

THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY (SADC)

INTERVENTION IN THE LESOTHO CONFLICT IN 1998.

by

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COMPULSORY DECLARATION

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FOREWORD

This thesis was developed as a contribution to international relations field as a research project to identify and analyse how conflict resolution impact and contribute to regional integration.

The reasons behind why states resort to wars, and people resort to violence in trying to resolve their differences, was the aim of this research work, with special focus on the Southern African Development Community (SADC) organisation and how it dealt with the Lesotho conflict in 1998.

I feel indebted to the ‘think tankers’, scholars, social scientists and authors of all the work cited in my project.

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LIST OF ABBREVIATIONS

AU	African Union
BCP	Basotho Congress party
BDF	Botswana Defence Force
BNP	Basutoland National Party
DRC	Democratic Republic of Congo
EU	European Union
FDI	Foreign Direct Investment
FNLA	National Front for the Liberation of Angola (<i>Portuguese: Frente Nacional para a Libertação de Angola</i>)
GDP	Gross domestic product
ICR	Interactive Conflict Resolution
IPA	Interim Political Authority
LLA	Lesotho Liberation Army
LCC	Lesotho Crisis Committee.
LCD	Lesotho Congress of Democracy
LCCI	Lesotho Chamber of Commerce and Industry
LCN	Lesotho Council of Non-Government Organisations
LDF	Lesotho Defence Force
LNCM	Lesotho Network of Conflict Management
MPLA	Popular Movement for the Liberation of Angola - (<i>Portuguese: Movimento Popular de Libertação de Angola</i>)
NSDP	National Strategic Development Plan
OAU	Organization for African Unity
OPDSC	Organ on Politics, Defence, Security and Cooperation
RMA	Rand Monetary Area
RISDP	Regional Indicative Strategic Development Plan
SACU	Southern African Customs Union
SADC	Southern African Development Community
SADCC	Southern African Development Coordination Conference
SANDF	South African National Defence Force
SAP	Structural Adjustment Programme
SIPO	Strategic Indicative Plan for the Organ
UN	United Nations
UNITA	National Union for the Total Independence of Angola - (<i>União Nacional para a Independência Total de Angola</i>)

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CHAPTER 1

1.1 Introduction

African continent has most of its countries ravaged by wars and domestic conflicts ranging from ethnical, cultural, political party ideology differences and in some cases based on colonial background. The regional organisations have been embroiled in resolving conflicts more than focusing on the regional integration efforts for economic growth.

Supporting the above statement, Ramsbotham (2006) refers to the speech given by Koffi Anan, the former UN Secretary-General, who said: “The nature of political power in many African states, together with the real and perceived consequences of capturing and maintaining power, is a key source of conflict across the continent. It is frequently the case that political victory assumes a ‘winner takes all’ form with respect to wealth, resources and patronage and the prestige and prerogatives of office. Where there is insufficient accountability of leaders, lack of transparency of regimes, inadequate checks and balances, non-adherence to the rule of law, absence of peaceful means to change or replace leader-ship or lack of respect for human rights, political control becomes excessively important, and the stakes becomes dangerously high”. (Ramsbotham, 2006: P102)

The above quote is reflective of what is causing conflicts and wars in African states including the conflict of Lesotho 1998. While the Lesotho conflict 1998 broke out just after the announcement of the election results, it requires some intense study in order to find the causes of such conflicts, and this study is trying to search for the answers to such questions. The question is whether the political parties realised that they would not be in power and therefore set out to convince the citizens that the political party to be in power was not to be trusted to distribute the resources for the benefit of all citizens. When citizens do not have trust in a political party or the ruling party, they cannot vote for it, and if the results are not in their favour, they will resort to violent means to assume power in the regime of authority (Ramsbotham, 2006: P103).

The SADC region has not been spared of this kind of conflict; it has been embroiled in instability or wars of liberation such as in Zimbabwe, Namibia, Angola, Mozambique and South Africa. The internal conflicts in these countries affected their neighbouring states, especially those countries that somehow supported such struggles by accommodating or providing the base for the liberation movements, as well as weapons and soldiers (Ngomba, 2008: P15)

These conflicts ended up involving the entire region. When the other states faced damage of infrastructure and the killing of their people, they decided to collaborate to secure themselves, which resulted in the formation of the Southern African Development Co-ordination Conference in 1980. This later changed to an organization called the Southern African Development Community (SADC) in 1992. The formation of the SADC was aimed at integrating the region for economic growth, peace and stability. The focus of the study in the case of Lesotho's conflict of 1998 is therefore to determine the causes of conflict, who were the role players, and how such conflict was resolved by central institutions such as the SADC.

According to Ngoma (2005), the SADC is also defined by a history of conflict such as those in Angola, DRC, Malawi, Zambia, Tanzania, Zimbabwe and Lesotho between 1988 and 1998, with complex causes rooted on political, cultural differences, economic, domestic and international relations. In 1996 the leaders of the member states of the SADC realised the need to establish an organ on politics, defence and security that would be responsible for peace and security, economic integration and development of the region. In this case, the study will, amongst others, determine the role of the SADC Organ on Politics, Defence Security and Cooperation (OPDSC) in the Lesotho conflict of 1998 (Ngoma, 2005)

1.2 Objectives of the study

The first chapter provides the study on peace and security with reference to the Lesotho conflict of 1998 which is a good case study to illustrate the role of Southern Africa Development Community 's peace and security role. The second chapter focuses on the role of regional organisations in peace and security and provide the definitions and theoretical concepts on conflict, terminologies on conflict and conflict resolution. The study will provide the definitions of the concepts used in this thesis and further outline

the research methodology followed as well as the limitations of the study. The third chapter focuses on normative and instructional framework of SADC's peace and security role at the time and an overview of the Lesotho conflict. The fourth chapter will reflect the role played by the SADC on the Lesotho conflict of 1998. Finally, the fifth chapter provides the analysis and findings of the study and reflect on their empirical and theoretical significance.

1.3 Regionalism

According to Börzel (1970), regions comprise groupings of territorial units in geographical proximity. The study of regionalism touches on various contested fields such as political dimension; therefore, for the region to obtain political, social and economic importance, it should show some degree of mutual interdependence (Börzel, 1970: P4).

Some of exponents on regionalism define the 'region' as the consciousness of residents or a population within a geographical space who identify themselves consciously on their commonalities and in distinction from to other groups in some other regions (Khosa, 1994: P11).

McCormick (2011) argues that regionalism is usually more focused on economic cooperation, including the promotion of trade and investment. Regionalism could be defined based on member states who identify themselves with common goals such as in addressing poverty, collectively promoting efficiency and creating opportunities within their communities, creating a pool of resources and broad philosophical goals on unity and peacekeeping (McCormick, 2011: P15).

Whereas Börzel (1970) and Khosa (1994) agree that the region is based on geographical proximity, McCormick (2011) defines regionalism based on political and social identity by such states that are striving to achieve similar objectives. The three authors agree that for regionalism to be sustainable, it needs collective efforts by the affected communities in dealing with their challenges. Such communities are collectively to address certain issues within their geographical space. These would include addressing challenges such as eradication of poverty and peacekeeping. In order to achieve these goals, there will be treaties and protocols outlining goals and terms, and the creation of

new regional institutions charged with working towards achieving those goals. In this context, the study will provide the basis for the establishment of the SADC and make an analysis of whether it does meet such principles of regionalism. The discussion on the establishment of the SADC will be more focused on peacekeeping with respect to the Lesotho conflict of 1998. (McCormick, 2011: P16).

Asante (1997) purports that Africa needs to develop a strategy that can be shared by most of the policy makers and economists for recognition of dynamic regional cooperation and integration. In emphasising his view, Asante quotes the then President of Tanzania, Julius Nyerere's opinion that "regionalism could be achieved through developing a gradual process of economic integration". Asante (1997) further argues that for African countries to realise regionalism, they need to develop strategies addressing integration processes in the continent through the facts and text that aims to:

- a) Foster understanding of economic integration as a key element for African development
- b) Explain the logic of the dynamic process
- c) Enhance the reader's appreciation of economic integration for achievement of national, sub-regional socio-economic goals
- d) Increase awareness of challenges in the interaction and regional environment to assist African policy makers in formulating and implementing appropriate policies
- e) Provide readers with comparative experiences in operating integration schemes in other parts of the world as solutions to problems encountered in African integration (Khosa & Muthien, 1994: P12).

1.4 Regionalism in Southern Africa

According to Poku (1994), the Southern Africa region's politico-economic landscape is changing. The changes have been brought about by the ravages of conflict which has led to the realization of the importance of regionalism. Additionally, the desire for greater regionalism along economic lines has become an important area of focus by the politicians and academic elites. This ideology of regionalism is supported by the World Bank as it is reflected in its policy which states "*program towards market integration and cooperation in a whole range of economic, technical, environmental, food security, education, and research are central to Africa's long-term development strategy*" (Poku, 1994).

As Lee (2003) points out, the major challenges of regionalism in the SADC is the struggle to integrate economically. The other challenge is integration into the world economy that is characterised by processes of globalisation and regionalism in Africa in the larger context. Political instability within the SADC region also poses questions of serious economic and political dynamics that impact on the implementation of effective strategy for regionalism. The other challenge faced by the SADC region is lack of political commitment by African leadership, which results in poor market integration (Lee, 2003: P235)

Regionalism is also defined as the adoption of a regional project by a formal regional economic organisation designed to enhance the political, economic, social, cultural, and security integration and/or cooperation of member states. The generic definition of regionalism is regarded by some as a process that concerns at least two societies within a region, enhancing their social and/ or economic integration or interaction. Lee (2003) quotes Bach (2001:2), who argues that the argents of regionalism can be driven by state or non-state actors such as the informal sector, non-governmental actors and media companies. In this context and for the purposes of this study, regionalism will be defined as the process by which state and non-state actors seek to enhance their economic, political, cultural, social, and security interaction with society within, through formal or informal structures. It can be argued, therefore, that if regionalism or regional integration is driven by state, there will always be much emphasis on economic growth and development for such a geographical area within a particular society (Lee, 2003: P9)

1.5 Economic integration

The tenets of the economic integration concept argue that, if the trade is not restricted and is free, countries tend to concentrate on the production of goods and services they will supply efficiently. The SADC, as an organization that aims to integrate the countries within its jurisdiction, enabled the individual countries to produce such products more efficiently than other countries and trade in the region capitalising on free agreements such as the SACU. However, the SACU cannot be seen as the main tool for regional integration because not all SADC countries are SACU members (Venter, 2006: P7-8).

Farrell (2005), who quotes Gavin and Lombard as exponents on economic theories of integration, argues that the regionalism of the 1990s differs from that of the 1960s in many ways. Their reflection is that the contemporary integration is where smaller countries are willing to cooperate with a large neighbouring country, which is stronger economically than they are. The regional integration in this process involves going beyond liberalisation of tariffs to include the removal of regulatory barriers relating to liberalisation of services and investment issues. The argument by Farrell (2005) is reflective of the situation of Lesotho as a smaller and economically weaker country than South Africa as the stronger country economically. Therefore, Lesotho entered into a relationship that would lift its regulations as far as liberalisation of tariffs and investment were concerned, such as being the SACU member. The structural changes on contemporary integration theory emphasises the transformation on economic integration, the interaction between trade and investments as well as the role of institutional arrangements as incentives for regional integration. The SACU, in this instance, reflects all this regional integration concept within the SADC region. South Africa is seen to have been playing the role of regional hegemony as smaller countries such as Eswatini (then known as Swaziland), Lesotho and Botswana cooperated to gain on trade and investments by removing the regulatory barriers for liberalisation of trade and investments (Farrell, 2005).

