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SECTORAL CONSULTATIONS CONSOLIDATION REPORT

“LEAVING NO ONE BEHIND: THE VOICES OF THE COLLECTIVE IN THE REFORMS PROCESS IN LESOTHO”

SUBMITTED ON THE 30TH JULY 2019

BY

LESOTHO COUNCIL OF NGOs (LCN)

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LIST OF ACRONYMS

CBL.....	Central Bank of Lesotho
CCJP.....	Catholic in Commission for Justice and Peace
CCL.....	Christian Council of Lesotho
CEO.....	Chief Executive Officer
COMPOL.....	Commissioner of Police
CSOs.....	Civil Society Organizations
DCEO.....	Directorate on Corruption and Economical Offences
DPP.....	Director of Public Prosecutions
GBV.....	Gender Based Violence
GOL.....	Government of Lesotho
HR.....	Human Resource
ID.....	Identification
IEC.....	Independent Electoral Commission
JSC.....	Justice Service Commission
LAA.....	Land Administration Authority
LCBC.....	Lesotho Catholic Bishops Conference
LCN.....	Lesotho Council of Non-Governmental Organizations
LCS.....	Lesotho Correctional Services
LDF.....	Lesotho Defence Force
LENAFU.....	Lesotho National Farmers Union
LEPOSA.....	Lesotho Police Staff Association
LGCSE.....	Lesotho General Certificate of Secondary Education
LHWP.....	Lesotho Highlands Water Project
LIAC.....	Lesotho Independency Anti-Corruption Commission

LLA..... Lesotho Liberation Army
LMPS.....Lesotho Mounted Police Services
LNDB.....Lesotho National Dairy Board
LNOC.....Lesotho National Olympic Committee
LRA..... Lesotho Revenue Authority
LSRC.....Lesotho Sports Recreation Commission
LTV..... Lesotho Television
MOH..... Ministry of Health
NEC.....National Executive Committee
NGOs..... Non-Governmental Organizations
NMDS..... National Manpower Development Secretariat
NRC..... National Research Council
NSS.....National Security Service
PAC..... Public Accounts Committee
PR.....Public Relations
PWDs.....People with Disabilities
SADC.....Southern African Development Community

EXECUTIVE SUMMARY

Having gathered at Manthabiseng Convention Centre from the 22nd to 25th July 2019 with an aim of contributing in the Reforms Processes the Country is undergoing; Undertaking this august exercise in light with a noble theme the Reform Process has adopted- ‘The Lesotho We Want: Dialogue for National Transformation’. LCN offered a collective of 27 organised formations an opportunity to collate their views as organised formations in the reform process. LCN was guided by a reality that these formations if left out there was no way laws affecting them as a collective could be part of the reforms. LCN is further guided by the guiding principles for the Reform Process as entailed in Section 3.3 of the Roadmap especially two subsections reading as follows:

3.3.3 National ownership by all Basotho: The reforms will only succeed if they are fully owned by the Basotho through a consultative process;

3.3.4 Inclusiveness and participation: The reforms will involve the full diversity of Basotho without discrimination of political, social or other status. All Basotho will have a voice through public input on the content of programmes and policies –either directly or through legitimate institutions that represent their interest.

In order to achieve this foresight, the sectoral consultations were organised under the theme- “Leaving No One Behind: The Voices of the Collective in the Reforms Process in Lesotho”.

The consultations were meant to achieve two main objectives- that the sectors identify policies and legislative framework negatively affecting their Institution or and a sector that should be included when reforms are implemented and secondly the sectors dealt with the seven thematic areas on reforms as well as each sector highlighting its contribution for building Peace, Stability and Economic Development in Lesotho.

By and large, these sectors corroborated considered views that Basotho in general has on their Constitution which when either amended or repealed will touch on the other six reforms thematic areas. What is new is that sectors were able to bring forth a number of legislative framework that needs to be in place and also laws that need to be amended. These laws are singled out in the matrix following this summary. The matrix indicates a sector, issues affecting it, legal framework needed and recommendations and or pathways suggested.

Notably, among the sectors there were some representing vulnerable groups. These are groups that are mostly not consulted even in dealing with issues concerning such sectors. The consultations offered a platform for the likes of Children, Herd boys, Batho ba Mekhoa le Meetlo, People with Disability, Sports fraternity to present their issues as people directly affected.

INTRODUCTION

The Kingdom of Lesotho embarked on the Reform process from March 2018 with support from development partners such as European Union and UNDP. The intended reform process is to anchor a future that is peaceful, stable and economically viable. In this process LCN was appointed as a leading facilitator in the two-fold consultations namely, in-district and diaspora consultations. The In-District consultations were targeting individual citizens and local authorities including organisations to afford them a platform to state their aspirations while the latter was targeting the Basotho living and working in the diaspora. LCN has completed the in-district consultations that covered 76 community councils and the diaspora consultations that covered six provinces of the Republic of South Africa.

It is on this basis that LCN found necessary to organise sectoral consultations as a strategy to source the views of different organised formations. These sectors were invited against the backdrop that they are key to peace, stability and economic development of the country. The main objective was to allow sectors to self-analyse themselves and make a significant contribution to reforms and in so doing amplify institutions and sectors voices. The result of which was to come up with a position paper per sectors is reflective of the inward looking and outward looking of policy and legislature consideration affecting it. This report serves as Sectoral Consultations Report and covers 27 chapters.

METHODOLOGY

Inward Looking
1. As an institution/sector, what is your contribution for building peace, stability and economic development?
2. What is it that you do as an institution/sector?
3. What are policies and legislature affecting your institution/sector
Outward Looking
4. What are other issues affecting peace, stability and economic development? <i>They were guided to tap among others the following:</i> Constitution Public Service Judiciary Security sector Economic Sector Parliament Media
5. What are the solutions/pathways?

Table 1

Reach

There were twenty-seven (27) sectors and approximately 600 people who participated with an age range of between 10 – 70years.

Sector	Total
1. NGOs	33
2. Academic	29
3. Chiefs	35
4. Catholic	56
5. Churches	7
6. LEPOSA	15
7. LLA	5
8. Professional Bodies	2
9. Youth	32
10. Sports	57
11. Media	15
12. Women	17
13. Law Society	8
14. Transport	16
15. Herd Boys	20
16. Farmers	21
17. Nurses	4
18. Labour	24
19. Disability	26
20. Children	23
21. Institutions	24
22. Political Parties	36
23. Basotho Lead Petitioners	23
24. Arts and Culture	11
25. Judiciary	15
26. Private Sectors	13
27. Public Services	4
Total	487
General Attendance on the 22nd & 25th July, 2019	572

Table 2

CHAPTER 1

NGOS DIRECTORS

Role of civil society to Peace building, Stability and Economic Development?

- Farming – Skill development and promotion of livelihoods through agricultural farming and organic farming. This is for farmers to understand the important of preserving land and avoid selling but instead use land for production of food
- Support of households to produce food to eat and to sell extra produce
- Disaster Management
- Health and Social Services
- Youth development
- Emergency Medical Evacuations
- Development – food security
- Treatment, prevention and rehabilitation of Substance abuse
- Compliance mechanisms for NGOs to be done by LCN
- Review of Societies and encourage collective responsibility
- Grants by government e.g allocation for subvention for disaster response
- Advocacy, training, education and aware raising
- Conflict management, mediation and shuttle diplomacy
- Protection and promotion of human rights in Lesotho
- Capacity building

Function of Civil Society

- Advocacy for human rights, inclusive society and ratification and implementation of human rights instruments in Lesotho
- Advocacy against violation of human rights and compensation
- Advocacy for war veterans who were injured and whose property was ceased to be compensated
- Advocacy for laws, policies and government programs that recognise people living with disability
- Advocacy of good governance and respect of human rights through policy influence, strengthening of national human rights institutions to ensure their independency and autonomy as well as community empowerment

- Advocacy for Chapter III rights in the Constitution to be treated as fundamental human rights as well
- Advocacy for the national compensation policy that awards lifetime compensation for capital projects' affected communities and compensation for Basotho who work in the diaspora especially mine workers
- Advocacy of crime prevention, rehabilitation, reintegration and the rights of prisoners including their sexual reproductive health rights. Public education and awareness raising against crime. Provision of counselling in prisons and ensuring that prisons are in a conducive condition for inmates
- Conflict management
- Promotion and lobbying of laws of gender equality on political, economic and social issues. The absence of equality leads to violence as there are uneven power relations that usually put women and girls at the disadvantages.
- Prevention of Gender based violence through sensitisation of the community and provision of psych-social support and counselling.
- Enforce accountability and answerability of duty bearer
- Support for HIV positive community; awareness raising, information dissemination and economic growth
- Advocating for women's rights and harmonization of laws to increase peace and promotion of stability and economic development.
- Capacity building for institutions to assist them in the provision of services that are gender sensitive to ensure that everyone's rights are realized, and all people live in harmony and peace prevails.
- Provision of counseling services to reduce the level of depression which usually results in unhappiness and disrupt peace.
- Creating awareness on social issues affecting women and girls. Women and girls are taught to be submissive to men and this results in conflict and GBV. Eliminating GBV helps to promote peace.
- Sensitization on laws that bring a different perspective on social beliefs e.g marriage and inheritance laws
- Engaging the policy makers for change in laws and policies to ensure accountability and implementation.
- Advocating and lobbying for rights-based approach between the duty bearers and the government.

- Providing advisory for government for the domestication of international instruments and commitments. e.g. Protocols and Conventions
- Small Holder/Scale Farmer (SHF/SSF) contribute to equitable farming production for peace, education food and nutrition in communities.
- Support of farmers on land rights
- Supporting the Value Chain contributing to peace building
- Supporting SHF to understand social capital building on relations and networks
- Promoting Laudato Si for environmental justice bearing in mind that peace, justice and environmental protection are inseparable
- Implementing environmentally friendly technologies, doing advocacy and policy influence for environmental protection
- Taking Climate Change (CC) Action in Awareness Raising on effects of CC and implementing CC mitigation and adaptation projects
- Promoting Education for Sustainable Development (ESD) aligning to Lesotho's Motto to realize it in ESD promoting patriotism
- Promoting Lesotho Flag as "institution/Framework" for Peace Building, Environmental Protection for Prosperity
- Capacity Development on relation of Peace, Justice and Development
- Strategic service delivery and social enterprise
- Awareness Raising on CC and other issues disturbing peace (collaborating with UNESCO for constructing peace in minds especially of pupils, teachers and communities)
- Implementing mitigation and adaptation to CC projects
- Serving as a voice for SHFs and building their capacity through campaigns
- Advocacy and Awareness Raising linking SDGs to the Lesotho Motto and observing Lesotho Flag as Institution/Framework giving Basotho guiding Principles and a way of life
- Promoting good health to boost economic growth through healthy workforce.
- Focus on promotion of Peace & non-violence
- Humanitarian projects – total expenditure
- Livelihoods projects- Community and HHs economy WASH and IGA
- Flea markets
- Family peace building through family visits and talks by councilors
- Awareness on cost benefit analysis of alcohol use

- Building collaborations, networks and partnerships with government, private sector and other like-minded stakeholders.
- Legal assistance, case management and strategic litigation
- Awareness raising on policies and laws available
- Training on gender mainstreaming
- Women empowerment
- Evidence based research
- Institutional capacity building for institutions that provide services such as police, judiciary, local councils, health, education and women affairs
- Building capacity of community-based structures. E.g. Paralegals, community health workers, peer educators and community policing groups
- Capacity building for unskilled labor. E.g. Domestic workers, factory workers
- Lobby private sector for corporate social responsibility.

