit. The National Security Policy is implemented according to the national Constitution which provides that, the security forces are subject to the authority of the Constitution, the President as well as the cabinet.[248] The Constitution further provides that the President shall act as the Commander in Chief of defence to determine

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[242] Zimbabwe "Military plot to keep Mugabe in power, Zimbabwe on line"< Zimbabwe: Military plot to keep Mugabe in power - Zimbabwe | ReliefWeb>assessed 20 June 2022.

[243] Ibid.

[244] Chitoyo (21) p34.

[245]W Mudyanadzo, "The making of Zimbabwe's National Security Policy through the global political agreement: an analysis of the Constitution of Zimbabwe amendment no.20 of 2013" International Journal of Politics and Good Governance Vol. 5 < wenceslaus Edited1.docx (onlineresearchjournals.com)>assessed 15 June 2022.

[246] Hendrick,C, Security Sector Reform in Zimbabwe, institute for security studies, Policy Brief Nr 1, 2009, p.2.

[247] Ibid.

[248] Zimbabwe's Constitution 2013 s 207 (2).

their deployment.[249] Also, the security council of the country is still headed by the president.[250] The Commissioner of Police even after the security reforms exercise is still appointed by the president.[251]

Despite the security reforms process which Zimbabwe undertook and resulted in the National Security Policy, the exercise has not been beneficial for the country as the exercise was not able to remove the interference of the political bodies into the functions of the security bodies as per the Constitution of the country. As a result of the discussed status, the country has been faced with security challenges even after the passing of the National Security Policy. An example is that in November 2017, the Zimbabwean military launched Operation Restore Legacy in order to force President Robert Mugabe out of the office and facilitate a handover of power to his former Vice President, Emmerson Mnangagwa. The intervention was triggered by Mugabe's move to side-line senior military figures, which included army chief Constantino Chiwenga, and to sack one of their closest political allies, Mnangagwa, just over a week earlier. The president justified this night of the long knives on the basis that some of the most influential figures in the country had been plotting to weaken his authority.[252]

Although the country engaged in the security reform process and produced a National Security Policy, the fact that the laws did not change to reflect the spirit of the National Security Policy, the country still faces security challenges. This shows that Zimbabwe should not have just engaged in the security reforms for the sake of pushing away the international pressures that the country was probably facing. It should have engaged in the process for the benefit of its country and combed out all the issues in its legal system that acted as catalysts for involving political influence in the military bodies.

Having looked into the National Security Policies as discussed above, it is evident that, Nationals Security Policies have to conform to or be applied in line with the national law and the Constitution. In South Africa, as discussed herein, the Constitution and the national laws provide a wide range of checks and balances on the functions of the security bodies. Different players such as the parliamentary committee, human rights bodies as well as the cabinet are

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[249] Ibid s 213.
[250] Ibid s 209.
[251] Ibid s 221.
[252] N Beardsworth, N Cheeseman, and S Tinhu, "Zimbabwe: the coup that never was, and the election that could have been" Oxford University Press on behalf of Royal African Society (2019) 1.

involved in the running of the affairs of the security bodies, while in Zimbabwe the power is still centred in the office of the President. This therefore shows that as the country goes into a process of security reform, it must also change its national laws that may affect the proper implementation of the National Security Policy and render it redundant.

4.4 Lessons learned

From the foregoing discussions it is gathered that though Zimbabwe conducted, the country's National Security Policy did not yield fruitful results as the country faced what is termed an attempted *coup d'eta* with the NSP in place. This is because country's Constitution which can after the NSP still contained provisions which allowed for political power and control over the security bodies, hence the military interfered in the political affairs. In the Republic of South Africa, the position is different as the security bodies are overseen by multi political parliamentary bodies, removing one party political control within the security bodies, also the fact that the security functions are overseen by the human rights body agencies, makes it a requirement that the security bodies respect human rights, this therefore has created an ideal environment for an effective implementation of the country's National Security Policy.

From the foregoing discussions, it is learned that in order for a National Security Policy to be effective, it must detail out multi players who will oversee that the security functions remain neutral. Also in addition to that that there be bodies who oversee each other in their roles towards the security bodies. The example can be on the fact that in the Republic of South Africa, there is a multi-party parliamentary body and the Human Rights body that oversees that the National Security Council discharges its duties accordingly.

It is learned from the Zimbabwean case that, even in the presence of a National Security Policy, as long as there is still political influence in the discharge of the duties of the security bodies, the country will still be faced with political instability that affects peace and security.