1.6 Economic stability

As can be noted in this study, some of the causes of conflicts are due to scarce resources. It is, therefore, critical for regionalism to be effective that there is economic stability as that will contribute to economic growth and job creation. Economic stability is the backbone for successful regional integration towards regionalism by undertaking research to assess the readiness of member states towards macroeconomic adjustment. The study reveals that most of the SADC member states are still holding on to or are committed to achieving their national goals and objectives, rather than prioritising the regional goals. For the SADC to achieve macroeconomic stability, member states would have to surrender or relegate their macroeconomic policy-making powers to a sub-regional level. The other factor is that the economic policies are not harmonised, creating challenges for an integrated market towards regionalism. The major challenge facing the SADC region in achieving the macroeconomic stability, is the diverse economic policies, different structures and sizes and the adjustment problems and

capabilities of addressing such problems. Further on, member states will need to share information regarding their macroeconomic environment, how they are made in order for member states to understand how their macroeconomic policies impact on each other (Lee, 2003: P239)

1.7 Political stability

The success of regionalism and economic stability in the SADC is much dependent on political stability, as emphasised by the President of Malawi, Bakili Muluzi, in his capacity as the Chair of the SADC during the Summit held in Blantyre in 2001, who said, “The efforts for regionalism and economic stability will be undermined if there is no peace and political stability”. It was during the time of the SADC Summit in Malawi, that member states expressed their concerns regarding the ongoing conflict in Angola, DRC and Zimbabwe. The conflict in those three countries negatively affected the SADC region as none of its member states were able to participate in the SADC Free Trade Areas (FTA) negotiations. The Summit further noted that member states were channelling their resources into resolving conflicts and therefore could not contribute towards regional integration (Lee, 2006: P241).

1.8 Political commitment to regionalism

Lee (2006:244) argues that, unless the SADC political leaders ensure that there is commitment to stabilise the region politically, through tight peace and security measures, the regionalism agenda will never be realised. The objectives of regionalism can only be successful if the political leaders are prepared to sacrifice their short-term national interest for the long-term regional interests. The success of regionalism is, therefore, dependent on the ceding of sovereignty by member states and rationalising their membership to regional economic organisation. It is clear that from such Summit, the SADC member states expected South Africa also to show its leadership as the economic giant in the SADC region and the continent at large. South Africa was, therefore, not expected to continue taking any actions that would be counterproductive towards the regional integration agenda. As such a move was regarded to be positive, it was assumed that the domestic and international investors would be confident that measures had been put in place to resolve some of the challenges facing the region (Lee, P2006: P244).

1.9 Research Question

The focus of this study is to make an analysis of “What is the role of a regional organisation in domestic conflicts resolution, using the case study of the SADC intervention on the conflict in Lesotho of 1998. The study further reviews the role played by regional organisations in resolving conflicts amongst its member states and their impact on regional integration. The analysis will be made on the impact made by SADC on resolving the Lesotho conflicts 1998 and the role of other institutions such as the government, media, political parties and the neighbouring states.

The violent activities that took place as a result of disputes surrounding the election results in Lesotho in 1998, was a crisis that led to internal conflict between the political parties and the citizens. Those leading the campaigns on disputing the election results followed the proper procedures in the process of disputing the election results. Firstly, they approached the relevant institutions such as the Constitutional Court hoping that it would grant their demands for the seating government to step down or nullify the election results. Secondly, they went to seek police clearance for their march to the Monarch and to demand that he nullify the election results as well as dissolve the government of the day.

1.10 Research Methodology

Though interviews would have been one of the best options, the study did not follow an empirical approach as such an approach has limitations due to the sensitivity of the topic. The Lesotho conflict of 1998 was resolved through the use of armed forces, particularly South Africa’s involvement. In this regard, most of information is in the custodianship of Departments such as Defence, Security, Intelligence, Presidency and International Relations, and as such, it poses challenges in obtaining information on the reasons behind South Africa’s role, as it might be classified confidential’ or ‘top secret’ within the government’s policies. In view of these challenges, the study focused more on the existing literature such as books from the university libraries, journals and other authentic documents such as government gazettes. It is the qualitative approach that has been applied as the topic deals with human behaviour rather than measuring of quantities (Abraham, 2006).

In order to comprehend and make efficient analysis of the impact of the SADC interventions in the Lesotho conflict, the theories and approaches that define the characteristics of actors and behavioural patterns leading to the integration while some might provide strategies for conflict resolution were considered. Noting that the Lesotho conflict took place some years back, the collection of data was based on relevant materials for analysing the literature that includes, but is not limited to, books from libraries, newspaper clips, journals, and government gazettes.

1.11 Limitations of the study

The scope of the research on this thesis focuses on the role played by the SADC in resolving the Lesotho conflict of 1998 and whether the strategies applied succeeded or failed. Conflict resolution implies that the parties may formally agree on the disputed areas without resorting to armed violence. The research also considers the role players in the Lesotho conflict and the impact of mediation and military intervention to assist in identifying whether the SADC acted as a regional organisation or whether it was influenced by certain individual member states such as South Africa on the process and decisions taken to resolve the Lesotho conflict of 1998. The research did not focus on the other conflicts that occurred in Lesotho at other times and the rest of the conflicts in which the SADC intervened in the region such as in DRC, Zimbabwe, Tanzania, Mozambique, and others.

Though the study is not aimed at defining the SADC organisation; however, it will be important to show the structural formation of the SADC so as to bring better understanding on the role and implications for the SADCs' interventions on the conflicts in the region. In this regard, the summary on the sub-structures will be provided with special focus on the peace and security formations.

CHAPTER 2

THE ROLE OF REGIONAL ORGANISATIONS ON PEACE AND SECURITY

2.1 Introduction

The methodology followed in this study is the neo-functionalism theory that is central to regional integration, which is anchored on three factors that influence regional integration. According to Wulf's perspective (2009), regional organisations have a critical role when it comes to conflict prevention and resolution. As is generally known, the UN system is overburdened in dealing with international conflicts, to an extent that the international communities have realized that it is better to task the regional organisations with conflict prevention and peacekeeping responsibility. In this study the focus is on the SADC's role in the Lesotho conflict 1998. Wulf (2009) further points out that there are still weaknesses amongst regional organisations in dealing with conflict prevention and management functions which limit their future role. In most conflict or war zone areas, the UN and regional organisations collectively deal and share responsibilities for peacekeeping. This can be seen taking place in Europe and Africa, where the African Union, for example, is taking on new responsibilities. Wulf (2009, P7-11).

Wulf further argues that though the regional and sub-regional organisations are potentially partnering in conflict management, in practice, they often fail to live up to expectations due to several weaknesses. Where there is lack of common values, political differences exist within regional organisations that create barriers for joint response. The differences may be based on the different types of governments especially if there are democratic and authoritarian governments, or religious, ethnic and cultural differences. In the case of Lesotho conflict 1998, there was a resemblance of contested sovereignty. South Africa responded quickly by sending its troops without waiting for the SADC to take required interventions through its delegated troops. The other challenge for regional organisations is the inadequate procedures, human material and financial resources making it difficult to implement decisions and execute sanctions. As regional organisations are based on collective nation states, they have a limited role to play when it comes to conflict management and peacekeeping due to lack of political agreement. (Wulf, 2009. P13-18)

2.2 Role of international organisations on conflict resolution

2.2.1 United Nations

The UN is regarded as the main body for maintaining international peace and security globally, and has proven itself in many wars since the end of the Cold War. The UN runs its affairs through its structures such as the UN Security Council, the UN General Assembly and the Secretary-General. The role played by the UN in resolving conflicts has been devolved down to regional bodies such as the African Union and sub-regional bodies like the SADC. All these organisations were established with the aim of maintaining peace and security as one of the major objectives. Seaman, (2014) illustrate the role of international organisations in the area of peace and security stating that the United Nations charter, which in the preamble, provided for the reaffirmation faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small. The UN has created platforms and established norms that countries could follow and all people to live by and hoping that as the superpower conflict comes to an end, the organisation would become an instrument to mobilise collective concerns. The United Nations as the umbrella body in dealing with peace and security on human rights and conflict resolution, has become the platform for the establishment of regional organisations to assist in conflict resolution and observing human rights within their jurisdiction areas. (Seaman, 2014. P125-127)

2.2.2 Organisation for African Unity (OAU)

In Africa, the Organisation for African Unity (OAU) was established and also got involved in working with the United Nations in mediation in conjunction with the United nations. In 1998 the two organisations jointly worked together on resolving the dispute between Ethiopia and Eretria through negotiating a peace agreement which came into force in 2000. One of the main aims of creating or establishing regional organisations is to strengthen integration, manage and resolve conflict, keeping peace and security amongst its member states. The regional organisations are platforms for their member states to consult and negotiate during or potential conflicts. One of the examples on the role played by regional organisations in settling disputes, is the case of Morocco and Algeria in 1963, where the OAU established an ad hoc commission that facilitated meetings between the two-member states to resolve the border issues,

resulting in the withdrawal of troops, the return of prisoners and restoration of diplomatic relations. (Merrils, 2011, P264)

The Organization for African Unity (OAU), has clear regulations and protocols to be followed when there are conflicts or wars within its member states. However, the OAU seems not to have been well equipped to restore peace and promote democracy. The OAU Charter gave privilege to states' security over human security as it insisted on no-interference into internal affairs of member states. According to Southall (2008), the OAU could not stabilize the conflicts in weak African states. Secondly, the OAU could not deal with some of the issues to be addressed through its programs aimed at regionalization such as alleviating of poverty, fighting diseases, repressive governments, and stopping coups and civil wars in most of the African states. (Southall, 2008: P37-38).

2.2.3 African Union

In 1990, the African continent gathered and started discussions that led to the establishment of the African Union (AU), which was inaugurated in Durban, South Africa on 9 July 2002. The AU was formed with the aim to enforce peace among the African states while growing their economy and fighting poverty and diseases collectively. It is in this process that South Africa and Nigeria, as the major economies, pushed for reformation through their competing policy strategies during the summit in Algiers, Algeria. The African Union also has the Security Council that deals with decisions on how to intervene during the conflicts in its member states. In the Lesotho conflict the intervention from the SADC was not seen to be elevated to the AU level, probably because it was not so tense, even though there were lives lost (Southall, 2008: P38).

2.3 Coordination of mediation

The regional organisational may avoid using its officials in resolving conflicts, but may appoint a third party to mediate on its behalf. In 1972, when the deposed President from Uganda took refuge in Tanzania, war broke out and the OAU appointed the President of Somalia to intervene on the disputes between Uganda and Tanzania on the war that broke out after the supporters of the deposed President of Uganda invaded the capital city, resulting in Uganda bombing the Tanzanian border villages. Another process that

the regional organisation may use effectively in dealing with conflict is the inquiry and conciliation provided there are necessary resources and institutions. Though most of these methods in dealing with disputes by regional organisations are between two conflicting states, the study on Lesotho 1998 conflict was not amongst different states, but conflict within the various political parties which included the involvement of the military forces. (Merrils, 2011, P266)

2.4 Limitations of regional organisations

Though regional organisations are established for the purposes of bringing peace and stability within the region, there are challenges in providing the resources for supporting the mission to be carried out. At times the regional organisation may not have enough human and financial resources to deal with the conflict situation and therefore may need political support from the involved parties. As regional organisations are institutions with a large geographical scope made up of various states, some member states may be more interested than others and those are factors that can limit the possibility of concerted regional action significantly. In the Lesotho conflict 1998, it was South Africa, Botswana and Zimbabwe that were involved more than other SADC member states. (Merrils, 2014, P272)

2.5 Definition of Concepts

In this study, the definitions of some of the relevant concepts will be provided in order to give an overview and to assist in analysing the key concepts, such as regionalism, neo-functionalism, conflict, and conflict resolution and how they were applied by the SADC in resolving the Lesotho conflict of 1998. The research will reflect on concepts such as federalism and how these concepts relate to regional integration and/or influence regionalism.