Issues

- Lack of/absence of CSOs engagement in Policy making with Government
- There is no policy detailing access to government subvention and or funding for CSOs
- Law for VAT exemption for CSOs
- Tax concession for business and corporates funding CSOs
- Code of conduct
- Lack of political will on ensuring implementation of laws, policies and conventions
- Lack of/absence of CSOs engagement Policy with Government
- Develop Act of Parliament for accountability of Ministers (Develop TOR for Ministers of state as Policy of their Ministry for them to account)
- Reform of tax laws for exception of donated health commodities
- Disaster law- standards, role of NGOs
- Review society act to incorporate the NGOs. Currently NGOs have no formal means of registration
- No respect for Civil society voice by government
- Compliance mechanisms for NGOs to be done by LCN-

Other Issues

- Corruption
- Alcohol Abuse
- Poverty

- Politics
- Lawlessness/Anarchy
- Unequal Distribution of Wealth and Misdirected Public Funds
- Nepotism
- Politicians and lawyers, civil society
- Law society
- Appointment of executive positions be on merit subjected to parliamentary
- Review of Societies
- Grants by government e.g. allocation for subvention for disaster response
- Critical government appointments be done by commissions e.g. (DCEO, Police Commissioner, LDF Commander)
- Social grants as opposed to Parliament and Ministers' grants
- Decentralization of power and authority
- Greed
- Climate
- Poor service delivery for Police, judiciary, health, home affairs, transport, public service and trade, security sector
- Civic education
- Religion and culture
- Polarization of politics
- Lack of separation of powers (parliament, executive, judiciary)
- Unemployment
- Lack of accountability of executive
- Independence of chapter 12 of the constitution institution due to political influence
- High crime
- Floor crossing for parliament
- Politicized, biased media (including social media)
- Regulation of business
- Review school curriculum
- Politicians and lawyers, civil society
- Appointment of executive positions be on merit subjected to parliamentary
- Land ownership: allowing corporates to buy and own land
- Contradiction of Lerotholi Laws and Land Act denying Basotho Women especially in rural areas, rights to property

- Land Use Management is a challenge where the already limited arable Lesotho land is used for building houses
- Corruption that inhibits service delivery to the citizens by ministers/ministries
- Political instability that leads to no/lack of implementation of policies and projects
- Poverty
- Unemployment skilled labour due to mismatch of education and industry
- Fragmentation and too many Ministries/Policies with no coordination creating chaos and expenses for Basotho who must move from ministries to another before they get services.
- Uncoordinated public institutions.
- Divisive partisan politics
- Reluctance to domesticate some ratified treaties that promote and protect human rights
- Floor crossing in parliament
- Political interference in appointment of security institution heads, democracy supporting institutions and the courts of law
- Excessive cabinet control of parliament and the judiciary
- Hanging decentralisation policy
- Oversized cabinet with extravagant benefits at the expense of the poor
- MPs interest free loans that impoverish the country further
- Government failure to pay service providers on time
- Failure to implement treaties that enhance social and economic development of communities Lack of independent institutions
- Unemployment
- Lack of political tolerance
- Lack of political will to support youth initiatives
- A total disregard for young people (Nothing being done to support young people)
- Biased bursary loans and support
- Lack of independent institutions
- Biased bursary loans and support
- Outdated laws and law makers that do not address current challenges
- Politicized security sector and lawless members of the security sector
- Critical government appointments be done by commissions e.g. (DCEO, Police Commissioner, LDF Commander

- Review laws; Penal Code on sections on sex work and abortion, criminal procedure and evidence act in relation to sodomy, ID legislation in relation to gender marker, Child and Welfare Act to protect inter sex children
- Inadequacy of Education Act 2010; not responsive to what the Lesotho industry needs therefore indebting young people to NMDS while they cannot find employment or afford to further education is hopeless; should have free compulsory secondary education; does not clarify mechanisms to address violation of the rights of children
- Youth Council Act Structure and Resources should not be a political tool
- Societies Act of 1966. limiting the nature of companies' registration e.g difficult to apply for tax exemption Penal code needs to be repealed/
- Employment policy
- Scratch the Public service database system because it is not used
- No clear age quota for youth employment in the Public Service Act
- Sexual Offences Act needs amendment to increase the cost of fines for rapists
- Children's Protection and Welfare Act does not protect children's rights to health care so there must be free health provision for children. The act must also provide for street kids welfare
- Section 36 of Lesotho Constitution that is not justiciable yet providing for life that is a right. Make Section 36 Justiciable
- Non implementation of laws, policies and conventions (e.g. Environmental and Agricultural laws, policies and conventions). Failure to establish and implement environment council according to environment act
- Seed policy not allowing protection of Basotho's indigenous seeds – Non implementation of the Biosafety Policy – there is need to protect Basotho indigenous seeds and produce
- Lack of policy for labelling seeds and foods to know if they are GMOs or not when buying
- Lack of legislation for consumer protection
- Lack of legislation protecting Lesotho from being a “dumpsite” of products rejected from other countries causing pollution resulting in health and environment hazards
- Lack of leadership in legislation implementation
- Lack of/absence of CSOs engagement Policy with Government
- HIV&AIDS not a noticeable disease- disclosure of HIV status- Health care workers not protected
- Safety Bill

- HIV&AIDS not a noticeable disease- disclosure of HIV status- Health care workers not protected
- Safety Bill
- Disaster law- standards, role of NGOs
- Disaster Management Act
- No legal basis for NGO verification by LCN before approval by law department
- No regulatory body for monitoring NGOs No compliance checks

Recommendations

- Consolidate and reform Ministries.
- Need to review Societies Act to specifically make provision for NGOs
- Accountability by NGOs is of paramount importance
- NGOs which have no policies and have only the constitution
- Regulation of business
- Alcohol policy that will be translated into law
- Review of Liquor Licensing Act
- Update penalties
- Establishment of Alcohol levy
- Synergy between constitution and the Acts especially ages 18 & 21
- Constitution move back to 21
- Enact HIV legislation
- Remove Sector 18, 4, C of the Lesotho constitution and broaden scope of discrimination to include sexual orientation and gender identities.
- Enact Child Marriage law
- Enact safe abortion laws
- Harmonization of marriage and inheritance laws
- Introduce quota systems in National Electoral laws
- Enact cyber control legislation
- Enact law for key population
- Develop policy for family farming, local/mountain/organic products
- Develop a Subsidy Policy that benefits local farmers including local seed producers as opposed to the present subsidy benefiting multi-national companies
- Implement Conservation Agriculture
- Prioritize Environment protection, Agriculture and eco-tourism

- Develop Act of Parliament for accountability of Ministers (Develop TOR for Ministers of state as Policy of their Ministry for them to account)
- Reform of tax laws for exception of donated health commodities
- Develop laws for engagement of Ministers by merits /application
- Review school curriculum
- Compliance mechanisms for NGOs to be done by LCN-
- Review of Societies
- Grants by government e.g. allocation for subvention for disaster response
- Critical government appointments be done by commissions e.g. (DCEO, Police Commissioner, LDF Commander)
- Social grants as opposed to Parliament and Ministers' grants
- Implementation of the Decentralization policy
- Appointment of executive positions be on merit subjected to parliamentary interviewing. e.g. Public institution, judiciary and cabinet
- Civil society should be subjected to accountability, performance-based review
- Public society needs to engage more with public service providers for rights-based approach of the beneficiaries.
- Civil society must have a voice by being represented within the decision-making fronts. E.g. Have a body which oversees the work of a parliament.
- The decentralization of services as per the policy.
- Autonomous security systems.
- Basotho should be encouraged to use their land/fields as equity instead of selling their land.
- Reform needed on the two Laws which clashes on culture when it comes to implementation and create awareness.
- Existing Laws in-case of change of use of land should be implemented.
- Institutions responsible for prosecuting officers suspected to have engaged in corrupt practices be capacitated and given more autonomy.
- Political will instilled.
- Equity and inclusive development and distribution of resources.
- Do away with white collar education only but instead education should cover all skills set - from farm to fork/table
- Supporting local produce considering legislative restrictions on breeding livestock import
- Social grants for vulnerable children must be provided on a monthly basis and there must be monitoring on the use of such grants. A blanket approach should not be used

- Government must review laws regulating the retirement benefits of Basotho miners working in South Africa
- Human Rights Commission Act 2016 must be amended to provide appointment transparency in appointment and dismissals of commissioners, the powers of the Prime minister must be regulated.
- Lesotho Mounted Police Service Act 2008 - Police Complaints Authority must be independent and have its own legislation establishing the body and empowering it to prosecute police law offenders
- There should be a National Reforms Body that plays an oversight role over the reform process and mandated to carry all activities of the national reforms whilst providing periodic reports
- The Consumer Protection Bill must be made into an act of law as a matter of urgency to protect consumers
- Repealing of the 2018 Law on marketing of wool and mohair.
- Law providing citizen participation when Laws and policies are made,
- Ministries should be allocated a certain percentage of their budget for citizen and stakeholder participation
- Law needs to be reviewed to accommodate critical skills that the Country cannot do without e. g Vets. And phytosanitary necessary for certification and standards.
- Cabinet members should be appointed upon merits and the members should not be MPs or Senators. Cabinet longevity must be 15 years' maximum.
- DCEO must be independent and strengthened to effectively mitigate corruption and other economic offenses
- The Cabinet size and benefits must be reduced
- MPs interest free loans must be cancelled
- Appointment of heads security institutions, democracy supporting bodies and the judiciary must be transparent, credible and based on meritocracy
- Lesotho must adopt Public Interest Litigation to enable CSOs to initiate litigation on behalf of the human rights victims
- Review and amend laws. Enact bills as indicated above (refer to question3)
- Decentralisation Policy must be implemented urgently
- Public Accounts Committee recommendations must be fully implemented
- MPs mandate must emanate from their constituencies before floor crossing and the provision must be given in the Public Participation Act
- There must be 100% proportional representation in parliament

