

DEVELOPMENT OF CONSTITUTIONAL DEMOCRACY: 20 YEARS OF THE CONSTITUTION OF LESOTHO

'Nyane, Hoolo'

Abstract

The Lesotho Constitution of 1993, although it bears all the hallmarks of the erstwhile British colonies, ushered in a paradigmatic shift in the development of constitutional democracy in Lesotho. It came to break a long haul of non-constitutionalism combined with military rule. The constitution therefore introduces a new order based on popular government and multi-partyism as opposed to militarism and one-party dictatorship; rule of law as opposed to arbitrariness and hope as opposed to despondency. The purpose of this article therefore is to evaluate not only how the doctrine of constitutional democracy permeated the post-colonial constitutional design in Lesotho, but also how it has practically fared in constitutional practice. The essay starts-off by placing the 1993 Constitution within its typology and then assesses the theory of constitutionalism. The major strands of constitutionalism are evaluated, namely; separation of powers, the rule of law and independence of the judiciary in the context of the post 1993 constitutional dispensation.

Introduction

The Westminster constitutional design adopted at independence in Lesotho presupposes a healthy balance between democracy and constitutionalism. Both concepts have origins in the liberal political thought whose heyday was the 18th century political struggles in

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