2.6 Role of Theory

One of the exponents on theory is Hauss (2001) who argues that “theory” is the centre of conflict resolution, when quoting political figures such as Winston Churchill in solving international disputes. Some people may not necessarily think first of the role of theory, even though theory is vital to their work. Hauss further argues that everyone applies theories all the time, even though they may not be aware of how theories influence their thinking, or even that they are using them. Theories serve as mental lenses through

which we view and interpret the world. According to Haus, academically there is no simple or universally accepted definition of theory. He defines that theory as an attempt to reach regional conclusions about a broad body of material. Scholars of regionalism argue that empirical theories seek to explain why certain phenomena occur, and therefore, focus on cause and effect relationships. Thus, empirical theories of conflict resolution analyse why at some times, we can settle our disputes peacefully, while at others, we turn to violence and war (Haus, 2001: P13).

Normative theories are designed to prescribe what we should do in dealing with those phenomena. A normative theory would lay out options that should be used in trying to reach a certain goal, such as a non-violent outcome that satisfies all parties without conflict. The study on the Lesotho conflict of 1998 may have some components of the two theories however, as there is no correct empirical or normative theory, it is only when we ask ourselves questions such as what ought to happen, as most actions are influenced by the motives of the political leaders (Haus, 2001: P14).

2.7 Theories of regional integration

Lesotho, as a signatory member state to the SADC protocols and treaties, it is compelled to abide by the rules and regulations that are aimed at building and enforcing a political and an economically stable region. It is, therefore, important to realise that the political instability in Lesotho had a negative impact on regional integration within the SADC region. It is only through a stable region that the objectives of dealing with challenges such as poverty alleviation, conflict resolutions are collectively addressed.

According to Mattheis (2014), regional integration was established as an academic field by political science scholars in the 1940s. It was after World War II that two main perspectives emerged in Europe, leading to the impression of a post-nationalist future on idealistic views on integration. The theories of integration were the outcomes of the debate amongst scholars who had a central view on the landscape of international relations theory which was dominated by realist visions of states in international anarchy. The greatest challenge was around the necessary preconditions of the new process for integrating the European states. It was during the academic debates focusing on European evolution on regional integration that theoretical approaches such as neo-functionalism and inter-governmentalism emerged. The debates amongst scholars

resulted in agreement on dealing with interdependence amongst various nation-states and centralisation of political capabilities beyond national governments. Whereas there were differing ideologies amongst the scholars, it was only around 1989 that the theoretical foundations for the study of regionalism were provided (Mattheis, 2014).

Börzel et al. (2012) agree with Moravcsik that regional integration should be understood as a result of bargaining processes between member states. The state is seen as a transmission belt for the citizens' interests and therefore becomes the primary unit for analysis. Börzel et al. (2012) further raise the point that, according to neo-functionalists, regional integration advocates for functional spill-overs in terms of context of interdependence. In cases where the domestic elites shift their attention over the nation state, due to increasing transitional exchange or prompted by the belief that their problems cannot be resolved domestically, and in line with this concept, one can attest to the fact that the Lesotho conflict of 1998 may have been triggered by political spill-overs resulting in the intervention of the SADC (Börzel et al, 2012: P5).

In order to understand how the SADC has been organised and its responsibilities in dealing with conflict, it can be deduced from Lee's (2003:8) definition of regionalism in which he refers to two types, the first being formal and the second. the networking regionalism. The formal regionalism is defined as being represented by institutional forms of cooperation or integration as considered to be the aggregation and fusion into broader units of existing territories or fields of intervention. When the conflict broke out in Lesotho, the SADC had the responsibility to intervene through its organised formations such as the organ for political, defence and security issues in order to strengthen regional integration (Lee, 2003: P8)

2.8 Functionalism theory

One of the exponents on functionalism theory is Harrison (1974), who advocates for it as one of the competing lines of thought for federalism as it deals with specific policy areas for choosing cooperation over unilateralism. It can be noted that both functionalists and federalists were concerned about the fact that nationalism and anarchy were dividing the political system into rival territories and threatening the establishment of a peaceful region in Europe (Harrison, 1974)

The functionalists took the direction of establishing an international community on national technocracy and functional cooperation that would be able to resolve conflicts and serve the welfare of all citizens in Europe. This functionalism theory provides the basis for the establishment of the SADC, which is the organisation that is central to conflict resolution, including in the Lesotho conflict (Harrison, 1974).

The functionalists concentrated on establishing a common agenda for the citizens, allowing them to be part of the solutions for their own differences leading to flexible cooperation. On the other hand, the federalists dealt with the establishment of effective centralised institutions. In contrast to realist thinking, the resulting pragmatic and technocratic maxim, “form follows function” implied that integration would extend to the global community of connected transitional organisations, with each specialising on defined functions. According to Mattheis (2014), the functionalism opted for monopolising sovereignty within the state while communitarian issues would be depoliticised. The common institutions did not rely on territorially bound national interests but depended on functional needs. The integration through a common understanding of cultural differences and common efforts on security maintained within a particular region, would convert itself into a formalised community that develops into a political community providing a common identity. It is these integration theories that offered an alternative to realist thinkers in political science, as it did not consider states to be acting solely according to power politics, but dealt with them as emerging dependency interactions and community building based on national states (Mattheis, 2014).

2.9 Neo-functionalism theory

Mattheis (2014) expresses that a neo-functionalism theory is a reformed version of the functionalism theory that consists of elements of federalism of central institutions. The neo-functionalism is characterised by two main actors next to national states in its process of regional integration; the first of these is the supra-national organisation itself and coalitions of national interest groups pushing for integration. The second is that the core of neo-functionalism was a spill-over concept that explains the integration process by the European countries in the 1960/70 period, while reinforcing the convergence of the national interest. The neo-functionalism theory explains that once states agree to relinquish their responsibilities to the regional organisation in uncontroversial

economic and social areas, it gives birth to a dynamic multi-actor institution where the states expand their competencies (Mattheis, 2014).

When the national states transfer some of their specific functions, for the purposes of regional integration, to a regional organisation, the neo-functionalism theory advocates that such a process will have to be through agreements by national states. The neo-functionalism is not based on a learning process among citizens such as the functionalism advocates for, but through an engaged process. The theory seems to suggest that the regional integration process moves from low to high politics, leading to the establishment of a super state overcoming nation states (Mattheis, 2014).

It is argued that the functionalism theory tends to be politically biased and therefore too abstract. According to Haas (1958), the neo-functionalism is a theory of regional integration which is aimed at interdependency amongst nations for economic growth. Secondly, those who apply it aim to strengthen organisational capacity to resolve disputes and build international legal regimes. Thirdly, it develops the supra-national market rules that replace national regulatory regimes. In this case, Lesotho could not deal with conflict in its territories alone. The intervention from the SADC was needed, as Lesotho is dependent on its neighbours for its economic growth and political stability

Jarvis (1994) agrees with Haas's who was optimistic that the modern transcending ideology of defence, and foreign policy pursuits as the motivating forces of governments. For Haas, the demands by societies for their welfare were efficiently addressed through cooperation than resorting to war. In this respect, Haas defined the differences in functionalism theory that the welfare dominated policies and economies are guaranteed over politics. (Jarvis, 1994. P17-20).

2.10 Systems theory

Hauss (2001) argues that the systems theory is a win-win conflict resolution with the outcomes that are empirical and normative. The analyst of this system needs to explore how the behaviour of one actor affects the other actors. In the Lesotho conflict of 1998, this theory could be applied in that it would assist in realising how the actions of South Africa's intervention affected the rest of the SADC member states that became involved. Furthermore, the system theory leads to medium- and long-term effects of the

actions of the actors on the entire system. In order to understand the current situation, it is important to explore the historical roots. The exponents of the systems theory provide three aspects that force the analysts to consider all actors, not just states, and focus on international actors and not only geopolitical ones. As it brings the intellectual picture to light, it forces the use of a much longer-term perspective in which the rationality of traditional theories in general and zero-sum decision making in particular, lose much of their lustre (Hauss, 2001, P15).

2/11 Theories of conflict resolution

Ramsbotham et al, (2011) explain that some of the theorists such as Machiavelli, Hume, Hobbes and Roseau argue that conflict is a result of different human desires. Whereas Machiavelli states that conflict is caused by the desire for self-preservation and power, Hobbes reflects that the three principal causes of quarrel in a state of nature are competition for gain, fear of insecurity and defence of honour. Hume argues that the underlying conditions for human conflict are triggered by scarcity of resources and limited altruism. whereas, according to Rousseau, the state of war is born from the social state itself (Ramsbotham et al., 2011).

2.12 Conflict resolution theory

In dealing with conflict, one needs to understand the theories, such as conflict resolution theory, as that will assist in understanding whether the Lesotho conflict was resolved to the satisfaction of the parties involved. Conflict takes place between two parties or groups. The scholars working in other fields argue that it is impossible to anticipate a win-win outcome that would satisfy all parties involved in conflict. However, the scholars do agree that a win-win situation can materialise only if all or most of the parties understand that it is in everyone's interest to reach a mutually satisfying agreement. Therefore, such parties may collectively look for new and creative solutions to their problems through focusing on their general goals and not their specific demands. (Hauss, 2001, P16).

The conflict theory resolution requires the parties also to treat each other with respect and dignity. The differing parties may as well use trained and neutral mediators or other "third parties" to help antagonists see new options in order to reach an agreement. The parties need also to see conflict as part of a larger relationship that can improve or

deteriorate over time, depending on the choices they make. In the case of the Lesotho conflict of 1998, this conflict resolution was applied when the situation was tense and uncontrollable: the government of Lesotho approached the South African government to send the team led by Judge Pius Langa to mediate. As the Lesotho political parties were not satisfied with the outcomes of the Langa Commission report, they approached the SADC as the other neutral party to intervene so that an amicable solution could be reached (Hauss, 2001, P17).

2.13 Conceptualising Conflict

During the Lesotho conflict in 1998, government properties and businesses such as those of South African origin were targeted and damaged. There were citizens and soldiers who lost their lives, and some people who were physically harmed. Though the conflict in Lesotho did not claim a huge number of lives lost, it can be conceptualised as negative conflict. Bassey (2007) is one of the exponents on conflict resolution who uses the concept of positive and negative conflict. In his view, positive conflict leads to positive change and development, while negative conflict promotes or produces negative results such as physical harm, deaths, destruction of property, and so on. In that concept, positive conflict is regarded to be constructive while negative one is considered to be destructive. (Bassey, 2007)

The two scholars who argues about what conflict is, are Jeong and Deng. Whereas Jeong (1999, P12) describes conflict as a contentious process that involves interpersonal or inter-group interaction that takes place within a social context., Deng's (1999) view is that "conflict is an inevitable aspect of human interaction and an unavoidable concomitant of choices and decisions". In some instances, conflict is referred to situations where a minority group that does not agree with the policies and system of the government or political party in power, resist through violent actions. Deng, 1999: P33)

2.14 Terminology on conflict

In their explanation of defining conflict, Ramsbotham et al. (2006) argue that the terms used in literature and in general usage can be confusing, therefore the following definitions could be used in this thesis so as to be able to make an analysis of the Lesotho conflict of 1998. Though these scholars refer to conflict as the pursuit of incompatibility

goals by different groups, and that it needs a broader span of time and a wider class of struggle than armed conflict, they agree that the term would be used to refer to political conflict whether it is pursued by peaceful means or by the use of force. (Ramsbotham et al, 2006: P27).