- A minimum number of political party members to enable registration must be at least 10000 with proof of certified identity documents
- IEC must stop funding political party campaigns
- Lesotho must change its dualist approach to a monist approach where ratified conventions will be binding and enforceable in the courts of law. Consultations and participation of those who will be directly affected by such treaties must be ensured.
- war veterans who were injured and whose property was seized should have a department within the ministry of security
- Public Sector Act to be amended to have 35% quota for youth in all government departments
- Retirement age of Civil Servant must be cut down to 50 years for all
- At the age of 65, all MPs and Councillors must retire
- There should be a maximum of two terms for the PM who is elected by the people
- Interest free loans must be abolished
- Need an establishment of the military academy
- Develop and enforce Trade embargo on products that can be produced locally
- Implement the quota system in the National Youth Policy 25%
- Increase funds and support for vocational training institutions
- Reduce cost of incorporation to make it affordable for youth
- NB There should be a youth fund to support youth work by private sector
- Inclusive education policy that takes care of all stakeholders

CHAPTER 2

WOMEN ASSOCIATIONS

Issues and Recommendations

Constitution

1. Succession to the Chieftainship

Issue

- Girl children are not allowed to become chiefs, even if they are the first born children in the family, because the Chieftainship Act only recognizes male children
- When their husbands die, widows only become chiefs as regents,
- Unlike daughters born from royal families, married women are better positioned to hold title to chieftainship

Pathways and Recommendations

- Section 10 of Chieftainship Act should be amended to abolish the discrimination of girls on succession issues
- Chieftainship Act should be amended to allow Widows to become chiefs in their own right, while children should succeed after their death.

2. Inheritance

Issues

- Male children are the only ones allowed to inherit from their parents in accordance with the customary law thereby discriminating the girl child; concept of the sesotho customary heir has given right to
- relatives take over the properties of the deceased's parents, and use properties for their benefit in prejudice of the children
- Parties who are married under customary laws are not allowed to execute wills, and must take their instructions to the chief to stamp. However, local chief often questions their decisions and therefore refuses to assist them and girl child are the most affected.

Pathways and Recommendations

- The Section 14 of the Customary Law should be amended to allow all girl children to inherit their parent's properties.

- All people should have a right of testation, despite the type of marriage they have entered into, to stop local chiefs from having a say in the allocation of their properties.

3. Gender Equality

Issue

- Section 18 (4) (c) of the Lesotho Constitution allows discrimination where customary law is applied
- Section 18 of the Constitution does not explicitly protect people of different sexual orientations, gender and other vulnerable populations like women with disability

Pathways and Recommendations

- Section 18 (4) (c) of the Lesotho Constitution be removed.
- Section 18 of the Constitution be amended to explicitly protect people of different sexual orientations and other key groups like women with disability, gender

Parliament

1. Women Representation and Gender Equality in Parliament

Issue

There is no gender parity and equal representation of women in parliament as there are more men than women.

Pathways and Recommendations

- The legislation on 50 – 50 must be passed both in cabinet and in constituencies
- On this 50% of both men and women 10% should be allocated
- The 40 PR lists and the 11 Senate seats should be reserved for women only
- The National Assembly Act and the Local Government Act should be amended to increase a quota 50/50 representation in parliament and Local Government.
- IEC Act should amend the Elections Act on registration of new parties. The section should reflect that a party to be legally registered, should have at least M10,000.00 and 10,000 members that IEC ensures they exist. As for already existing parties, there should be a 5% threshold.
- Ministers should not form part of the parliament or senate. They should be hired on the basis of experience and level of education and be interviewed before everyone so that there is transparency and equal representation from both sides.

2. Enactment of Public Interest Laws

Issue

- High violation of state policies which mainly affect women e.g. Maternal Mortality, high incidences of abortion, early marriages
- High Incidences of Gender Based Violence
- Unregulated sex work
- Poverty and Gender Based Violence contributes to child marriages as a means of survival for girl children.

Pathways and Recommendations

- Parliament should pass Domestic Violence Act
- Parliament should regulate sex work such that there should be an office established that accounts for the sex workers. They should be legally registered so that these women can also be allowed to legally sue their customers.
- The law that legalises abortion should be amended to legalise abortion in all cases. It should be a woman's choice whether she decides to keep the baby or not.
- The laws on marriages should be amended and provide that a girl should get married at the age of 21 and a boy 25 because a boy does not grow fast

Security Reforms

1. Women representation in Security Sector

Issues

- There is a huge gender disparity in the security agencies
- There are few women in high ranks within State Security Agencies
- Very limited number of female officers in the police service
- Women who have previously given birth are not recruited in the security agencies
- The policy that says that women soldiers cannot conceive within the first 5 years of working is discriminatory and unfair

Pathways and Recommendations

- Promotion policies within security sectors must be put in place and the quota for women must be included

2. Misconduct Against Women in Security Sector

Issues

- Women do not report rape cases because there are few fellow police women
- Police are often transferred after committing crimes.
- Male suspects are tortured during interrogation resulting into death to the detriment of women
- Women are tortured by police when (male suspects) their husbands are not found during investigations

Pathway and Recommendations

- Help desk in the police services should be women so that other women will be able to share their stories.
- State Security Agencies must recruit personnel based on qualifications and merit

3. Access to Justice

Issues

- Political cases seem to be given priority in the courts of law and this hinders and prolongs gender based violence cases.
- Female presiding officers do not sympathise with fellow women in the courts of law.
- Issuing of bail makes angry society.
- Women with disability are discriminated against in the Courts of law.
- Women are severely discriminated and violated against by the Court processes – the Court officials are not Gender sensitized.
- High number of case back log affecting women

Pathway and Recommendations

- Special Courts should be designed to deal with gender issued as they are very sensitive.
- There should be a way of affording women with disability access to the Courts.
- Cases of Gender Based Violence should be treated in a special manner and women should be awarded subsidized legal representation in all such matters.

- Women are mostly humiliated by their partners and are afraid to report cases of abuse because of the kind of treatment they get from the Courts.
- There should be equality within the security sector. Women should be afforded higher positions in ranking.
- During peace keeping and conflict resolutions, women should also be afforded a chance to be a part of the resolutions. There should be at least 40% representation of women.
- We realise that most of the VIP escorts, international peace keeping mission are men. The number should be equal.
- Lesotho courts should adopt the concept of juries. Judges should not be given absolute power to give a verdict since women complain about the verdicts that discriminate them, especially those issued by women judges or magistrates.
- Judges in higher positions should not be appointed by the Prime Minister, there should be a neutral panel that appoints higher judges and the number of male appointed judges should be equal to the number of women judges.
- Justice should be afforded to everyone including destitute women. The government should give subventions to women organisations that advocate for women rights so that they could be their legal representatives in court.
- Death sentence should be practiced on men who rape women, children and older women, as well as those who murder their wives.
- Bail money should be put at a higher price for men who are suspected of rape and murdering their wives. If one is found not to be guilty, they can get their bail money back, however if they are found to be guilty, they should forfeit it.
- Local chiefs should be given powers to preside over cases as it was before/restorative justice
- People convicted of murder should also be dealt with by death penalty even if it's a homicide case.
- Those convicted of rape must spend a life time in prison and castrated

Economy

Issues

- Women businesses are not registered and as a result they do not have access to credit.
- Local traders compete with Chinese entrepreneurs and this hinders Basotho's spirit in businesses particularly women.
- Chinese and Indians have overtaken all the general dealers especially those run by women (cafes in rural areas)

- Women are not able to export locally produced products like” Lishoeshoe” due to high tax rates and low regulation standard products
- There is no market for women to sell their produce and crafts
- Women are forced to sell their goods and produce at a price decided by buyers
- Unpaid tax by sex workers

Pathways and Recommendations

- The law should prohibit foreigners from establishing small businesses that compete with Basotho women’s small businesses. Instead they should only be allowed to establish bigger companies like wholesales. That includes exports, bigger industries should pause on delivery if the small businesses led by women can provide the needed supplies.
- Tax should be reduced to 0% for Basotho women who do have a turnover of at least M10,000 in a year. This includes women who cross the border to sell their products such as Lishoeshoe.
- The M500,000.00 given by PAC should be transferred to women associations that have on-going projects. The same goes for the return money from ministries that do not have projects. It should be given as capital to women who want to venture into businesses.
- Laws that regulate start-up businesses for women should be widened to make it easier for women to venture into business. They should not have to resort to bribery or sexual harassment to get their licences to trade.
- Women who sell their fields to companies that are about to sell marijuana should be given 30% of the shares. This is to ensure that these women are secure since they have sold the fields that sustain their livelihood.
- Government should provide us with proper training and market to sell our products in bulk
- Women should be empowered by giving them more skills in Agricultural production so that they can do it for themselves and not be dependants.
- The Government should create a market for female farmers and other entrepreneurs
- Ministry of Mining to grant licenses that allow women to mine natural resources as a means of earning income.
- Lesotho should develop a practical climate change mitigation and adaptation strategies for women and learn from other countries with good practices
- Impose high alcohol levy to limit men’s access to alcohol which contributes to high GBV and affects
- Agricultural inputs must be subsidised for female farmers.

- Access to tree planting for women should be given a priority to mitigate climate change effects
- Chinese and Indians should sell only in large scales and not sell in small quantities. They should engage in industrial businesses not in small businesses
- Chinese and Indians must be limited to large scale businesses and urban areas.
- The old system of co-operatives must be returned as a way of creating markets for women (Vaseline, candles, and soaps production).
- Government must source out local and international markets for products e.g. trade shows that allow women's participation
- Government must not interfere with the buying and selling of Basotho wool – beneficiaries of wool sales were women and children.
- Sex work should be acknowledged and regulated as a form of work
- Tax for small businesses must be reduced as this benefit women's access to decent income.

Public Service

Bribery

Issues

- There is gender discrimination during promotion within the public service
- Women are used as middle people where corruption and bribery is concerned yet deals benefit men, so that in case the law enforcement become aware only women get arrested (drug trafficking, smuggling, diamonds).

Recommendations

- Public service recruitments should be done on merits by independent committees to afford both men and women fair and just opportunities.
- Women civil servants should be trained regularly on implications on bribery and corruption

Sexual Harassment

Issues

- Recruitment is done influenced by sexual relationships, and this contributes to poor service delivery.
- Women are vulnerable because of unemployment, poverty and orphanage. Women are forced to sleep with men in high positions to get jobs and promotions. These happens because more men are in decision-making positions.