4.5   Conclusion

The African Countries are seen to at some points face security issues mostly due to the involvement of the military bodies in the political space. The military intervention is to protect the interest of the people in power against the citizens and other opposition parties so that they could hold on to power. A situation that was seen to have taken place in Lesotho's political history.

However, in all the different discussed situations, it seems that at some point in its life, in order to fully protect their national security, countries opt to develop National Security Policies in order to put their security issues in order. The process of developing the National Security Policy should however not be taken lightly or be just an activity that the country can report that took place. The policymakers should be intentional about the process and make sure that it answers the security challenges that a country faces.

CHAPTER 5. CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

Chapter four undertook a comparative study on the countries that have National Security Policies within their jurisdictions. A comparative discussion was done between the NSP of the Republic of South Africa and that of Zimbabwe, looking into the elements that made National Security Policies work as well as issues or elements that pose challenges in the effective implementation of a National Security Policy. In this chapter, a conclusion of the research will be made as per the findings found herein. The chapter will commence with a recap of the purpose of the study. Thereafter, a summary of key findings that have been made will be provided. From there, recommendations on how the security situation can be improved will be made. The discussion will end with some concluding remarks.

5.2 Purpose of the Study

The main objective of the study was to look into the Lesotho reforms process towards contributing to the national sustainable peace and security and to conduct research on whether a National Security Policy can be used as a tool to accomplish such peace and security for the country. The objectives of the research were to conceptualise the security concepts and their relevance to peace and security of a country, also to investigate the Lesotho reforms process on whether it will be a sufficient process towards attaining sustainable peace and security for the country and finally to investigate the importance of a National Security Policy as a strategic framework in attaining sustainable peace and security for Lesotho.

5.3 Summary of Key Findings

As narrated in the first chapter, a country's national stability is based on its ability to maintain peace and security within itself and its neighbouring country.[253] The study has revealed that Lesotho has over the years since it gained independence failed to attain sustainable peace and security. Instead, it has been challenged by issues of insecurities which included issues of contestation of power, either pre or post elections and or challenges of unresolved government impunity. The challenges narrated and discussed in this study which greatly affected the country's stability were seen to have involved the intervention of the military. It is narrated in the said chapter that in order to attain peace and security, Lesotho engaged in different strategies which involved internal or external interventions or both interventions at the same

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[253] Peace and security report, "The Kingdom of Lesotho Conflict insight "Institute for peace and security studies. Vol.1 22.

time. The latest strategy used to resolve issues of insecurity in Lesotho ended up with a recommendation that the country should engage in the national reforms process which encompassed security reforms. In its literature review, the chapter showed that Lesotho was not the only country facing security challenges, but rather that many African countries were said to be facing security challenges. It was discussed that most of the strategies used by the discussed African countries do not provide effective measures to address the security challenges of countries, it was therefore proposed in the literature review that African countries should opt for common and integrated security concepts geared towards their countries security needs. The study concluded by recommending that within the security reforms of the nations, the National Security Policy would be the best strategy to attain sustainable peace for Lesotho.

The second chapter defined the National Security Policy and looked into its elements; it was revealed that an NSP is a framework describing how a country allows for security in an integrated form. It was found in the said chapter that though there are no hard and fast rules in the making of a National Security Policy, there are certain steps that must be followed which include, initiation, consultation, drafting, review, reconciliation, approval, dissemination, implementation, and constant review. The study also revealed that a good National Security Policy is one that strives to be an answer to the country, answering to its issues of peace and security. In order for an NSP to attain its objectives, in the making of it, all relevant stakeholders must be consulted, all inputs gathered analysed to check whether they will answer the country's present and future security challenges. This chapter provided a framework for the study to be able to look into the Lesotho reforms process and to be able to analyse the proposed National Security Policy and Strategy and whether it is in line with the proposed elements of a National Security Policy.