Ramsbotham, (2006) defines conflict by the manner in which it was handled or occurred, such as the use of arms, referred to as armed conflict. There is *violet or deadly conflict* which is similar to armed force. but may include one- sided violence such as genocide against unarmed civilians. *Conflict settlement occurs when the differing parties reaches an agreement to settle* political conflict. The Lesotho conflict of 1998 were resolved in a manner that could be defined as conflict management and conflict resolution. The latter referring to the limited ways to settle and containment of violent conflict. Whereas *conflict resolution* may refer to a situation where most of the root causes of conflict have been resolved, it sometimes takes place through negotiation processes whereby all parties involved come together with the intention to settle their differences amicably. In the Lesotho conflict of 1998, there were interventions from the third parties, however, some third parties such as the government of South Africa did not do it voluntarily, but was forced in the interest of defending its own interest. (Ramsbotham et al., 2006: P26-29).

2.15 Nature of conflict

Some of the scholars define conflict based on the focus of their study or research on wars fought between countries and on battle deaths in fighting between the armies of internationally recognised states. According to Hauss (2001) the revolutionary wars where the colonised people who fought for their freedom, still remain the focus of theoretical and empirical research in international relations. The argument made further by Haus, is that in the study of eighty wars that took place between 1945 and 1995, only twenty-eight involved two or more states and their armies against each other. These conflicts have taken place in the poorest states and impacted negatively on the millions of people who have been struggling to survive even before the wars started. This type of conflict is the reflection of what happened in Lesotho in 1998. Lesotho has a small population compared to its neighbour South Africa, but its conflict impacted so much on South Africa and Botswana, who on behalf of the SADC had to intervene through their armies. The intervention by those two countries had serious financial and human

resources implications for the two governments and the country at large (Haus, 2001, P18).

2.16 The root causes of Conflict

Akokpari (2008:88) argues that Africa's conflicts are unique in the sense that most are intra-state, and that some of those conflicts are caused by political and governance-related issues. In addition to these facts, when the state fails to manage the distribution of resources that leads to certain constituents being favoured over others, it results in conflicts. Akokpari argues further that Africa's conflicts have lately emerged to be over natural resources to an extent that some countries have used mineral resources to finance war machines, such as the diamond conflicts in Sierra Leone. It is noted that to a certain extent, Africa's conflict has generally caused destruction to properties and human lives and also affected the institution of governance. In this study, it is the same pattern, as the conflict in Lesotho led to some destruction of properties, loss of human lives and effects on the government in dealing with such conflicts. In some countries, these conflicts have resulted in systematic rapes, amputations, displacements of communities and persistent use of child soldiers that is considered to be the defining characteristics of African conflict (Akokpari, 1998: P89).

While conflict ranges from domestic, regional, to international level, in most African states that were ravaged by wars, conflict was promoted by neighbouring states who supported either the rebels, armed forces, or the governing regime. Deng (1991) agrees that in some instances, particularly in Africa, the real causes of conflict may be traced from the shortage of economic resources, political power-sharing and ethnic differences. Another cause of conflict, in Deng's opinion, is the interference in neighbours' political situation, such that interference by the neighbouring state comes as a result of political belief which makes the other state defend itself beyond its borders. In this instance, the assistance given to South African political organisations (called 'rebels' or 'terrorists' by the policy makers of the day) by the governments of Tanzania, Zimbabwe, Zambia and (Tayime, 2008) Mozambique during apartheid times was justified as there was gross human violation which affected the SADC region and the African continent at large (Deng, 1991).

It is acknowledged that in Africa, some causes of war were externally influenced by international actors such as those from Europe, America, Cuba and Russia. The role of these international actors in conflict was to supply the ammunition in the hands of the guerrillas and governments. Russia and China are seen to be the main players in the arms embargo situations (Laremont, 2002: P14).

The pattern of the system of government as shaped by colonial masters has created divisions amongst nations. The tribes were divided by the newly created borders that led to nations starting to consider themselves as two different nations. As the state failed to distribute the resources impartially to its competing constituencies, it resulted in conflict as the constituencies started fighting for political positions, knowing that it was the only way to access resources (Akokpari, 1998: P89-91).

In some instances, the cause of conflict is due to differences in ideology and points of principle. A typical example is that of the apartheid era where some countries kept their diplomatic relations with the former South African government as they were dependent on it for economic reasons, despite the decision that all African countries should isolate South Africa at that time. (Ngomba, 2008).

The question still to be answered is why these wars still take place and what the root causes of such conflicts are. Some exponents, such as Deng (1991) raised the issues of pluralism, ethnicity, and militarisation. If ethnicity and race differences were the causes of war, why have the conflicts started only now, if these nations and groups have been together for such a long time? What makes them realise only now that they are different from one another? It is, however, clear that unauthentic and multi-ethnic groupings have been the disorderly results of the colonialism which created divisions amongst nations and states. African states under the Organisation for African Unity (OAU) agreed to the colonial borders instead of concentrating on nation building, and all these led to some contribution to violence and wars (Deng, 1991).

There has been much discussion about the conflict in Lesotho dating back as early as in the 1990s. The political unrest in Lesotho has mostly taken place just after elections. In Matlosa's view, (2007) the conflict in Lesotho is more of a problem of factionalism despite that Lesotho does not have deep racial, ethnic and tribal cleavages as many SADC and African countries do. Therefore, the course of conflict in such a country

without ethnicity differences cannot be regarded to be the cause of their internal conflict as they are one dominant ethnic group, and therefore their conflict could lean more towards political power in order to have access to the scarce resources and distribution thereof. Other exponents on conflict refer to it as organised violence that takes various forms, such as gang wars, intercommunal wars, civil wars, wars of secession, and wars of national liberation as well as interstate wars, such forms of conflict are different and their causes are also analytically distinct (Cashman, 2000, P18-22).

The causes of the Lesotho conflict seem to revolve around political differences, distribution of resources, and a political party support base which results in the legitimacy of government. In 1998 the conflict occurred due to rejection of election results as well as the breakaway by members of the Basotholand Congress Party (BCP), who then formed the Lesotho Congress of Democracy (LCD) Party. It has also been realised that due to the involvement of the army in supporting the BCP, democracy principles in Lesotho were compromised (Lambrechts, 1999, P21).

2.17 Conflict Resolution

According to Mandaza (1996), conflict resolution is a process by which the parties to a conflict voluntarily and formally agree to either dissolve the incompatibility or live with it without resorting to armed violence. In this study, the focus is to make an analysis based on the available information on how the SADC resolved the Lesotho conflict of 1998, and whether it resorted to armed force or it was through negotiations that the conflict was settled (Mandaza, 1996: P3).

Fisher (1997) defines conflict resolution by stating that it is small group discussion methods that bring in alternative directions towards managing conflict and the resolution thereof. The scholars who followed these methods of smaller group discussions for resolving protracted international conflict are considered as “third party consultation” which developed into the so-called “interactive conflict resolution” (ICR). Such constructive and effective face-to-face interactions amongst representatives of the parties themselves is a requirement to understand and resolve complex intercommunal and international conflicts (Fisher, 1997: P142-143).

A similar assumption of interactive conflict resolution (ICR) is by Ellis (2001), who argues that constructive analysis and creative problem solving between antagonists can

be effectively employed through use of a skilled and knowledgeable third party. He argues that most of the African countries have, after independence, been characterised by engaging in war once the resources become scarce. As the expectations for transformation and growth tend not to be sustainable for the next generations, in most cases such frustrations degenerate into war. The study on the Lesotho conflict of 1998 is an example of the situation in which the government institutions of Lesotho and the SADC as a regional organisation failed to apply ICR. If the skilled and knowledgeable third parties on dealing with conflict were engaged immediately after the indication that the election results were disputed, the conflict of 1998 could have been avoided (Ellis, 2001).

According to Avruch (2000), conflict is an aspect of social relationships which is a feature of human societies. The scarcity of resources and struggle for power as well as the struggle over values, are considered to be causes of conflict within certain societies. The second idea to that is the conflict caused by the perception and belief that current aspirations cannot be achieved simultaneously. These two ideas suggest that conflict may lead to a struggle or violence, while the second one may create space for negotiations (Avruch, 2000).

2.18 Conflict Management and Resolution

Conflict defines the human interaction where there are decisions to be taken, mostly compounded by many actors. The choice to be made where there is more than one actor would be to satisfy or resolve the differences by negotiating or forcing the other party to succumb to a particular decision. Conflict occurs where there are goals to be achieved, but by different groups or individuals who will benefit on the outcomes of such choices to be made (Deng, 1991).

Deng (1991) argues further that conflict may be prevented in certain instances and managed in some cases, but resolved if the term means the satisfaction of the demands rather than the eradication of underlying sentiments, or memories. In the case of Lesotho, the conflict to be settled was mainly to ensure peace, and a government that would be accepted by people through the consent of the political parties that contested the elections. (Deng 1991)

2.19 The Role Players in Conflict Management

2.19.1 The state

The state is seen as a neutral institution in resolving conflict; however, it cannot be separated from a person-to-person relationship in conflict behavioural patterns. When conflict is between two states, the Heads of State are much involved in trying to come up with the solution. The state has a central role to play when it comes to conflict resolution, as it is the only organ that has legitimate authority to use arms in resolving the violence. The state has fiscal monopoly over collection of taxes and tariffs. In the case of the Lesotho conflict, it is the King who has the constitutional powers to calm the political parties and can also remove the sitting government (Wallenstein, 2015, P158).

The state has legitimate authority over its borders as its geographical territory. The neighbouring nations expect each state to take control over its territories, including the border areas. In the case of Lesotho, it is more complicated as its borders are totally engulfed in South African borders. The state's role in conflict resolution will also be determined by how powerful its armies are, that on its own attracts interests from various groups who would want to be in power so that they would be in control. When a state is weak in controlling violence or conflict, it impacts negatively on its neighbours, thereby facing sanctions or interventions. In the case of the Lesotho conflicts, the SADC community had to intervene, especially South Africa, which was directly affected (Wallenstein, 2015, 161).

According to Ramsbotham et al. (2006), the state remains the primary locus of identity for most people, and given the juridical monopoly on sovereignty still formally accorded to state within the current international system, all parties are still driven to compete for state control if they are to bring about revolutionary programmes (Ramsbotham et al., 2006: P101).

2.19.2 The government

The government is one of the major role players in conflict resolution, as realized in the case of Lesotho. The government has the responsibility to protect its citizens and the state properties from any kind of violence or vandalism. It is also the role of government to keep peace and ensure the safety of civilians. The government makes rules,

regulations and policies that gives guidelines on how to manage and resolve conflicts. When the Lesotho conflicts broke out, the Prime Minister, Phakalitha Mosisili, immediately called a cabinet meeting at his Maseru residence to discuss the deteriorating situation in the country and the mutiny of his armed forces. On the other hand, the reaction by the South African and the Botswana governments resemble the role played by government on conflict resolution because it was the key stakeholder. According to Wallenstein (2012), when conflict breaks out in one state and affects the neighbours negatively, it may face sanctions or intervention. In the case on Lesotho, it was the Botswana and South African governments that intervened in the conflict going on in Lesotho because they were the neighbors who would be affected negatively. It is perceived that as the government has political and military powers, it has the muscle to manage and resolve conflict peacefully through engaging key stakeholders. The government has the responsibility to bring peace and stability during the conflict through negotiations with the affected parties. If the differing parties are not cooperating with the government to resolve such conflict through negotiations, the government may use force, especially where the lives of civilians are threatened. The government may also use force in cases where the state properties or businesses are damaged through violent activities such as those in Maseru in 1998. The government may call for assistance from regional or international organisations to bring about peace and stability within its territories if it cannot be dealt with by its own forces or when the forces are no longer loyal to that government (Likoti, 2007: P252).