- Women that report men that sexually abuse and harass them get fired and shunned as a result women do not report incidences of sexual harassment

Pathways and Recommendations

- Attitudes and mind set of men must continuously be trained to respect women and their bodies.
- There should be harsh punishment for people who harass women at work place because they deter women from working
- Public Service employment should promote equality between men and women as this will contribute to reduction of sexual harassment cases

Recommendations

- There should be self-service machines like ATMs so that anyone who arrives first at service points should be able to get services
- Regulations for attaining birth certificates should not be so strict and consider other possibilities based on the manner of birth of a child like when the child is born at home or out of marriage.
- Principal Secretaries should be made permanent. They should not be hired because of their political preference. Also, women should also be hired as principal secretaries. Their number should be equal to that of male principal secretaries to avoid gender inequality within the public service.
- There should be a committee that hires public servants and not political appointees. With this committee in place, people will be hired because of their qualifications. Also to avoid sexual harassment that women face when they go seeking for jobs, as well as to avoid bribery and nepotism.
- Sesotho customary marriages should be systemized to avoid discrimination and abuse of a woman in the event that the woman has lost her 'lengolo la likhomo'. if they are systemized, women can receive services without any problems.
- Poor service delivery. Public servants should be trained on how to communicate with the public while rendering services to them. Work decency, they should be taught how to handle older women who have come to seek services and not to discriminate women who do not have all the right documents.

Media

Issues:

- Social media harasses women by depicting their nude pictures
- Social media harasses and humiliates key populations in reporting their issues e.g. lesbians. You will find that in many radio stations these kind of people are discriminated against. There should be a law that prohibits vulgar language targeted to dehumanize the lesbians
- Issues that have been broadcasted by female journalists are given more negative attention over those that have been said by males.
- The journalists should be trained to respect people especially women issues
- Female practitioners in media threatened to reports news that is not true and accurate
- Women reporters are few in number.
- Women who are victims of crime are publicized without consideration their safety and protection which may result from that reporting
- Gender biasness in media (reporting)

Pathways and Recommendations

- Media policy should be enacted and operational
- Broadcasting commission should be effective in policing media and take necessary steps against those who breach code of conduct.
- Increase number of women in the media industry.
- There should be a board to monitor that there is no harassment to the women and be reported before the publication is released.
- People who harass women on social media must be sentenced 5 years in prison or minimum of 10000 bail.
- There should be laws in place to regulate media in general in order to protect women from harassment and from violation of their rights.
- Women Practitioners in media should not be threatened so that they can perfectly do their jobs and give us news that is true and real; not factious.
- Women should not be side-lined when it comes to promoting journalist and editors. There should be women also appointed in higher positions in the media industry. This also goes to bigger stories; women should also be afforded a chance to publish bigger stories that could get them promoted. There should be gender equality.

- The media should have a policy that sieves gender sensitive content. It should not be discriminatory towards women. Gender Based Violence issues often favour men than women. This should not be the case.
- When going for international trips. Female journalists should be involved but they should be involved in work and not to be men's slaves.
- There should be cyber dialogue legislation. This is to ensure that women are not harassed and abused on social media. Social media content should be regulated to be friendly for everyone and not always put women in the forefront of bad publicity.

CHAPTER 3

YOUTH SECTOR

Contribution of Youth to building peace, stability and economic development

- Establishment of Youth Associations: through establishment of youth associations, they can build strong relations with youth from all works of life, which ultimately brings about peaceful co-existence of youth in Lesotho.
- Intervention strategies: the youth through their different organisations, intervene in issues affecting the youth and bring about peace and stability. It was stated that this is mostly visible in institutions of higher learning where student organisations intervene where students are facing expulsion from school or any other disciplinary actions.
- Provision of civic education: that a citizenry that understands its rights as well as its obligations is well-placed to build peace and stability. The youth through initiatives such as Young African Leaders Initiative (YALI) are providing civic education training to other youth on governance issues.
- Community Projects: youth organisations are building peace through engaging in community projects aimed at uniting youth while at the same time engaging in a viable community project. The Plant One Tree organisation is one of such organisations which engage in such activities.
- Skills development: the youth through their organisations also provide skills development to other youth to make them employable, as well as to enable them to start their own businesses hence contribute to economic development.
- Budget Tracking: the youth through their organisations also engage in budget tracking aimed at policing budget implementation. This helps ensure that money assigned to different ministries and activities, are used for the planned activities.

Issues

- **Political Polarization:** Most institutions in Lesotho are very polarized and this pushes the institutions to act politically. The youth stated that they do not get services from various government ministries due to not belonging to a certain political party. The youth fail to get jobs or student funding due to politics and this impacts on their lives severely.
- **Weak Institutions:** Institutions of oversight in Lesotho are very weak and they fail to perform their mandate. These oversight institutions are the ones which were supposed to keep political authorities in check, however they have failed to do this. The DCEO for example has failed to reign in corrupt politicians and government coffers are constantly being dried while the youth suffer, for example the NMDS cuts sponsorship due to lack of funding.

- **Nepotism:** Nepotism is rife in Lesotho which leads to undeserving candidates occupying positions which could have been occupied by better qualified candidates. This affects the youth because they are denied the opportunity to serve their country due to this phenomenon.
- **No implementation of laws and policies:** most laws and policies in Lesotho are left to gather dust and are never implemented. The decentralization policy of 2014 is one of such policies which have not been implemented, this affects youth particularly because most of these laws are those that would benefit youth if they were implemented.
- **Skills Mismatch:** the skills that most youth have acquired from institutions of higher learning do not match the needs of the employers, hence most youth are not employable. This is due to the fact that most institutions in Lesotho are offering courses based on outdated curricula which needs to be revised to respond to current needs.
- **Exploitation and misuse of natural resources:** Natural resources in Lesotho are not utilised efficiently for the benefit of Basotho. This affects the youth because the revenue generated therein could be used to benefit youth.
- **Capital Flight:** The country does not force foreign companies operating in Lesotho to invest the revenue they make in the country and this leads to capital flight whereby companies make money in Lesotho only to invest it in their home countries, this detrimentally affects the economy.
- **Poor Health:** the country spends so much money on fighting diseases especially the HIV/AIDS pandemic.

Recommendations

- The Mines and Minerals Act must be amended to remove the minister's discretion on the shareholding of Lesotho in mining companies operating in Lesotho. Moreover, the Act should indicate a higher percentage sharing ratio on the part of the Lesotho government.
- The Education Act should always be amended to include a curriculum review after every 5 years to ensure relevant education. The curriculum should also include indigenous languages such as Sephuthi and iSixhosa. Constitutional law studies should also be part of the curriculum.
- The Higher Education Act should be implemented to allow for a curriculum review every 5 years to provide for relevant skills. A curriculum review council should also be set up to facilitate such review.
- Media Policy should be implemented by turning it into an Act of Parliament. The broadcasting complaint commission should be removed from government control. The Lesotho television should also be removed from government control to ensure its independence.

- The Copyright order should be overhauled, and a new Copyright and patent Act be enacted which will protect intellectual property rights adequately.
- A new Companies Act should be enacted which will provide for lower charges for youth owned enterprises.
- Public participation Act should be enacted which will make it a requirement for Basotho to participate in law making processes.
- A foreign Investment law should be developed which will clearly outline the shareholding of Lesotho in foreign companies, as well as the obligations of such companies.
- Develop and Enact a new Environmental Act that promotes environmental sustainability and clear obligations for companies with regard to environmental mitigation and preservation of heritage sites.
- Develop a manufacturing and industrial sector by providing incentives to investors bringing such.
- Stop exporting raw materials but rather export processed materials for example diamonds produced in Lesotho should first be polished before they are exported.
- Constitution should be reformed to allow for automatic domestication of international treaties.
- Constitution should make chapter 3 rights justiciable.
- Public Interest Litigation should be provided for in the constitution.
- All Laws giving a Minister ultimate decision making powers should be reformed to give such authority to a body in such ministries.

CHAPTER 4

CHILDREN'S ORGANIZATIONS

As Nelson Mandela said, "Our children are the rock on which our future will be built, our greatest asset as the nation. They will be the leaders of our country, the creators of our national wealth who care for and protect our people," children too, yearn for a peaceful, stable and prosperous Lesotho, a Lesotho that protects and takes care of its children; as such it is imperative to ensure that this compact sees the light of the day.

Issues

Care, Housing and Shelter

Participants noted that almost all of Lesotho orphanages are in dire straits and do not comply with international standards.

Education System

The current education system does not solve current social and economic needs, and the recently introduced curriculum which allows learners to be promoted to the next classes whether they have passed or not is a serious shortcoming. To address this problem, the following solutions have been suggested;

- Diversified education that accommodates born-talents other than pure academic progression.
- There should be free quality education beyond primary level.
- Availability of well trained teachers qualified in psychosocial support and life-skills
- Comprehensive sexual education that includes parents and caregivers as in current CSE level in Lesotho and this to start as early as primary level with the right approach.
- Adolescent corners must be functional, with relevant and suitable service providers who are well trained to handle children
- Curriculum should introduce courses and subjects that help students and pupils to be creative.
- Government must promote and invest in sports and other activities that include children's talents both in schools and villages.

Protection and promotion of rights

- Participants noted that children face different human rights violations
- There should be a one stop centre dealing with child protection issues to address the cumbersome referral system.
- Children should be given adequate protection before they become victims or survivors.
- Child helpline be revived and managed properly.
- Psychosocial support should be government owned to foster its availability to child victims and their families.
- Improve judicial processes to ensure that child maintenance is carried out smoothly.
- Decentralisation of the children's court to avoid backlog of cases.
- There should be well trained officers (social workers) working directly with the police on behalf of abused children so that these children can be free to narrate what actually happened (creating a child friendly environment).
- Budget increment for ministry of Social Development particularly money allocated for the social grants unit to provide sufficient child support to address root causes of poverty leading to child labour.

Legislative Framework

- The current laws and policies fail to ensure adequate protection of children's rights and their well-being.

Recommendations

- The constitution must be amended to include a section defining a word child, and that section should not be subject to the provisions of customary law with regards to child marriage.
- Speedy enactment of the Children's Protection and Welfare Act (CPWA) to include criminalization of child marriage.
- Review of the CGPU policies to include comprehensive penalties and sanctions to guide prosecutors and CGPU officials with implementation.

- Child protection laws harmonisation: i.e. Sexual Offences Act consent age (16) section be repealed and Marriage Act age limit (16) section be repealed and replaced with (18)
- Speedy enactment of the initiation school bill to reduce child marriage and protect children from harmful cultural practices.
- Enactment of Domestic Violence Bill to address violence against children and effectively reduce incidents of child marriage.
- Labour Code must order the definition of “light work” to be revised to avoid child exploitation.
- Media Policy should have strict regulations to ensure compliance with child protection principles.
- Enactment of cyber laws to protect children against cyber bullying and abuse.
- The country should adopt customized national standards regulating orphanages and children’s homes.
- There should be an establishment of a mother body or a monitoring agency to monitor and oversee that orphanages comply with the standards set for nutrition, health, education, security and well-being of children.
- Adoption and foster care assessment duration be reduced to a reasonable time frame without compromising strict procedures to avoid discouraging new applicants.