In the third chapter, it was revealed that the biggest loophole in Lesotho that puts the military and the security bodies in the midst of the national security challenges is due to the national legislature, especially the national Constitution. It was discussed that the Constitution has put the Prime Minister at the helm of security bodies in terms of appointment and removal. This, therefore, makes security bodies easily part of the political instabilities or government impunities which were discussed in chapter one of the study. Through the study, it was revealed that some of the contributing factors to Lesotho's instability in the security sector were overlapping orders and roles of the different security sector agencies, relations among the different security sector agencies, relations between the civilian management and the control

of the security sector agencies, the appointment of the leadership of the security sector agencies, issues of synergy and complementarity among the different security sector agencies. It was further revealed in the same chapter that due to the security challenges that the country faced, it was recommended through the reforms process that the country adopts a National Security Policy, in order for the country to have a framework that will address the country's security challenges, and as a result of the recommendation, the country has in place a National Security Policy and Strategy draft in place. The analysis of the draft NSP showed that since the condition of the Policy draft as it stands is that it will be implemented according to the Constitutional provision of Lesotho, there is a likelihood of it facing challenges during implementation if the Constitutional provisions are not amended to remove the challenges contained in it, that have contributed to the security challenges that the country faces. This chapter, therefore, revealed the incompetency elements of the Lesotho reforms process in the light of the security reforms.

In the fourth chapter, a comparative study was made in the countries that have National Security Policies to research for best practices that Lesotho can adopt for proper implementation of its National Security Policy. It was found that in the Republic of South Africa when the country engaged in the security process it removed the security bodies from the sole control of the government of the day control and removed barriers that aligned to the apartheid era which once existed in the country. On top of the measures engaged there are also parliamentary committees in place to oversee the functions of the security bodies as well as the involvement of the human rights bodies as an overseer of the duties and running of the security bodies. It was however discovered that Zimbabwe, even though the country had a National Security Policy which came into effect after the National Security Policy still contains elements that put the military in the control of the president, and thus this might be affecting the proper or effective implementation of the Policy. It was further revealed that to prove that the National Security Policy in Zimbabwe might not be effective, the country experienced a Coup that involved the military with the National Security Policy in place. This was to make an investigation of the elements and circumstances that make a National Security Policy work as well as the challenges it may have for its proper implementation.

5.4 Recommendations

In light of the findings made in this study and the challenges that have been identified, the following recommendations are made:

5.4.1 Review and consultation on the National Security Policy and strategy draft

The study pointed out that the National Security Policy and Strategy has already been adopted. In light of the challenges inherent in it and the processes under which it was adopted, it is recommended that the draft be not passed into a final document for implementation in its current form. Instead, the draft be taken back to the stakeholders and presented in order to be reviewed in order to check whether it covers all aspects of security challenges that the country faces and is likely to face in future. In undertaking this process, it is recommended that there be extensive consultation of stakeholders, including members of the public.

5.4.2   Amendment of the Lesotho Constitution 1993

It is recommended that the Defence Commission as stipulated in the national Constitution,[254] which is charge for the nomination, discipline and removal of members of the defence force, members of the police force and members of prison be amended to remove the Prime Minister as the Chairman of the Commission in it, that the Defence Commission be composed only of heads of security bodies in order to remove political control and influence within the security sector. This will remove the political influence and interference which has been a source of the security challenges in the country.

5.4.3   Budget Oversight of security bodies by the Defence Council

It is suggested that the Defence Council which is proposed herein be given powers to appear before parliament to present a budget analysis of different security bodies and defend the necessity of being provided with adequate resources in order to implement their duties effectively. This is to close the gap that the political powers might have on the security bodies to give them budget that would still have an influence to put them at their control. For example, to allow political bodies to give enough budget when security bodies comply with their orders and reduce it when they do not.

5.4.4 Human rights commission to act as an be oversight body for security bodies

It is recommended that, as in the Republic of South Africa, Lesotho engages the Human Rights Commission as part of the team that will work in collaboration with the parliamentary committee for security in overseeing the functions of the security bodies so that the spirit of

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[254] The Lesotho Constitution, s 145.

the National Security Policy can be achieved. This will have to have a body that will act as a watch dog on the operations of the security body to guard that their actions do not harm citizens also that the security bodies enjoy their human rights so that they are able to discharge their functions effectively

5.4.5 Reforming the Lesotho National Security Institutions

It is recommended that the National Security bodies should also undergo an internal reform, in terms of their operations. This can be achieved from the amendment of the national Constitution by removing the provision that the head of security bodies be answerable to the Prime Minister or any political body. This will assist the operations of the security bodies as the heads of command would not be under the influence of discharging orders that pursue political interests.

5.5 Concluding Remarks

Lesotho has over the years faced security challenges which have affected her sustainable peace and security. In order to address the discussed challenges in this research, it is proposed that the country adopts the recommendations made herein in order to make a National Security Policy an effective document that will answer the Lesotho security Challenges. It is also proposed that Lesotho takes serious measures to ensure that it strengthens the capacity of its human rights bodies in order to ensure proper implementation of the rule of law.

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