CHAPTER 3

THE NORMATIVE AND INSTITUTIONAL FRAMEWORK OF SADC'S PEACE AND SECURITY

3.1 Introduction

The focus of this chapter is to give an overview of the SADC organisation, its institutions, objectives and roles on peace and security within the region. The study provides the role played by SADC in the Lesotho conflict of 1998. In this context, the discussion also reflects the role players within the SADC region who participated or got involved in the Lesotho conflict of 1998 and the intervention by military forces, especially the South African Defence Force (SANDF), Botswana Defence Force (BDF) and the Lesotho Defence Force (LDF).

3.2 Historical background of the SADC

In order to understand the role of the SADC in resolving conflicts in the region, such as the Lesotho conflict 1998, it is critical first to provide the historical background on the formation of the SADC and the reasons behind its establishment. According to Oosthuizen (2006), SADC was formed with the aim to get rid of the colonial powers and white minority regimes. These efforts started as early as the 1960s, when governments in the region focused on security and political cooperation. Lesotho was once a British colony, and therefore it has gone through some conflict resolution to obtain independent and freedom (Oosthuizen, 2006: P53).

Buthelezi (2006) provides some background on the establishment processes of the SADC, starting from the first Southern African Development Coordination Conference (SADCC) that was held in 1979 and attended by representatives from the donor governments and international agencies and delegates from Angola, Botswana, Mozambique, Tanzania and Zambia. In 1980, a second regional economic summit was held in Lusaka, Zambia, resulting in the approval of the Lusaka Declaration, a statement of strategy entitled "Southern Africa: Towards Economic Liberation" (Buthelezi, 2006).

In January 1992, the SADCC meeting decided to include other countries such as Lesotho, Malawi, Namibia and Swaziland, which led to the establishment of a fully integrated economic community, resulting in the signing of the treaty that transformed into the Southern African Development Community (SADC) during the meeting held in Windhoek, Namibia on 17 August 1992. It is noted that during the conference held in Lusaka, Zambia, the main aim was to sanction South Africa so that member states should not continue to be dependent on South Africa's rail and air links, port facilities, imports of raw materials and manufactured goods, and the supply of electric power. The plan did not work, as in 1995 the region realised that they were still dependent on South Africa for its trade outlets. (Buthelezi, 2006).

Firstly, when the SADC was established, the focus was on growing economy by creating interdependence between nations. The second idea for establishing the SADC was aimed at building an organisation that would have the capacity to resolve disputes or conflicts and build international legal regimes. In this case, this study focuses on the efforts made by the SADC to resolve the Lesotho conflict of 1998. Thirdly, the formation of the SADC was also aimed at creating supra-national market rules that replace national regulatory regimes; the creation of the Southern African Community Union (SACU) was based on this theory. The thesis further discusses the weaknesses and strengths of this theory and also looks at the challenges thereof on conflict resolution as well as how the critics of this theory argue about it.

3.3 Objectives of SADC

The objectives of the SADC, as stated in Article 5 of the SADC Treaty (1992), are to achieve development and economic growth, alleviate poverty, enhance the standard and quality of life of the people of Southern Africa and support the socially disadvantaged through Regional Integration; and to evolve common political values, systems and institutions. These objectives are to be achieved through increased regional integration, built on democratic principles, and equitable and sustainable development. The objectives are, therefore, to be implemented through various institutions as mandated by different legal instruments such as the SADC Treaty and specific Protocols. It is interesting, therefore, to note that these institutions have played a particular role in conflict resolution, referring specifically to the Lesotho conflict of 1998.

3.4 SADC Institutions

The transformation of the Southern African Development Coordination Conference (SADCC) into the Southern African Development Community (SADC) has records of remarkable achievements; however, some challenges were also encountered as a result of shortfalls in the existing structure. One major challenge was the establishment of an appropriate and effective institutional framework and structure for executing the organization's new mandate.

3.4.1 SADC Tribunal

The SADC Tribunal ensures adherence to, and proper interpretation of the provisions of the SADC Treaty and subsidiary instruments, and adjudicates upon disputes referred to it. It was established by the Protocol on the Tribunal, which was signed in Windhoek, Namibia during the 2000 Ordinary Summit, and was officially established on 18 August 2005 in Gaborone, Botswana. The inauguration of the Tribunal and the swearing in of members took place on 18 November 2005 in Windhoek, Namibia where it is based. It consists of appointed judges from Member States (SADC Report 2001).

3.4.2 SADC Council of Ministers

The SADC Council of Ministers is the second-tier level of the Organ comprising Ministers from the SADC member states, usually from the Ministries of Foreign Affairs, Economic Planning, or Finance, and they meet twice in a year preceding the SADC Summit of Heads of State and Government. The Council of Ministers prepare the Agenda for the Summit; this shows that they are also role players in conflict resolution. The interest on this study is to examine the role played by the Council of Ministers during the Lesotho conflict of 1998.

According to Likoti (2007), it is unclear if there was a formal SADC decision on the intervention in the Lesotho conflict of 1998; he points out that political commentators gave different opinions in trying to justify or repudiate the intervention. The argument raised by Likoti (2007) on *the role of SADC's OPDS in intrastate conflict* is that the decision seems to have been taken at a ministerial meeting attended by Botswana and South Africa only. The paper refers to the minutes of the meeting held in Gaborone on

15 September 1998 while it is still not clear if the SADC Summit took a decision on this matter in Mauritius (Likoti, 2007: P255).

3.4.3 Sectoral and Cluster Ministerial Committees

The Sectoral and Cluster Ministerial Committees consist of ministers from each Southern African Development Community (SADC) Member State. These committees are directly responsible for overseeing the activities of the core areas of integration, monitoring and controlling the implementation of the Regional Indicative Strategic Development Plan in their area of competence, as well as providing policy advice to the Council. Currently the Cluster Committees comprise the following:

- Ministers responsible for Trade, Industry, Energy, Tourism, Finance and Investment;
- Ministers responsible for Infrastructure and Services;
- Ministers responsible for Food, Agriculture, Natural Resources and Environment;
- Ministers responsible for Social and Human Development and Special Programmes (HIV and AIDS; education, labour; employment and gender);
- Ministers responsible for Politics, Defence and Security; and
- Ministers responsible for Legal Affairs and Judicial matters

3.4.4 Organ on Politics, Defence Security and Cooperation (OPDSC)

The outcomes of the Heads of States and governments during their meeting held in Windhoek, Namibia, in 1992, was the signing of the Declaration and SADC Treaty that also resulted in the change of name and the emphasis shifting from development coordination to development integration, hence this study on regionalism conflict resolution in Southern Africa (de Coning, 2003: P54).

OPDSC is the defence, security and peace committee of the SADC that is responsible for the development and implementation of the strategies to deal with conflict and security matters in the SADC region. It is the main role player on conflict resolution. and the study will, therefore, focus on the interventions proposed and implemented on the Lesotho conflict of 1998. The study will also, to a certain extent, show how the OPDSC arrives at the decision to intervene in any conflict that arises in the region.

3.5 Objectives of the OPDSC

The establishment of the OPDSC was discussed and recommended to the Heads of State by the Ministers of Foreign Affairs, Defence and Security in a meeting held in Gaborone on 16 January 1996, and approved by the Heads of State, i.e. the SADC Summit on June 1996. The objectives of the OPDSC are, among others, to prevent conflict in the region by establishing security and defence cooperation. The OPDSC also ensures there is development of collective security capacity as well as the defence pact and the regional peacekeeping capacity. In strengthening regional integration, the OPDSC is also tasked with the responsibility of coordinating participation by member states in an international and regional peace-keeping capacity. The mediation and dispute resolution as well as sustainable peace through peace-making and peace-keeping are among the objectives to be fulfilled by the OPDSC. In addressing extra-regional conflicts which impact on peace and security in Southern Africa, the OPDSC would apply preventive diplomacy and mechanisms, with punitive measures as the last resort (Likoti, 2007: P254-255).

The Defence Pact requires member states to individually train, develop capacity within their military, police and defense structures with the aim to jointly capacitate the region for the reposes of security and peace-keeping missions with respect to defence cooperation, jointly train military personnel, hold military exercises and exchange military intelligence and information (Oosthuizen, (2006: 296).

In this study, the focus is to analyse the role of the OPDSC in resolving the Lesotho conflict of 1998, that is to try and find out whether the interventions came as a result of the collective peace-keeping move as sanctioned by the OPDSC or it was individual states' security units that were used to protect individual member states.

3.6 The Summit

The Summit comprises Heads of State or Government from the sixteen (16) member states and is managed on a Troika system. The Summit usually meets once a year around August/September in a member State, at which a new Chairperson and Deputy are elected and both the Chair and Deputy Chair co-chair the Summit meetings.

The SADC Summit is the highest body responsible for the overall policy direction and control of functions of the community, ultimately making it the policy-making

institution. The Summit, as the supreme policy-making organ of the SADC is responsible for the appointment of the Executive Secretary. The study will therefore examine the role of the Summit in decision making regarding conflict resolution in the region, with particular reference to the Lesotho conflict of 1998. On 14 September 1998, President Nelson Mandela of South Africa, in his closing remarks at the Summit of Heads of State and Government of the Southern African Development Community at Grand Baie, Mauritius, said:

“The culture of democracy that has taken root in our region is on a forward march and there is no going back. As SADC, we pledge our unwavering support and assistance to those countries still grappling with democratic and constitutional reforms, with restoring peace or the conditions for democratic elections. SADC stands ready to continue its efforts to facilitate a resolution of the problems that have arisen in Lesotho concerning the results of the elections. Our confidence that the leaders of Lesotho will find a satisfactory solution is strengthened by their response to the mediation initiative taken by the SADC foursome consisting of Botswana, Mozambique, Zimbabwe and South Africa”.

3.7 Troika

The Troika is composed of the current SADC Chairperson, the incoming Chairperson (the Deputy Chairperson at the time), and the immediate previous Chairperson. The Troika system vests authority in this group to take quick decisions on behalf of SADC that are ordinarily taken at policy meetings scheduled at regular intervals, as well as providing policy direction to SADC institutions between regular SADC Summits. This system has been effective since it was established by the Summit at its annual meeting in Maputo, Mozambique, in August 1999. Other member States may be co-opted into the Troika as and when necessary. The Troika system operates at the level of the Summit, the Organ on Politics, Defence and Security (OPDS), the Council of Ministers and the Standing Committee of Senior Officials. Application of two Troikas at the level of the Standing Committee of Senior Officials, which comprises Permanent or Principal Secretaries or accounting for government offices, ministries or departments and at the level of the OPDS Cooperation, is referred to as the Double Troika (SADC Report 2001).

3.8 Summit Troika of the Organ

The SADC OPDS is managed on a Troika basis and is responsible for promoting peace and security in the SADC region. It is mandated to steer and provide Member states with direction regarding matters that threaten peace, security and stability in the region. It is coordinated at the level of Summit, consisting of a Chairperson, Incoming Chairperson and Outgoing Chairperson, and reports to the SADC Summit Chairperson. The SADC Summit and Organ Troika Summit are mutually exclusive, and the Chairperson of the Organ does not simultaneously hold the Chair of the Summit. The Organ structure, operations and functions are regulated by the Protocol on Politics, Defence and Security Cooperation. Like the Summit chair, the Organ chair rotates on an annual basis (SADC Report 2001).

3.9 Conflict management

The Defence Pact and the protocol OPDSC deals with the prevention, management and resolution of conflicts as those are the key responsibilities of the SADC Summit and the Secretariat. The SADC established the OPDSC and the regular meetings by Heads of State, Senior officials builds into the trust and creating confidence to the community as far as the conflict management and resolution are concerned. The interesting part is to identify how these systems fit into the AU and UN peace and security systems when it comes to conflict prevention, management and resolution (Oosthuizen, 2006:285).

According to the international law and the UN Charter, it is stipulated that state parties to the OPDSC protocol and Defence Pact should settle their disputes peacefully and may not use threat or force against each other or against other states, but must respect the territorial integrity and sovereignty of each other and also not to interfere in each other state's internal affairs. This requirement seems to have been partially observed by the SADC when dealing with the Lesotho conflict of 1998 (Oosthuizen, 2006: P286).