CHAPTER 5

PEOPLE WITH DISABILITY

Contribution Towards Peace Building, Stability and Economic Development:

- Engaging in capacity building activities; -Sourcing out People with Disabilities (PWDs) from different communities to equip them with life skills and leadership trainings.
- Hold awareness and advocacy campaigns through the media and public gatherings.
- Access to justice: PWDs educate the justice system and the public at large on the correct procedures follow in serving justice for PDWs in the courts of law.
- Inclusive education policy: PWDs educates the teachers, school's principals and the public at large on how PWDs should access quality education.
- Sign Language Trainings: PWDs teach people how to communicate with Deaf people using Sign Language (This in itself work towards job creation)
- Peer Counselling: PWDs Counsel with one another on the matters concerning them.
- PWDs form corporative societies and seek training on business form experts. Examples of such businesses are
 - Poultry
 - Piggery
 - Crop farming
 - Wax production
- PDWs additionally vest much interest in education.
- PWDs organizations lobby for qualified PWDs individuals to get their due jobs.

Issues

- Section 22 of the current Constitution only permits a person directly affected by the threat or violation of human rights to approach the High Court. This provision has shortcomings in the sense that, it does not take into account circumstances under which the affected person may not be in the best position to claim his rights.

Recommendations

- Disability must be visible in the Constitution because it is a human right issue which must be protected through laws and policy. It is a merging human right issue which should be

explicitly developed and protected by the state in order to ensure visibility, equal protection before and under the law.

- The insertion of disability as an explicit prohibited ground will go a long way in advancing the respect, promotion, and protection of the rights of people with disabilities by the government institution such as the parliament when making laws including the public at large. By so doing the National Assembly will stop from enacting laws which infringe on the rights of people with disabilities.
- The Constitution should not bear clauses in which any type of disability could be cited as a ground for removing a person occupying a public office on account of disability. PDWs therefore propose the review of the bill of rights and submit that the discrimination clause of the new Constitution should specifically mention disability as a prohibited ground of discrimination.
- PWDs call for the incorporation of the socio-economic rights in the bill of rights with the qualification that they will be enforced subject to the availability of funds. It will be the responsibility of the court to determine the availability of funds and legitimacy of the claim put forth by the individual. In this way people with disabilities will have the power to claim the socio-economic rights.
- Section 33 of the current Constitution can be improved to be couched in such a manner that it guarantees application of affirmative action for the employment of people with disabilities.
- PWDs propose recognition of sign language as one of the official languages of Lesotho.

Other Issues

National Assembly

- Studies show that persons with disabilities are politically underrepresented in the decision making bodies of Lesotho including in the local and national assembly resulting in social, economic and political exclusion and inequalities within and among the Basotho society.

Public Sector Reforms

- Persons with disabilities experience serious inequalities in terms of employment.

Judiciary

- Attitudinal Barriers: Negative attitudes and false beliefs or assumptions on the part of relevant actors, including police, lawyers and judges, may result in persons with disabilities being considered and treated as less credible at all stages of legal processes – including when reporting a crime, in terms of whether one can serve as a witness or in making legal decisions, seeking remedies for alleged violations of their rights, or otherwise participating in legal proceedings.
- Persons with disabilities encounter serious barriers in terms of access to justice due to lack of legal framework supporting provision of reasonable accommodation for all people with disabilities including those with intellectual and psychosocial disabilities.

Economic

- It is important for people with disabilities to fully and actively participate in the restructuring of the Lesotho economy. Studies reveal that, there is a strong link between disability and poverty in the sense that, poverty causes disability because of the limited chances of people with disabilities to get job opportunities and being able to trade on large scale.

Media

- Media plays a pivotal role to portray people with disabilities in society.
- Media can promote the respect, fulfilment, promotion and protection of the rights of people with disabilities and use of the instruments containing their rights. It is therefore important for the media to have strategic means of addressing and interacting with people with disabilities in a manner which restore their dignity.

Recommendations

- The Convention on the Rights of Persons with Disabilities applies the right to access to justice in the context of disability. Article 13 of the Convention specifically addresses access to justice, directing State parties to ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of specified accommodation, in order to facilitate their effective role as direct and indirect participants
- PWDs call for the enactment of the access to justice Act which will guide the courts on how accommodations for witnesses with disabilities should be applied in order to ensure to people with disabilities interacting with the justice system effective access to justice.

- PWDs seek a judiciary that is accessible and inclusive of people with disabilities to ensure that the rights of people with disabilities are taken care of in the administration of justice in Lesotho.
- PWDs propose review of the court rules to accommodate all types of witnesses with disabilities in the justice system of Lesotho “a person with a disability who feels that she or he has been denied the right to work may wish to turn to the justice system to seek a remedy. However, if the justice system fails to accommodate their physical, communication, or other disability-related needs, and/or expressly discriminates against her or him, then clearly denial of access to the justice system also results in denial of protection of the right to work.
- Ensure disability inclusive budgeting which takes into account the needs of people with disabilities
- As a result, PWDs propose the development of the public service legal framework which puts in place quota for employment of people with disabilities.
- Article 27 of the CRPD requires the state parties to safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, such as providing incentive for the private sector employing people with disabilities, enforcing quota for the employment of people with disabilities in the public sector.
- PWDs seek to see a public sector that is professional, accessible and inclusive of employees with disabilities through adoption of public sector policy and legislation which specifically address the employment needs of employees with disabilities.
- the economic growth and policy development
- Ensure self-representation of people with disabilities in the economic bodies established for
- Develop the disability guidelines for media supporting the media as to how they can portray people with disabilities.
- Establish a professional media that has the capacity to hold the government to account on public issues.
- There should be representation of a male and female person with disabilities in the upper house of the National Assembly. These people should be appointed on merits and at least the government body should select such candidates from a list of four people with disabilities recommended by PWDs.

- The self-representation of people with disabilities in the upper house will bring disability expertise in the house which is currently not available.
- PWDs further propose the amendment of the National Assembly amendment electoral Act of 2011 to incorporate self-representation of people with disabilities in the upper house as indicated above.
- Such self-representation will be appointed by the government body responsible to appoint such people

CHAPTER 6

HERD-BOYS SECTOR

Issues

- The labour law does not include herd boys as individual labours. (Conditions they work under are not domestic and the nature of their work is not domestic).
- Wool and mohair law hinder competition within the country and it enforces the indigenous people to trade with a specific broker who does not have experience.
- Child labour is practiced whereby underage children are forced to work as herd boys and girls
- The rangeland is depreciating due to insufficient knowledge or failure of herd boys to take care of the environment e.g. burning of the rangeland is one of the challenges.
- The councillors do not have the power to make regulations regarding the natural resources
- The tax that is paid at the borders is too high

Recommendations

Labour law

- Labour law should include herd boys as a distinct labour practice different from domestic work (Conditions they work under are not domestic and the nature of their work is not domestic).
- There should be a formal written agreement between an employer and the herd boy
- Herd boy herding more than 50 sheep or goats/ a head boy heading 11 cattle or more should be paid:
 - M1400 per month
 - 12 sheep per year
 - 15 goats per year
 - A cow and M3000
 - Herd boy herding 10 cattle or less/ less than 50 sheep or goats M1000

Wool and mohair

- Wool and mohair markets should be open and competition should be based on merits. Brokers should have expertise and experience on wool and mohair and there should be a thorough vetting system.

Child protection and welfare Act

- There must be law enforcement mechanisms n already existing laws that protecting children.

The decentralization of policy

- The decentralization policy should be implemented. The community councilors should have full control powers over natural resources and have the capacity to enact the bylaws that control those resources.

Education Act

- The Herd boys should be trained on environment, range management and climate change
- Herd boys must be supported and provided with skills to practice commercial farming.
- The government must provide teachers who will facilitate evening classes to provide herd-boys with necessary education.

Health and safety Act

- There should be mobile clinics to help the herd boys

Lesotho customs law

- The tax charges paid by farmers for importing livestock and farming products should be reduced by 50% at the border

Stock theft Act 2000

- Stock theft should be punishable by death and complainants should be compensated.

Police Service Act

- The community policing units should be provided with protective clothing and ammunition to defend themselves from robbers.

The National Budget of Lesotho

- The national budget should provide subvention fund for the herd boys Associations

CHAPTER 7

FARMERS ASSOCIATIONS

Issues

Economy

Agricultural Marketing Act 26 of 1967 and Lesotho Food Security Policy

- The absence of the National Planning board aggravates the problem within the ministry

- **Land**
 - Neglected arable land
 - This amount is shrinking as soil erosion, droughts, and the destruction of farm equipment
 - Agricultural production severely been affected by land degradation, reliance on rain-fed agriculture and unfavourable weather conditions caused mainly by climate change.
 - Farmers are insecure with the allocated land tenure by farm land owners with the advice and powers of the government ministries
 - There is severe degradation which has resulted in long-term soil erosion of pastures through overstocking and uncontrolled livestock grazing. Over-grazing of pastures has significantly reduced soil fertility and cultivation of marginal lands

- **Crop and livestock Farming**
 - Theft of stock is a major challenge for livestock farmers due to poor security and law enforcement mechanisms
 - Lesotho has been made a dumping site for poisonous seeds and manure
 - There is little investment in agriculture and activities that support income-generation
 - Farmers have also been affected by the rising cost of seeds and fertilizers
 - Increasingly unpredictable weather has resulted in substantial loss of farm produce

- **Poultry**
 - Acts as the legal regulatory body for the poultry sector, which comprises both commercial activities and village industries. The association attempts to encourage a supportive business environment through advocacy, training and provision of technical assistance in the development and implementation of enabling policies and laws

- lack of domestic hatchery services has been a concern for some time, with inadequate hatchery machines limiting growth as most local poultry farmers have to import fertilized eggs and chicks from South Africa

- **Dairy Farming**

- The Lesotho National Dairy Board (LNDB) is a state-owned enterprise which is charged with serving and protecting the interests of local dairy farmers however there is unnecessary interference of the minister of agriculture, the PS and the executive director within the board. Their meddling often results in decisions that do not uphold the interests of dairy farmers.
- Plant processing monopoly through which the government had requested dairy farmers to form an association with the promise of processing equipment has failed up until thus far. Still, the law under which the dairy farmers' association Lesotho had registered is outdated
- Farming products are expensive to import such as

- **Fishery**

- **Red meat**

- Notice No1 of 1992 (meat control) suggests that farmers produce grade A meat whereas abattoirs fail to produce grade A meat. Farmers incur high import costs in order to produce grade A meat so butcheries end up closing down due to poor supply of meat and unfair competition between themselves and wholesale and abattoirs.
- There is currently limited capacity in the production value chain and no accredited slaughtering facilities. butcheries are supplied through informal slaughter

- **Wool and Mohair Licensing Regulation**

- The recently gazetted Agricultural Marketing (Wool and Mohair Licensing) Regulations of 2018, trade in wool and mohair now requires a license from the Ministry of Small Business, Cooperatives and Marketing. Licenses will be issued in six business categories: shearing sheds; brokers; wool and mohair testing; trading and auctioning; processing; and export. Furthermore, the holder of an export license is not permitted to export wool and mohair unless it is prepared, brokered, traded and auctioned in Lesotho.

- **Decentralization policy 2014 and local government act 1998**

Community council control over grazing land and land allocation and dispossession function which is often undermined by the weak laws and reluctance for the decentralization policy to be effective. The local government act does not correspond with the decentralization policy 2014. There are also conflicting relations between community councillors and chiefs

over functions and mandates in communities. Chiefly duties and powers must be defined and respected from those of the community councils. The councils also need to be empowered to endorse by-laws to control natural resources and grazing land management. People assigned to catch animals in preserved grazing land should be remunerated.

- **Lesotho's National Forestry Policy**

The ministry plants trees in wetlands therefore hindering the farmers to use the area for farming purposes. This is done without the consultation of farmers and locals therefore undermining public influence over policies.

- **The absence of climate change policy**

There is limited climate data collection and poor management to help develop seasonal weather forecasting to encourage farmers develop climate driven simulation models. The government has neglected investing in new water management technologies.

Other Issues

Constitution

- There are excessive cabinet powers which is used to control almost everything
- There are no checks and balances over the cabinet
- Extravagant lifestyle is provided for ministers at the expense of the people
- The practice of closed budget side-lines other Basotho needs

Judiciary

- Political influence over the appointment of the Chief Justice and the President of Appeal undermines the independence of the judiciary

Recommendations

Ministry of Agriculture and Food Security

- The ministry should have different directorates that focus on the different farm sectors. There should also be a law that establishes Food Security Authority which will serve as one stop business facility that monitors all food production sectors and also market Lesotho internationally. Moreover, LENAFU should have a legal framework backing to enable the institution to effectively mitigate farmers' rights and its mandate should include farming matters, farmers' statistics, database, farming sectors available and their conditions as well as the markets they are serving.

- All agriculture service should be coordinated and packaged together under a single ministry
- Tender awards should be awarded to local residents as priority rule. There should be quota for employment of locals in every district.

Public Service Act 1995

The law should focus on monitoring and evaluation of farming performance and compliance

Decentralization policy 2014 and local government act 1998

- The local government act must be amended in accordance with the decentralization policy to address land allocation and reallocation issues, resolve conflict between local authorities and water distribution.

- **Agricultural Marketing Act 26 of 1967 and Lesotho Food Security Policy**

Land

- The rehabilitation of rangelands and widespread introduction of management grazing
- The government should engage herd boy's services in removing shrubs from rangelands
- Agricultural land must be classified accordingly with regard to the crop type produced
- Land owners should be protected from land dispossession and reallocation
- Built community dam reservoirs to assist farming production
- Farmers' forums must be established to discuss farming issues with focus on different sectors.
- The law should force farmland owners to register for farming subsidy so that poor land owners are encouraged to farm

Crop Farming

- There is need to improve access to inputs, develop irrigation systems, and strengthen extension services
- LENAFU should promote innovative agri-business initiatives which focus on ways to increase competitiveness, improve market access, add value and boost provision of services.
- The ministry of agriculture should provide short and long-term agricultural training programmes for farmers in their specialized fields at identified local training institutions

- A law should be enacted to control and prevent poisonous seeds and manure that result in harmful crop related diseases to Basotho consumers.

Poultry

- There must be poultry farmers' database who must undergo training programs that will enable them to increase poultry output through the incorporation of new acquired skills. This will also enable the establishment of a cooperative so that large projects can be administered through tendering to meet basic and formal standard markets, supply of chicken to wholesale and retail outlets.
- Poultry farming should implement effective egg circulation to prevent expired eggs from being circulated in the market. Government should subsidize poultry farmers so that production becomes high and safe to eat eggs should penetrate the market
- The country needs to upgrade and build poultry and other meats abattoirs which have the capacity to produce meat instead of surviving by buying meat from farmers' producers only

Dairy Farming

- Dairy farmers must have decision making powers on milk sales regulated by the Lesotho Dairy Board because there is a need to diversify dairy production in Lesotho to include products like cheese and yoghurt, mainly because they have longer shelf-life
- Laws must be reviewed regarding milk hygiene regulations of 1992 which required the supply of pasteurized milk. Dairy farmers continue to distribute raw milk regardless of the existing regulation. However, it has been discovered that raw milk has major health benefits compared to pasteurized milk. The law that establishes dairy farmers' association must also be reviewed to enforce transparency within the association's membership and operations.

Fishery

- Provision of fishery farming licenses for locals should be easily made available for Basotho locals e.g those residing in Katse, Ha Lejone and others

Red Meat

Notice No1 of 1992 (Meat control) is outdated

- Outdated laws must be amended to create fair meat competitiveness between meat abattoirs, wholesales and butcheries in order to keep butcheries afloat.

Lesotho's National Forestry Policy

The forestry ministry should implement soil conservation strategies to prevent and control soil erosion with the engagement and consultation with the farmers, community members and other stakeholders, policies should not be imposed.

The National Environment Policy 1998

- The policy should ensure public consultation before policies are developed so that farmers can advise on issues such as community dam establishments in order to alleviate the effects of draught and to promote irrigation. Wind mills need to be constructed to generate water through the use of strong winds. The irrigation mater plan must be implemented.

Wool and Mohair Licensing Regulation

- The recent Agricultural Marketing (Wool and Mohair Licensing) Regulations of 2018, trade in wool and mohair now requires a license from the Ministry of Small Business, Cooperatives and Marketing Licenses should reduce wool and mohair trade tax from the shearing sheds but instead the money should be invested in the payment of herd boys for removing shrubs from rangelands.

Thematic Area- Constitution

- The state council should be restructured
- The constitution should strengthen public participation provision

Judiciary

- The Justice Sector 2004 and speedy trial act should be brought back

Parliament

- All MPs secretaries should have research education background
- Enact private member bill
- Review parliament act 1983

CHAPTER 8

CHIEFS

Issues

- The national armed forces are not under the directive of the King
- The fact that the Prime Minister's wife is called first lady, this is not part of this system if it has been copied the English
- The Council of State is dominated by Civil Servants who are also appointed by the Prime Minister
- Holders of the statutory positions are appointment by the PM and he is using his political interest to do so.
- Senate is politically motivated just like the national assembly
- Exclusion of other clans in the senate
- Limited access of other principal chiefs to the community and the Senate.
- Lesotho decided to do away with the Paramount Chief
- Matsieng is very big but falls under one Principal Chief
- Junior chiefs do not have any security; their places of work are not decent as opposed to the kind of work they are doing. They also don't get a reasonable income.

Recommendations

- The King should be the commander in chief of the armed forces
- The spouse and residence of the PM should be retitled
- The composition of the council of state should be restored to as it were in the 1966 independence constitution
- The powers to appoint holders of statutory positions should be vested in the King acting on the advice of Council of State
- The King be restored his discretion to appoint Senators pursuant to section 55 of the constitution
- The following Heads of clans should be inducted into the Senate as permanent members
 - Chief of Baphuthi
 - Chief of Bathepu
- The Office of the Paramount Chief who shall be the Crown Prince be re-established
- The Paramount Chief should be the President of the Senate

- The following chiefs should be elevated to the status of Principal chiefs
 - Chief of Likoeneng
 - Chief of ThabaTsoeu
- The Office of the Paramount Chief who shall be the Crown Prince be re-established
- The Paramount Chief should be the President of the Senate
- Chieftainship as an institution should be established as an independent statutory body headed by the Paramount Chief with a mandate to perform but not limited to the following functions:
 - *Inaugurate Chiefs*
 - *Discipline Chiefs*
 - *Preside over border and succession disputes*
- Matsieng should be broken into two wards
- Junior Chiefs should be provided with the following and necessary means:
 - *Respectable allowances commensurate with their functions and social status*
 - *Office facilities*
 - *Means to protect their lives and property*
- Notwithstanding the provisions of Land Act of 2010 as well as the Local Government Act 1996, Sections: (91.101) of the 1966 constitution should be restored.
- There should be a two term limit for the Prime Minister of Lesotho
- The constitution should prescribe an upper limit to the number of cabinet portfolios
- No legislator should simultaneously hold a cabinet position.
- Section 68: of the 1966 constitution should be restored.
- The law should recognise the right of opposition parties to form a coalition as well as that of the ruling parties.
- Only those political parties that have garnered enough votes to earn a quota based seat in parliament should be allocated parliamentary seats.
- All the sub quota seats should be allocated to the party that won the elections nationwide
- The powers to break *sine die* and prorogue parliament should be left up to parliament

- In the instance that parliament passes a vote of no confidence in the government, and it is deemed necessary to call for fresh elections, then the caretaker government should be led by the leader identified in the passing of such motion

Problem Structure Analysis

A structure of a stable Political System:

- Has a broad base with citizenry
- Has its blades sheathed from the Civil Society
- Prods but not sharply at Authority
- Separates & Clarifies Roles and Functions of all Actors
- Fertilized rivalry between Chiefs and Commoners

The 1969 L.A Act:

- Repealed the 1946 LG Proclamation
- Ended the Era of Councillors
- Shifted the Centre of Power in Development

The 1993 Constitution:

- Gagged the King
- Weakened The Senate
- Compromised Chieftainship
- Affected General Administration

CHAPTER 9

ARTS AND CULTURE

Issues

Arts

Copyright Regulations of 2015 were passed in order to protect arts innovations and the Board has been appointed and the secretariat is yet to be in place.

While there are achievements realized during NSDP I and the sector offers great potential for job-creation and inclusive economic growth, there are challenges in the sector that need to be addressed in order to realize the full potential of the sector. These include:

- no baseline data on the industry employment. The industry is composed of handicrafts, fine arts, film and television productions, theatre productions, music, fashion and literary arts.
- Participation in the music industry is skewed towards men, while crafts are dominated by women.
- Most artist exports their products to South Africa, United States, Kazakhstan and Canada.
- The creative arts industry competitiveness is undermined by piracy and poor protection of intellectual property rights;
- lack of coordination by agencies supporting creatives industries;
- low quality products since most artists do not have formal arts or crafts training, they rely on natural talent;
- limited business and marketing skills;
- the industry is also characterised by fragmented production and with no organised collection centres.
- Absence of Inter-Ministerial Tourism Development Committee.