3.10 Peace operations in SADC

One of the objectives of the SADC Organ is peace-keeping in the region, which has three elements. The first one is that there should be peace, secondly that peacekeeping should take place with the consent of all involved parties, and thirdly that no force

should be used to keep such peace. The pact further elaborates that the peaceful means in resolving conflicts is not meant to support any efforts by persons or organs that are destabilising the defence or military territorially, economically or in social security including the acts aimed at changing the constitution or constitutional order of a state in an unconstitutional means. In terms of the pact, the Summit is expected to resolve intra-state and interstate conflicts in a peaceful manner, through negotiations, preventive diplomacy, conciliation and mediation processes. Oosthuizen (2006) further alludes to the fact that the Summit is the only body mandated to take decisions regarding the enforcement action against a disputed party in line with the OPDSC recommendations (Oosthuizen, 2006: P288)

3.11 SADC Election guidelines

One of the challenges considered as a gap on the role of SADC organisation in managing peace and security at the time of Lesotho conflict 1998 is the lack of formalised election guidelines as a tool for managing conflict amongst the member states. It is clear that election guidelines were not formalised at that time. According to Oosthuizen (2006), the SADC election guidelines for running and managing election outcomes in cases of disputes were developed without following the set-up procedures as they were not thoroughly consulted with key stakeholders. This is substantiated by the statement that the guidelines were secretly drafted and not subjected to legal scrutiny by the Legal Services within the SADC Secretariat. The guidelines were only adopted by the SADC Summit in 2004. The aim of the Summit to have the election guidelines was to enhance the transparency, credibility of elections and democratic governance and to ensure that the outcomes of the elections are acceptable to all contesting parties. These guidelines were formally informed by the SADC Treaty, the OPDSC Protocol, the SIPO and the major principles and guidelines extracted from the OAU Declaration on the Principles governing Democratic Elections in Africa (AU election declarations) and the AU Guidelines for African Union Electoral Observation and Monitoring Missions. When the Lesotho election results were announced. In this case it can be concluded that SADC did not have any formal processes or guidelines to deal with reaction by political parties that were not satisfied by the election results. (Oosthuizen, 2006: P304)

Figure2:
Country Map of Lesotho



Figure 2 shows the Lesotho districts, with Maseru as the highly populated one where most of violent activities took place during the 1998 conflict.

Figure 3: Country Flag



Figure 3 is the flag of Lesotho which is the national symbol of the government of Lesotho.

3.13 The Government of Lesotho

13.1 The Executive

The Lesotho Government is a modified form of a constitutional monarchy. The Prime Minister is head of government and has executive authority. The King serves

largely a ceremonial function, as he no longer possesses any executive authority and is prohibited from actively participating in political initiatives. According to the Lesotho constitution, the leader of the majority party in the Assembly automatically becomes Prime Minister; the monarchy is hereditary, but, under the terms of the Constitution which came into effect after the March 1993 election, the monarch is a "living symbol of national unity" with no executive or legislative powers. Under traditional law, the College of Chiefs has the power to determine who is next in the line of succession, to serve as regent in the event that the successor is not of mature age, and may even depose the monarch (Euromonitor Report, 2012).

3.13.2 **The Legislative**

The Legislative branch, which is the bicameral Parliament, consists of the Senate (33 members: 22 principal chiefs and 11 other members appointed by the ruling party) and the Assembly (120 seats, 80 by popular vote and 40 by proportional vote; members elected by popular vote to serve five-year terms ((Euromonitor Report, 2012).

3.13.3 **The Judicial**

The judicial is composed of the High Court, Court of Appeal; Magistrates' Courts and customary or traditional courts. The High Court's Chief Justice is appointed by the monarch acting on the advice of the Prime Minister (Euromonitor Report, 2012).

3.14 **Political Overview**

Lesotho is a constitutional monarchy. The King is the head of state, and executive powers are vested in an elected Prime Minister. Lesotho politics used to be dominated by two major parties. The Basotho National Party (BNP), which ruled the country from 1965 until 1986; and the Basutoland Congress Party (BCP), which governed the country from 1993 until a breakaway faction, the Lesotho Congress for Democracy (LCD), won the 1998 elections (Likoti, 2007: P252-253).

Matlosa, (1999) in his abstract, argues that the Lesotho government is a key role player in the Lesotho conflict of 1998. The BCP, which was the government before elections, having lost on elections, could not take the loss and thereby declared that

the elections were not fair and free. On the other hand, the winning LCD also called on the neighbouring states to intervene through the use of military forces. Furthermore, the non-inclusion of the Lesotho Liberation Army (LLA) into the Lesotho Defence Force during the 1993 political transition was like a time-bomb waiting to be detonated (Matlosa, 1999).

The challenge raised by some analysts of the Lesotho conflict is that the Prime Minister, when requesting military intervention, did not consult the King as one with the monarchy's powers and authority to declare the situation. It is noted, as Likoti reflects, that on the other hand, the ruling party suspected that the King was on the side of the protesters, since he had refused that the army remove them from the palace gates (Likoti, 2007: P274).

3.15 Lesotho Political Parties

The main political party role players for the 1998 elections were the BCP and the LCD, as well as the MFP and the BNP. The split of the BNC as the ruling party leading to the establishment of the LCD led by the leader of the former BNC, former Prime Minister Ntsu Mokhehle, created rivalry between the two parties at the political platform. Lesotho being such a small country, one of the challenges was on how to contest elections with many political parties as seen in 1998 (Likoti, 2007, P275).

According to Milazi (1991), Lesotho's political problems started as early as in the sixties after the country gaining their freedom. This was under the LCD as ruling regime, as they continuously manipulated the electoral process. The LCD won a landslide victory in the 1993 elections and have been lobbying the leadership of the SADC region states to support them to stay in power.

3.16 Civil Society

The civil society of Lesotho played a role during the conflicts of 1998 as they heeded the call by the opposition parties and exerted pressure by gathering at the grounds at the Royal Palace and making their voices heard regarding their dissatisfaction at the manner in which the elections were conducted. There were

lootings and burning of businesses and government properties as the people of Lesotho demonstrated their dissatisfaction with the election results. The Civil Society Organisations between Lesotho and South Africa play a greater role in the politics of Lesotho and therefore cannot be left out in planning stages and crises in resolution of conflict such as that of 1998 (Lambrechts, 1999: P38).

According to Matlosa (1999), a weak and disjointed civil society and lack of local conflict management mechanisms is considered to be one of the factors that caused the Lesotho conflict 1998. The communities play a role in conflict resolution as they are the ones who give the political parties the mandate through their votes. When the outcomes of the elections are disputed, the leadership of such political parties also listen to the voice of the masses that voted for them. As the election results were disputed, the Basotho (community members) were involved in the conflict in 1998 whereby government properties were vandalized, shops looted, schools boycotted, civil servants not going to work, etc. The *Sunday Independent* reported that the SANDF had to intervene in order to disperse mobs and stop the unrest that was going on, especially in Maseru (Likoti, 2007).

3.17 Media

The media are one of the role players when it comes to conflict resolution which can either positively or negatively influence the reaction of impacted constituencies. As most media may be independent, and few are state controlled, the challenge then, is who is reaching and convincing the majority depending on the manner in which they spread their information or news. During the 1998 Lesotho conflict, the *Mail and Guardian* was one of the media platforms that reported on the events. According to the report by Shaba Ka 'Nkosi (*Mail & Guardian* , 25 September 1998), the Lesotho Defence Force (LDF) soldiers who sympathised with the opposition parties, removed arms from the military bases in preparation for the prolonged war against the allied forces of the Southern African Development Community (SADC).

The Basotho soldiers retreated strategically to the mountains to defend their Makonyane headquarters not to fall in the hands of the South African National Defence Force (SANDF) and the Botswana Defence Force (BDF). The SANDF

and the BDF tried to stamp their authority on the mountain kingdom, forcing the LDF troops out of their barracks, but because they perceived the war as foreign invasion, the soldiers started regrouping themselves. The *Mail & Guardian* reported further that the civilians were brandishing rifles in the streets, besides the heavy contingent of armed troops of the SADC. The newspaper reported that one of the LDF lieutenants, who refused to disclose his name, told the *Mail & Guardian* that most of his colleagues were prepared for the guerilla warfare, should all their bases fall under the SADC. (Shaba Ka 'Nkosi, *Mail & Guardian* newspaper, 25 September, 1998)

According to Likoti (2007: 253), as the media were handled by SANDF rather than by the SADC officers, and the intervention forces were visited by the South African Minister and the Chief of Defence Force, this painted a picture for the media which concluded that the reporting chain was through the South African channels. Outside the borders of Lesotho, the South African newspaper, *The Sunday Independent*, of February, 1999 gave a complicated story about the intervention by reporting that the two South African helicopters opened fire on the sleeping soldiers, and thereafter special forces were landed, proceeding to kill any LDF survivors. Another report stated that the SANDF bayoneted the corpses and blasted their heads with bullets, and then moved to Maseru to deal with the unrest that was taking place there. The reporting of the two newspapers seems to suggest that the South African soldiers were mercilessly killing the Lesotho soldiers who were not even fighting. The LDF forces were actually fighting back to an extent that they killed some of the SADC soldiers. As the lieutenant expressed the LDF's position, that they were going to fight and that they had more ammunitions, which the SADC troops undermined, that was realized when the SADC troops suffered casualties (Likoti, 2007: P254).

CHAPTER 4

THE ROLE OF SADC IN LESOTHO CONFLICT 1998

4.1 Introduction

SADC as a regional organisations has a responsibility in driving regional integration for economic growth and ensuring that there is political stability in the region. Political instability and conflicts have a negative impact on SADC's Programmes as some are threat to the peace and security of the region. In 1998, when the elections were held, they were conducted amidst tensions and animosity due to the earlier division of the Basotholand Congress Party (BCP) which resulted in the establishment of the Lesotho Congress for Democracy (LCD). The split of the BCP was led by its founder, Ntsu Mokhehle, who by then was the Prime Minister of Lesotho. The election results brought shock to many as the LCD which had been formed a few months before elections, were announced as the winners of the 1998 elections. The opposition parties formed alliances, started street protests, and went to the High Court for the election results to be nullified and for the dismissal of the government. However, such a move was never supported by the High Court which indicated that constitutionally it is only the King who can dissolve the sitting government (Southall, 2008: P69).

Subsequent to the court ruling, the protesters sought permission from the police in order to lead a march to the King's Palace that took place on 4 August 1998. The aim for the march was to petition the King that through his constitutional powers, he should dissolve the sitting government and establish a government of national unity as the election results were disputed. While the opposition parties were gathered at the Kingdom Palace gate, local efforts to bring the disputing parties to a negotiating table were initiated leading to the establishment of a Lesotho Crisis Committee. The Crisis Committee was comprised of the Lesotho Chamber of commerce and Industry (LCCI), Lesotho Council of Non-Government Organisations (LCN) and Lesotho Network of Conflict Management (LNCM). However, the Crisis Committee's efforts were shuttered down as the government of the day viewed the committee with suspicion. The opposition parties were optimistic and showed that by participating in some meetings of the crisis committee, but the ruling party did not allow home ground negotiated

settlement. As the attempt to facilitate negotiations by the Crisis committee failed, that paved the way for diplomatic settlement through mediation. (Lambrechts, 1999. P6-7).