Culture

- Rona batho ba “moetlo” are always excluded from legislative and policy making bodies of this country because it is said we are not educated or that we have no academic qualifications.
- Governance of this country was not constructed on “mekhoa le meetlo ea Basotho”.
- Children’s rights laws have been put into conflict with culture and custom.
e.g. chastisement of children has been made an abuse of them
- National Budget never include provision for “litaba tsa moetlo”.
- Principal chiefs now charge fees for “Ho phatsa”

Chieftainship

- The King should also be in parliament

- Chieftainship should not be a birth right but the royal family should appoint whom to hold the office of the chief within the family.
- All chiefs should be undertaken professional training of the duties of their offices
- The Laws of Lerotholi should be an absolute law to regulate chieftainship
- “Batho ba Moetlo” should be appointed to work with chiefs in government
- Principal Chiefs should be excluded from the Senate and compelled to fill their offices at the councils
- Chieftainship should also be bequeathed in a Will.
- Chiefs should have authority of courts to preside over small civil and criminal matters in the villages. Only cases like murder should be taken to formal courts.
- A chief should have a cabinet to assist in passing judgements over these cases.

Women in Chieftainship

- Women should succeed to the chief office if they have no intention to marry at all.
- If women take office, it should however remain in the custody of the family when they marry off.

Cultural Arts, Publications and Groups Language

- It should first be ascertained that the author has undergone the practice they are writing about.
- “Puo ea Batho ba Thaba” should be protected at law from use by people who did not undergo the process. (e.g. Makoloane, Ho chesa mophato)
- There should be a body to vet famo music lyrics to ensure proper language before recording

Contribution for building Peace, Stability and Economic Development

- ascertain perpetual peace in this country by taking boys at the age of 18 and above to mountain initiation schools in order to inculcate in them the love of peace and tradition of this country.
- from the time of Moshoeshoe, only men who were traditionally initiated were recruited into national military services because they had the necessary passion at heart to always consider the best interests of the country.
- It was also submitted that initiates are taught agricultural activities that can be utilized to enhance the economy of the country while still in the mountain.

Policy and legal Framework for the sector

- The Constitution of Lesotho

It compromised Basotho customs and cultural practices.

- Regulations at the Ministry of Tourism

The ministry requires, deals and recognise only organisations whereas custom and culture are not a mandate of an organization. That law should be repealed.

Other Issues

- Politics are the root cause of absent peace and stability in the country.
- The economy is crippled by politicians who do not have any love for this country.
- The king has been denied his rightful powers that he should have as the father of this nation and there will never be peace if the status of the King is returned to him.
- As Basotho we have forgotten our heritage and culture. We are lost in the mist foreign doctrines and it is only if we go back to being ourselves that this country shall be stable and peaceful.
- It was specifically recommended that the LDF and the LMPS should be built of initiated men.

Constitution

- Some constituencies should be reserved for women candidates only.
- The Constitution must be drafted on the “mekhoa le meetlo” ea Basotho.
- The king’s mouth must be opened
- Excessive powers of the Prime Minister in the constitution must be trimmed.
- There must be specific provisions in the constitution for people living with disabilities.

Parliament

- “Batho ba Moetlo” ba kenngoe paramenteng (Traditional leaders be nominated into parliament)
- Parliamentarians powers to lend themselves 500 000 loans must be stopped.
- Lunch allowance in Parliament must be abolished
- National budget must be decentralized
- The language of parliament should only be Sesotho
- Members of parliament should be compelled to hold public gathering and account to the public every quarter of the year.

Security Sector

- Sectors should be freed from political influences.
- Officers should be denied voting rights

- Recruitment in the sector must be seen to be free from nepotism.
- Police quarters should be found in villages
- Community policing should be formally recognized as a security sector and afforded facilities

Courts of Law

- Formal courts should not do away with traditional courts of Basotho
- Formal courts and traditional courts should be linked to efficiently work together in administration of justice

Public Service

- Public servants should work on 5 years contracts to allow circulation of personnel in public institutions.
- Public services should be improved and practices of bribery be abolished
- There should be an independent monitoring body over public services
- Servants should not be allowed to participate in party politics
- Nepotism in recruitment must be abolished

Economy

- Revenue collected from sale of all natural resources of the country must be utilized to fund education for Basotho children in foreign skills and expertise.
- There should be an effective and strategic planning of economic enhancement in the agricultural sector.
- Means should be made to water the fields even in seasons of no rain so that ploughing in the fields can be a year-round activity.
- Traditional and western health professionals should work together in fight against pandemic diseases
- Journalists and media platforms should publish founded stories and concerned people should have authorized publication of those news about them
- Journalist should be punished at law for false publications.
- Journalists should be trained in both professional journalism and traditional in accordance with (mekhoa le meetlo ea Basotho) e.g. a woman should not air an obituary.

- Adult content on television should be abolished as it teaches young children things they should not be exposed to at that age.

Mourning Cloth/Thapo

- It should only be unveiled in the months of May to July in a year and not during any other month when it is a ploughing season or plants are not yet harvested from the fields.

Recommendations

- The LDF and the LMPS should be comprised with only men and women who have undergone cultural mountain initiation.
- The government should be formed by the King and the Chiefs to rule this country.
- Custom, tradition and cultural considerations should be observed in every law, policy or regulation made in this country.
- Abolish Children’s rights to the extent of their inconsistency with “Mekhoa le Meetlo ea Basotho”
- Uninitiated police officers should absolve from getting involved with issues of initiation schools.
- The law should enforce independence of our traditional courts to handle our own matters free from interference. We should have absolute power to refer our matters to modern courts if we so decide.
- The Sesotho Language should be the first language of communication written or spoken in everything over any other language in this country.
- Minority Languages; Sephuthi, Xhosa and others should constitutionally recognised as official languages in this country. They should also be used as medium of instruction in schools.
- Rights of “Batho ba Moetlo” should be equally protected as fundamental human rights.
- The law should prohibit churches that preach Basotho Custom to be evil practices.
- The law should regulate movement of deceased bodies. They should only be moved in the early hours of the morning or late hours of the afternoon to mortuaries, back home or to the burial grounds. Not even midday as people do today.
- Increase public awareness campaigns
- Strengthen law enforcement
- Improve access to finance
- Exposure to CCI business
- Improve business skills

- Develop quality and standards accreditation system
- Review outdated legal frameworks and enhance enforcement
- Incorporate Creative arts in school curriculum at all levels
- Development of policies such as film law and film office/commission

CHAPTER 10

CHURCHES

Contribution to peace, stability and economic development

- to worship God, study his word, pray, love one another, help each other and to learn how to live as godly people.
- The church is comprised of all people who attend services including the leaders of the country, the politicians and the voters.
- Churches do not only uplift the nation spiritually and psychologically, but also contribute to economic development of this country through education and projects that create business opportunities and employment.

Issues

- They are not regarded as churches in some of the ministries yet they are registered.
- They are denied land
- They do not get grants like other “big” churches since they are not recognised by the government.
- Not every church is represented in the society of churches (CCL) that seems to be the only society that the government involves in matters that require church and as a result, they are excluded in decision-making.

Other Issues

- The powers of the Prime Minister on advising His Majesty
- Floor-crossing
- Requirements and qualifications of members of parliament
- Motion of no confidence
- Section 4 of the agreement signed by the government of Lesotho, SADC and the opposition

Recommendations

- The constitution must affirm that Lesotho is a Christian country. Churches agreed that this will help the leaders of this country as well as the people to act more like Christ (Philippians 2:5-6).
- 28th June is the day Christianity was introduced in Lesotho during the times of King Moshoeshoe the First and it must be declared as a national day of prayer and a holiday.
- Marriage Act No. 10 of 1974 should be reformed such that there are three types of marriage; civil marriage, religious marriage and custom marriage. The law must have clear regulations under each type of marriage. For religious marriage, divorce must be handled by the church

not the magistrate court. There should be mandatory counselling sessions under each type of marriage for couples, prior to marriage to reduce the possibility of divorce.

- It should be declared in the constitution that Sesotho is a national language and that there are two official languages, Sesotho and English.
- Churches must unite under a council that is structured in such a way that all churches are represented to give them a unified voice
- There must be depoliticized independent professional body
- The council of state must have representation of the churches
- If a member of parliament decides to join another political party, the constituents must send the person with the second highest votes to represent the constituency.
- Upgrade the requirements that qualify one to be a member of parliament and those requirements should go hand in hand with the duties of parliament.
- A member of parliament who has been voted for must undergo assessment to confirm he/she is qualified.
- There should be Prime Minister elections
- It should be clear that the Prime Minister can step down but governance remains until the 5-year term has been completed.
- Ministers should apply for jobs of being ministers to avoid having Ministers that are placed in ministries that do not correspond with their qualifications and skills.
- Depoliticise the media companies
- The media should be run by qualified personnel.
- Media companies that broadcast matters of religion but pay less tax.
- The structure of this body should be based on its duties and responsibilities.

CHAPTER 11

CATHOLIC CHURCH

Contribution to peace, stability and economic development

Health Contribution:

The Lesotho Catholic Church is the leading health services provider in the nation. It boasts close to 200 health clinics and 4 hospitals where thousands and thousands of patients are seen, examined and treated every single week. Three of these hospitals are in the highlands, hard to reach mountains. In all these facilities, thousands and thousands of new human beings and citizens are born every year. The Catholic Church further makes these health care services accessible to every citizen in that these health clinics are situated at the remotest areas of the country where the government cannot reach.

Education Contribution

The Lesotho Catholic Church is the premier education provider in the nation drawing her mandate from her faith base in Jesus Christ who ordered his disciples to go out to the whole world and teach the nations all He had told them. It takes serious this commissioning of Jesus Christ. Teaching means enlightening the mind which is naturally in constant search for truth and meaning by explaining, elaborating, promoting and enhancing understanding and comprehension.

The Catholic Church of Lesotho has made the education and teaching of the Basotho nation its priority to satisfy the Basotho nation's hunger for knowledge of sciences, language (which is power), the art of thinking properly and critically, literacy and self-expression in both oral and written forms.

Parishes/Missions/Pastoral Work

The Catholic Church of Lesotho contributes to the peace, stability and economic development of Lesotho in that wherever there is a catholic parish or mission church, there is a school and a health clinic attached. This suggests that, besides the employment at these parish schools and clinics, there are plenty more permanent jobs provided by the parishes for cleaning, gardening, herding, and construction. These parishes and mission's stations are scattered all over the Lesotho terrain, thus enhancing accessibility to employment, education and health services.