4.2 SADC's intervention on Lesotho conflict of 1998

It is clear from the above that the government of Lesotho and the opposition parties came to an agreement to then settle their differences through mediation and thereby requesting the South African government as mediator. The South African government mandated the then Deputy President, Thabo Mbeki, to mediate. On 10th August, after a long week when the opposition parties had been at the palace gate waiting for the reply from His Majesty the King, a delegation from South Africa led by Thabo Mbeki accompanied by Minister of Defence Joe Modise and Minister of Foreign Affairs Alfred Nzo arrived in Maseru to talk to the leaders of the government and the opposition parties. It was during the meeting between South African delegation and the Lesotho parties that an agreement was reached to launch a SADC Election Auditing Initiative leading to the establishment of the Langa Commission to investigate the legitimacy of the election results and the veracity of the claims by the opposition parties. (Likoti, 2007: P251).

Following the agreement for mediation, Deputy President Mbeki established a Commission of Enquiry led by the Judge of the South African High Court, Justice Pius Langa. The commission was composed of representatives from Botswana, South Africa and Zimbabwe, with no representatives from Lesotho. The Langa Commission started work on 14 August 1998 with the mandate to investigate claims by the opposition parties that the election was rigged. It is noted that the Langa report could not be communicated as early as anticipated, the political tempers were rising that resulted in the loss of some life. (Lambrechts, 1999. P8-9)

It was only on 17 September 1998 that the Pius Langa report was presented to the Heads of the SADC Summit in Mauritius which created further anxiety on the Basotho side. The report did not confirm nor disapprove the allegations that the election was rigged. Both the opposition and the ruling parties found ground to stamp their position as the Langa report did not take sides with any of the parties. (Likoti, 2007: P252).

What also created more doubts to the citizens' minds was the unclear statements such as the announcement on Lesotho Radio on 26 August 1998 that "98 per cent of the electoral process was marked by faults and irregularities" In the same week, Ministers of the Lesotho government were also heard on radio, making statements that tried to shun away the use of the word 'fraud' in an effort to justify the election results as free and fair (Southall, 2008: P69).

The new party, however, failed to secure a majority to form a government, even though it won the most seats in parliament. Five other parties, such as the All Basotho Convention, LCD, BNP, and two other smaller parties, formed a coalition government, the first in the country's history. The change of government is not expected to lead to significant changes in economic policy; however, the new government has already embraced the National Strategic Development Plan (NSDP) and has been consolidating programmes started by the previous government. The BCP the Basotho National Party (BNP) collectively declared the elections fraudulent and mobilised their supporters who then gathered at the grounds of the Royal Palace. According to Lambrechts (1999), in a few weeks the situation was starting to get out of hand as the BCP capitalised on its connections with the army and the youth who were roaming the country in armed bands. On the other hand, civil servants were prohibited from going to work and Ministers reported being under house arrest. On 11 September things got worse as the Chief of the Army, Lieutenant-General Makhula Motakeng, and a number of high-ranking military officers were arrested and displaced by junior officers (Lambrechts, 1999: P23).

According to Lambrechts (1999), Lesotho has a history of political conflicts which have mainly revolved around the distribution of resources, political participation and legitimacy of government. However, it is noted that the major cause for the 1998 conflict was triggered by the spilt of the BCOPC in 1997, leading to the establishment of the BCP. The other factor that contributed to the cause of such conflict was the increasing competition for state resources and employment among the middle-class professionals and the political elite. According to other analysts of the Lesotho conflict, such as Likoti (2007), it can also be concluded that, due to lack of vision for shared power by the political parties, it had pushed the opposition parties consistently to resort to reversing the results of elections. It is noted that the use of the "first past the post"

electoral system has also contributed to conflict; and the use of the army by the BNP has undermined democracy which led to politicisation of state institutions (Likoti, 2007: P251-252)

4.3 SADC's military intervention

When the Langa report was not issued immediately to the Basotho parties concerned, waiting to present it to the SADC Summit, the then Prime Minister of Lesotho, Mr Phakalitha Mosisili wrote to the heads of states of South Africa, Botswana, Mozambique, and Zimbabwe requesting assistance as the conflict was escalating. Botswana and South Africa responded positively to the call and sent their troops on 22 and 23 September 1998 respectively. The plan for such assistance was not as anticipated, as the South African army caused more havoc, starting at the Katse Dam all the way to Maseru. That led to looting, burning of shops and factories, as well as xenophobic attacks by the armed youth (Matlosa, 1999).

Merrills, (2011) purports that the role of regional organisation where necessary, will involve coordinating mediation by a third party instead of using the officials of such an institution to resolve the disputes. During the Lesotho conflict 1998, the only military troops that intervened were from South Africa and Botswana, but operating in the name of the SADC military troops, it was through that intervention that the political parties came together to negotiate with the South African Minister of Safety and Security for mediation. The settlement of such negotiations had two pillars which included holding of fresh elections and the establishment of the Interim Political Authority (IPA). (Matlosa, 1999).

4.4 SANDF Military intervention

The South African Government played a vital role in the Lesotho conflict of 1998. The tense relationship between the organs of government, such as the executive, monarchy and security establishment, necessitated the intervention of the South African government. The intervention by South Africa in the Lesotho conflict was somehow viewed as the pretext for South Africa in furthering its own interests. On the other hand, it was viewed as the conflict between President Mandela and President Robert Mugabe who were the Chair of SADC and SADC Organ on Politics, Defence and Security respectively. According to de Coning (1998), on 22 September 1998, the South African

troops got into Lesotho to prevent what was assumed to be the attempted coup. The South African Defence Force went in with the aim to prevent the Lesotho soldiers from staging a coup. The fact that there was unrest in Maseru, looting of shops, civilians prohibited from going to work, Ministers kept on house arrest and the high-ranking Military Officers being arrested and displaced, was enough to trigger the SADC Organ on Politics, Defence and Security's conclusion that there was an attempted coup in Lesotho (de Coning, 1998: 43).

Those who are not so convinced about the manner in which the South African Defence Force intervened in Lesotho, question the legitimacy from an international perspective as they do not view it to have been on humanitarian grounds. It is viewed from a realities perspective as South Africa is considered to have moved in fast to protect its own interest, the Katse Dam, which is a major water project between the two countries. Further criticism of this intervention is by de Coning, who argues that South Africa, Botswana and the SADC seem to have failed to comply in terms of Chapter VIII of the Charter of the United Nations (UN) Security Council, which requires them to obtain prior approval for such interventions. It is also argued that the intervention was inconsistent with Article 4 (a) of the SADC Treaty, which emphasises the principle of sovereign equality of all member states (de Coning, 1998: 44-46).

4.5 Reasons for intervention

Some of the reasons provided by those who studied the Lesotho conflict of 1998, such as Milazi (1999), argue that the intervention by the SADC in the Lesotho conflicts was based more on the need for regional cooperation. It is also highlighted that the speedy invasion by the South African military was more about protection of the Lesotho Highlands Water Project of which both Lesotho and South Africa are the beneficiaries.

Furthermore, the allegations by the opposition parties that the elections were rigged, triggered the intervention by the SADC for ensuring that fair and free elections could be held again under safe conditions. The other reason for intervention was because the junior military officers displaced their higher-ranking officers and therefore, such actions threatened political stability in that country. The military interventions were heeding to the call by Prime Minister Mosisili to avoid anarchy in the deteriorating

democracy. The interventions as led by the South African government, saw the shift in the South African foreign policy from influencing negotiations on settling violence or conflict to military interventions. These reflect double standards, even though it might be argued that each case should be treated on its own merit (Milazi, 1999: P274-276).

In his article on the motives for intervention, Likoti (2007) raised the question on why South Africa intervened within a month of intra-state conflict, while it could not act in the same way on the similar situation in the case of the Democratic Republic of Congo (DRC). The actions of the South African government in this instance, is what Ramsbotham (2011) defines as motives, that by nature men will be involved or engaged in quarrels for the purposes of gain, keeping safety and reputation. It is clear that South Africa's intervention in the Lesotho conflict was consistent with all these principles. This was witnessed by the protection of Katse Dam, as it is considered a precious resource. Though the SADC Summit nor the Organ on Politics, Defence and Security did not meet and sanction the military intervention in Lesotho conflict, Prime Minister Mosisili took a decisive move and requested the neighbouring states for military intervention. The quick response was from South Africa and Botswana, who then operated inconsistently with the SADC decision making rules and the UN Charter, making it illegal under international law. Hence Likoti's argument that this intervention was driven by realist interest from the South African side (Likoti 2007: P253-254).

The other justification for the interventions was also triggered by the outcomes of the report of the appointed Commission under the leadership of South African President Mbeki, chaired by Justice Pius Langa. The investigation results confirmed that there were indeed some irregularities during the election processes of 1998 (Milazi, 1991: P276-277).

CHAPTER 5

Findings and the empirical and theoretical significance of the study

5.1 Introduction

The focus on this chapter is to analyse the findings of the study on the role of SADC in conflict resolution especially in the Lesotho conflict 1998. It further reflects what the consequences of the actions taken by South Africa during its intervention on the Lesotho conflict of 1998. South Africa's intervention and the fast move to protect the Katse Dam were as due to the threats by the mutineers to destroy the dam, South Africa would not risk losing such a precious commodity, and for security reasons, felt it necessary to protect the dam first before quelling the violence in the central districts such as in Maseru.

Some of the arguments brought forward on South Africa's actions in the Lesotho conflict of 1998, is the assumption that South Africa and Zimbabwe were competing for the leading role and also to gain reputation in the SADC region. Thirdly, South Africa could not relax when a state within its borders threatened its own security which could lead to the disorder in the peace-keeping in the region (Likoti, 1999: P259).

According to Ramsbotham and Woodhouse, (2000), peacekeeping is not a highly theorised topic as most of the writing on the subject has been done by diplomats and military people with experience in the field. In furthering their argument, they refer to Diehl who wrote that, "Changes in peace keeping operations have not been matched by alterations in the way that scholars analyse them. The standard study of peace keeping remains one of a single case study, in which description is the primary goal. An approach based on the uniqueness of peace keeping missions does not assist in building a theory of peace keeping, nor does he provide much guidance in making policy" (Ramsbotham & Woodhouse, 2000. P190-193)

5.2 Managing regional elections

Though the absence of SADC's election guidelines during the Lesotho conflict 1998 cannot be regarded as the causal factor for such conflicts, it has rendered

SADC inefficient in dealing with the disputed election results. This is substantiated by the statement that the guidelines were secretly drafted and were not subjected to legal scrutiny by the Legal Services within the SADC Secretariat, and were only adopted by the SADC Summit in 2004. The aim of the Summit to have the election guidelines was to enhance the transparency and credibility of elections and democratic governance and to ensure that the outcomes of the elections are acceptable to all contesting parties. (Oosthuizen, 2006: P304).

The regional organisation may somehow be restricted from taking sanctions on a particular party if member states dependent on such a country for certain commodities or facilities. A good example of this scenario is the decision taken during the conference held in Lusaka, Zambia, aimed to sanction the “apartheid” South Africa so that member states should not continue to be dependent on South Africa’s rail and air links, port facilities, imports of raw materials and manufactured goods, and the supply of electric power. The plan did not work, as in 1995 the region realised that they were still dependent on South Africa for its trade outlets. This decision would have suffocated Lesotho which is totally engulfed in South African borders. The intervention by South Africa during the Lesotho conflict 1998 is a clear example on how a country which is politically, economically and defence wise is stronger than its allies could swiftly take actions without following all protocols and still not get sanctions by the regional organisation.

According to the report by Shaba Ka ‘Nkosi (*Mail & Guardian* , 25 September 1998), the Lesotho Defense Force (LDF) soldiers who sympathized with the opposition parties, removed arms from the military bases in preparation for the prolonged war against the allied forces of the Southern African Development Community (SADC). It can be argued that Media misled the masses by reporting that SA Defense Force was going to take over, thereby making Lesotho defense forces to take the arms out of military bases. The media reporting back to SA that military that is supporting the opposition parties who are against the election results, have taken the arms out of military base, thereby giving impression for a coup d’état, and therefore triggered SANDF to react immediately fearing for the safety of its security but mainly the protection of a strategic water project that the country have invested.

It is also noted that the newspaper further reported that one of the LDF lieutenants, who refused to disclose his name, told the *Mail & Guardian* that most of his colleagues were prepared for the guerilla warfare, should all their bases fall under the SADC. (Shaba Ka 'Nkosi, *Mail & Guardian* newspaper, 25 September, 1998

During the Lesotho conflict 1998, the only military troops that intervened were from South Africa and Botswana, but operating in the name of the SADC military troops. It was through that intervention that the political parties came together to negotiate with the South African Minister of Safety and Security for mediation. The settlement of such negotiations had two pillars which included holding fresh elections and the establishment of the Interim Political Authority (IPA). (Matlosa, 1999).

The intervention by South Africa does not seem to have been initiated by SADC as the regional organisation, but by the political parties themselves. It is therefore clear that the SADC has not played its part as a regional organisation in appointing or coordinating the establishment of a third party that would mediate between the disputing parties.

Scholars of regionalism argue that empirical theories seek to explain why certain phenomena occur, and therefore, focus on cause and effect relationships. Thus, empirical theories of conflict resolution analyse why at some times, we can settle our disputes peacefully, while at others, we turn to violence and war. (Hauss, 2001: P13).

Considering all the above facts on peace-keeping, as for the Lesotho conflict, none of those facts were properly applied. There had, indeed, been violence going on, but as to whether it warranted the intervention of the regional armed forces is questionable. It seems that the intervention by both South Africa and Botswana were for peace enforcement, which is why there was resistance. The military intervention by South Africa and Botswana in the Lesotho conflict has no basis or legal background as it is not clear if the two countries were authorised under the SADC Treaty or the African Unity. The due processes and procedures under SADC

or AU to obtain a mandate for the intervention in the Lesotho conflict were never duly followed or adhered to (Lambrechts, 1999).

Lambrechts (1999) puts forward the idea that there are no functioning regional institutions to manage conflict in Southern Africa. The view by Lambrechts is based on the outcomes of the discussions and presentations on peace keeping in Southern Africa that took place four weeks after South Africa's military intervention in Lesotho in September 1998.

As Likoti argues (2007) the quick response operation by South Africa and Botswana is regarded to be inconsistency with the SADC decision making rules and the UN Charter, making it illegal under international law and that such an intervention was driven by realist interest from the South African side (Likoti 2007: P253-254).

There are differing conclusions on the report of Pius Langa, much as the opposition parties could not trust the results of election, Lambrechts and Likoti purports that the report did not clearly confirm or disagree that the election was rigged, whereas Milanzi is of the view that the investigation results confirmed that there were indeed some irregularities during the election processes of 1998 (Milazi, 1991: P276-277).

5.3 Implications of South Africa's actions

Amongst the roles of SADC's objectives as a regional organisation, is that peace-keeping should take place with the consent of all involved parties; in the case of the Lesotho conflict, this objective was never complied with, as South Africa does not seem to have consulted the involved parties nor seek the SADC's approval due to its interest in the resources in Lesotho and for its security. It is therefore clear that states would not interfere or condemn any other state if it has acted in the interest of bringing peace and stability either through negotiations or by force. In this instance, it could be argued that when intervening in Lesotho conflict, South Africa was leaning on the SADC guidelines as outlined in the defence pact that compels state parties to individually and collectively maintain their individual self-defence capacity to maintain peace, security and stability (Oosthuizen, 2006).

South Africa may have taken a decision that there wasn't time and many options when it comes to consultation with the relevant bodies on security peace-keeping missions such as the SADC Summit or the SADC Organ on Peace and Security or the United Nations Peace-Keeping Mission. At that time, the political situation in Lesotho resembled a state without power to resolve its own internal challenges; therefore, South Africa's intervention became necessary as the effects of such conflicts would impact directly and negatively on South Africa's economy, peace and security. Though realists argue that domestically there are institutions that can help the state to survive, it can be argued at the same time that such institutions at times are weak or non-existence. The argument is sustained by the fact that none of the existing institutions such as the SADC, the African Union and the UN could hold the South African government accountable for its actions in the Lesotho conflicts (Likoti, 1999, P256).

5.4 Implications for the interventions

The report by the *Mail and Guardian*, 25 September - October, (1998) assumes that that Lesotho's politicians are used to weak political institutions and are inter-dependent on South Africa for economic and political support. The invasion of Lesotho was not well received by the Basotho as they felt that their people were brutalised and that there was no agreement or consent from the Head of State of Lesotho for South African troops that got into Lesotho masquerading as the SADC. The actions of the South African military troops did not leave only the Basotho with inflicted pains, the South African businesses were torched and vandalised by the angry Basotho who did not approve of the military interventions in their home country (Milazi, 1991).

In a nutshell, the SADC as an organisation had very limited influence or control over South Africa in its actions in Lesotho, perhaps because it was a big economy and its security was at stake, compared to other nations that outside the borders. It is also clear that the Basotho politicians also leaned more towards South Africa as they realised that their protection and economic growth and stability were more dependent on South Africa.

5.5 Analysing Conflict Resolution

A general understanding of the concept of conflict is a necessary initial step to analyse conflict. The conflict where arms are used, is a general phenomenon of social conflict resolution. As conflict involves a shift in behaviour, there are other elements such as the armed, non-armed, non-state actors in armed conflicts and it is important to include all these for better analysis. In his concept on conflict, Wallenstein (2012) agrees that conflicts are solvable, as it is realistic that all conflicts, whether through armed forces or just violence among citizens, end up on negotiations as all actors recognise the need for peace. The 1998 Lesotho conflict was dealt with, as Wallenstein argues, because South Africa as a well-developed state, had to deal with conflict which was not only the traditional conflict material of state fighting wars among themselves, but dealing with conflict of less developed circumstances of intra-state conflicts. He argues that when conflict shifts from non-armed to predominantly armed conflict behaviour, it creates the shift of issues and parties. The conflict resolution in such situations becomes difficult as it is no longer just resolving violence, but affects the relationship of parties as well as their incompatibilities. This analysis gives a picture of what happened during the Lesotho conflict as the relationship between South Africa, Lesotho and Botswana had been either positively and negatively affected (Wallenstein, 2012).

5.6 Challenges for the intervention

It has been cited that there were many challenges following the manner in which the interventions on the Lesotho conflict of 1998 were conducted. The SADC organisation at that time had two Chairs: South Africa as the Chair of the SADC and Zimbabwe as the Chair of the Organ on Politics, Defence and Security. The division in chairing these two strategic institutions had initially brought differences between President Nelson Mandela and President Robert Mugabe as they did not agree on the principles of how the chairing of the two institutions should be managed. President Mandela did not want the OPDS to be chaired indecently while President Mugabe wanted it independent of the Chair of the SADC. The other challenge raised is why did South Africa intervene in the Lesotho conflict so quickly while it had just refused to participate in the DRC conflict within such a short space of time. The other question from Milanzi (1999) around the intervention, is whether there was some intelligence conducted before sending the

troops to Lesotho. On reply to this question, Likoti (2007) raises the issue that South Africa's eagerness to move was simply to protect the Katse Dam, the project that benefits both Lesotho and South Africa. The reason for South Africa targeting to protect the dam first, before intervening at the Maseru unrest, was due to information that South Africa received that the Lesotho mutineers had threatened to blow up the dam should South Africa intervene in the conflict in Lesotho (Likoti, 2007: P255-257).

The other reason for South Africa to intervene swiftly was the security situation or instability within its borders. The conflict in Lesotho affected South Africa directly more than any other SADC state, and therefore it would be inconceivable for South Africa to have avoided a situation of that nature within its neighbour territories. It is through poor intelligence assessment that both South Africa and Lesotho suffered unnecessary casualties and loss of some lives among their soldiers. The failure to have time to plan for the intervention, lack of information on the data on Lesotho forces, such as knowledge of the location of ammunitions, arms movement and the total number of the Lesotho army force, created challenges for the strategic planning for interventions (Milazi, 1991: P274).

5.7 Conclusion

The intervention in the Lesotho conflict by South African military is however, considered by those who do not support such actions as aggressive and undermining the sovereignty of another state. South Africa is criticised for having entered into Lesotho without proper consultation or obtaining the mandate from either the SADC or the OPDS, hence the loss of lives, especially the soldiers as well as civilians during the looting in Maseru. The counter view on this matter is that South Africa had done what any responsible government would have done, given the situation which prevailed. The Highlands Water Project was built at a cost of more than R7 billion and benefits both countries. When the juniors apprehended and displaced their seniors in the army, Ministers on house arrest, protesters occupying the King's Royal Palace gates were enough to spell anarchy and an attempted coup. It would be unfair to think that South Africa should be expected to wait until the situation was uncontrollable and lives claimed as well as the damages to such prestigious water project (Milazi, 2007: P278-279).

According to Shaba ka Nkosi (1998), reporting for the *Mail & Guardian*, the intervention by SADC troops as represented by the SANDF and BDF, angered the Basotho at large as they considered the invasion of the King's Palace as an attack on the Basotho nation. The conflict between the SADC troops and LDF ended with casualties within the SANDF which were least expected from the SADC side as they thought they would calm the situation without resistance.

As it can be seen from the manner in which the Lesotho conflict was resolved, the state has a critical role to play by using the state agencies such as the united forces under the regional organisation which had been established for regional integration, hence regionalism in Africa being regarded as the core and catalyst for dealing with conflict, trade and cooperation in the region.

The case of Lesotho conflict 1998 can be viewed as an indication on how the SADC member states react on the call for intervention depending on their interest in the state involved with conflicts. The response in Lesotho was obviously different due to South Africa's involvement as it felt its security and peace threatened, unlike Botswana that was more concerned about the peace and security in the region rather than within its borders.

According to Ramsbotham et al. (2006), the state remains the primary locus of identity for most people, and given the juridical monopoly on sovereignty still formally accorded to states within the current international system, all parties are still driven to compete for state control if they are to bring about revolutionary programmes. The government is that key sector when it comes to conflict resolution, as the social and economic grievances are in the end expressed in political form. Conflict becomes endemic when party politics become inscriptively based and one community perceives that the state has been permanently 'captured' by another, and is therefore driven to challenge the legitimacy of the state in order to change the situation. The Lesotho conflict of 1998 was subjected to the same situation as the political parties started battling for state control and resulted in the third-party interventions (Ramsbotham et al, 2006: P101)

The SADC guidelines are criticised for lack of clarity, detail and coherence, and therefore reflects some shortcomings of the political and security agendas,

including its conflict prevention, management and resolution mechanisms. It is noted that the SADC elections guidelines are less about democratic election than about protecting the sovereign prerogatives of the member holding elections, and about controlling SADC election observers. Due to lack of policies on how to promote good governance, democracy, the rule of law, and human rights, within the SADC, is probably because such values are not common to member states and therefore cannot be given the same level of attention. Although the SADC have forums where political and security issues are discussed, the lack of commitment from member states and the fact that SADC does not have mechanisms to force or compel the member states to take a particular position when it comes to conflict resolution, it leaves the member states at times with no option but to seek outside assistance, such as from the UN, AU, EU or its alliances in African states. In the case of the Lesotho conflict of 1998, it is the South African government and the Botswana governments that took a quick decision to send their defence armies to make some interventions fronting as the SADC troops to resolve the conflicts, though South Africa has a more direct interest over the affairs of Lesotho than Botswana does (Oosthuizen, 2006: P325).

The challenges facing the SADC in resolving conflicts in the region should be addressed in various forums, as should the harmonisation of regulations, policies and human rights issues as well as the socioeconomic, political and security challenges that member states cannot deal with on their own.

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