Humanitarian Assistance

- It has established the Lesotho Catholic Bishops Conference (LCBC) which issues prophetic statements to warn, alert, and caution the nation against precarious situations that might threaten the peace and stability of this nation.
- It Catholic Church through the LCBC has established multiple agencies and desks to coordinate the day to day delivery of social services among the Basotho nation.
- The LCBC has established the Catholic Education Secretariat to coordinate the provision of education in the Catholic Schools.

Chaplaincy Ministry

The Catholic Church has for the past 20 years placed fulltime chaplain services in the prisons. This way it fulfils its Master's injunction to pay prisoners a visit (Mt. 25: 37). The Catholic Church prayers, such as the Rosary, are used by prisoners. The Holy Mass is offered in all prisons around Maseru. This is part of the overall and holistic rehabilitation process on people who have otherwise disturbed the peace and stability of the nation.

The Catholic Church also delivers chaplaincy services to the sick in hospitals around the country to restore peace and hope among those suffering and so desperate for their failing health. This chaplaincy service supports the medical services rendered and so speeds up recovery.

Issues

Health

- Budget cuts by the Government of Lesotho compromise the delivery of medical/health care services in the Catholic Church hospitals and clinics.
- Funding Formula (FF) expects our health facilities to provide services such as distributing the so-called "contraceptives" which are in actual fact abortifacients. This goes diametrically contrary to our Catholic beliefs and code of ethics.
- There are no pensions for church retired nurses.
- Lebollo places the health of citizens of this country in harm's way by staging a stick-fighting tournament during its graduation ceremonies without supplying protective devices, such as helmet and body armour. So, the Catholic Church through its hospitals restores citizens' health, and lebollo, on the other hand, damages and promotes ill health and death. We promote longevity for purposes of sustained productivity, on the one hand, Lebollo, on the other, shortens the national lifespan, and by so doing cuts productivity short.

- Uncensored traditional medications: Another area which goes uncensored throughout the nation. Anybody can claim the title of Doctor in this country. Anybody can lay a claim to be able to cure any type of disease, even the improbable cures can be claimed without any scientific probing to prove or disprove the veracity and validity of such claims.

Education

- The Government of Lesotho unilaterally develops the curriculum without involving us.
- There is no Memorandum of Understanding between the Catholic Church and the Government of Lesotho.
- The Government of Lesotho has erected schools right close to Catholic Church schools. This amounts to waste of meagre financial, human and expert resources by duplicating education.
- The Government of Lesotho has practically captured our Catholic schools by monopolizing the teacher's recruitment process whereby the Catholic church has no say in who comes to help it teach in its schools.
- The Government of Lesotho so called "free education for all" has led to disproportionate teacher-student ratio, leading to poor education.
- The unilateral Government of Lesotho policy to switch from COSC to LGCSE has compromised quality education by lowering the standards. The switch has not been deliberated with tertiary institutions of higher learning to facilitate the entry criteria.
- The Government of Lesotho lowered school fees to the point where we cannot maintain our education infrastructure.
- The Government of Lesotho elimination of the Standard 7 and Form C examinations is likely to encourage loafing on the part of both teachers and students.
- Lebollo (Traditional Initiation School) is yet another indomitable obstacle to Catholic Church's efforts to bring peace, stability and economic growth on all fronts as it lacks professionalism in that it does not have an efficient regulatory body to ensure adherence to the policies and laws regulating lebollo

Parish/Mission/Pastoral Work

- Another challenge is that of having three marriage laws that run parallel to one another: Customary Marriage Law goes parallel with Civil Marriage Law and Christian Marriage. This pits one against another. As priests observe their Christian

marriage laws (Canon Law), they can be sued for contravening customary and civil laws. What is considered legal marriage according to customary marriage law is sometimes considered as invalid marriage by Christian Church Law.

- Members of the public destroy the property of the church, such as pipes sometimes to conveniently obtain water, and some other times maliciously, they also steal the church fruits, woods, animals, cars.
- Begetting children out of wedlock causes terrible disorder when it comes to the recording of the baptismal certificates which are so highly valued by the state.
- Catholic Priests are not remunerated for the social services they provide for example they are gazetted marriage officers who solemnize marriages, whose records are recognized by the Government of Lesotho. Their baptismal records are taken as authentic reference documents to certify the birth dates of its citizens.

Humanitarian Services

- CARITAS uses its internationality emanating from the catholic nature of the Catholic Church to obtain donations from sister catholic churches in rich countries to come to the assistance of the poor people of Lesotho. The Government of Lesotho has technically blocked the importation of these international donations through the Import VAT.
- CCJP: With this agency the church raises awareness about societal issues of concern as the Catholic Church way to build a nation living in peace and stability and economically viable. Often it uses foreign aid to champion the project. The challenge is when the funders stop assisting the Church, the Government of Lesotho does not step in to assist the Church in the important project.
- Catholic Radio is limited by the mountainous terrain of the land to reach all corners of the country. The terrain requires strategic placement of multiple radio transmitters at multiple places and the transmitters cost more than a million maluti each.
- There are periodical conflicts between the Government of Lesotho and the Catholic Radio Broadcasting agency due to lack of a Memorandum of Understanding between LNBS which latter is not independent and so that is an overall Media capture by the Government of Lesotho.

Other Issues

Issues	Recommendations
Constitution	<ul style="list-style-type: none"> • Clauses that stripped the King of the powers of governance should be repealed. • The King should have powers to intervene when politicians fail the national common good. • Prime minister's office should be stripped off the powers to appoint security and judiciary leadership • Threshold for forming a political party should be 10% of the national population not 500.
Parliament:	<ul style="list-style-type: none"> • Prime minister should be elected by the people • Floor Crossing should be abolished. • Interest free Loans to parliamentarians should be abolished. • Lunch allowance of parliamentarians should be abolished. • There should be a mechanism to hold parliamentarians accountable and when they fail to deliver the electorates should be able to recall them. • Senate should only be composed of Principal Chiefs and do away with the eleven members of the so called expects. • Representation of all other clans in the senate.
Security Sector	<ul style="list-style-type: none"> • Recruitment should be done based on the merits and skills not on partisan politics. • Promotion should be done accordingly and be guided by the policies
Judiciary:	<ul style="list-style-type: none"> • Judicial Service Commission (JSC) should have powers to hold interviews and recommend to the state council the competent people to become judges and leaders of this sector.
Public Service:	<ul style="list-style-type: none"> • Recruitment of public servants should be on merits and skills not on political affiliation.
Economy:	<ul style="list-style-type: none"> • Our resources should be managed to benefit Basotho not the chosen few. • Arable land should be preserved and people should not be allowed to build houses on it. • Wetlands also should be preserved and shepherds should be sensitised on this because they are the ones who temper with our wetlands.

Media:	<ul style="list-style-type: none">• The media policy should be in place and this should be done through involving all stakeholders.• People who practice in this sector should be qualified.• All radios should cover the whole nation
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Table 3

CHAPTER 12

ACADEMIA

Issues

Academia as an institution: an introspection

Academia mandate centres around three activities, being;

- Teaching
- Research
- Community engagement

In as far as teaching is concerned, it means developing programs that addresses the national issues such as peace, stability and economic development. Our teaching consists of activities through which we train professionals to execute and implement, we produce human resources that have the capacity skills to address the national challenges.

By undertaking research that inform the development programs that are geared towards peace, stability and economic development.

We interact with the community at different levels in resolving the challenges that they face.

- inadequate funding and lack of policy
- Lack of policy on subvention which leads to decline.
- The institutions sustainability is under threat.
- Legislation
 - The recruitment of the executive management by external bodies.
 - Restrictions on the institutional libraries to request funding independently and directly.
 - Lack of workload standards.
 - Lack of national manpower policy.
 - Lack of framework for evaluating, teaching and research activities.
- **Other issues**
- At a constitutional level, the powers of the prime-minister are excessive which affects peace, stability and economic development.
- The uncapped number of political parties.
- In parliament, the size of our parliament which is a result of mixed member proportion is not sustainable given our economy.
- The calibre of our parliamentarians compromises the quality of the decision making.

- Duplication of roles of member of parliament who are also ministers compromises checks and balances and also undermines our democracy.
- The economy is fragile, it is dependent and lacks productive capacity and excludes the majority of the population.
- Our security sector, public service and judiciary are too partisan and unprofessional.
- There is palpable moral degeneration on our society.
- General physical environmental neglect.

Recommendations

- On teaching, while we are acknowledging the existence of the new curriculum, we recommend to enhance institutional capacity to implement effectively.
- On research, the National Research Council (NRC) has to be established as a matter of urgency, which will promote and fund robust research national challenges.
- On policy, there is an urgent need for tertiary institution subvention on higher education which will be legally binding.
- There should also be an urgent need for social enterprise funder for institutions sustainability.
- Legislation
 - Recruitment of executive management should be left to the institutions.
 - There should be a policy that allow institutional libraries to request funding directly and independently.
 - Urgent need for workload standards to enhance quality.
 - Urgent need for clear National Manpower Policy.
- Constitutional level
 - While the king remains a constitution monarch, he should, on the advice of reformed council state have the power to accept or refuse what is presented to him.
 - The composition of the council of state should be interdisciplinary, gender based, intergenerational and demographically representative.
 - Appointees should have a minimum of a degree, have no criminal record and must pass a psychometric test.
 - Parties with similar ideologies must be consolidated.
 - Reduce the size of the national assembly, such that 80 seats are obtained through First Past the Post and 20 seats Mixed Member Proportion.
 - Members of parliament should not be appointed as ministers for purposes of transparency and accountability.

- The minimum qualification of the ministerial applicants should be a diploma, they should be knowledgeable and skilled which implies that the voters should be sensitized accordingly.
- While we accept that our tradition choose who should be the principal chief, chiefs need governance and leadership skills and they must attend school.
- On public service, security and judiciary; merit, capacity and skills should determine the employment of ministers. Their recruitment should be done through transparent process.
- Enact the media policy as a matter of urgency to ensure professionalism and non-partisan.
 - There is need to mobilize resources for high education institutions. One way of doing it would be that, government should increase the budget allocation for the intuitions by ensuring that each ministry should at least fore-go a certain percentage of their annual budget to finance the high education.

CHAPTER 13

JUDICIARY

Issues

- **Backlog of Cases**

Backlog of cases has become a normality. It hinders the delivery of Justice

Causes

- Ratio of judges is not proportional to the population
- Lack of resources and infrastructure; Judiciary is under staffed. A strong and resourced judiciary is necessary in a democratic governance in which there exists a culture of respect to the rule of law and of human rights. *Supremacy of the Constitution* rather “*than executive dominance*” or autocracy should be the norm.
- Lack of case Management System which frustrates the judicial process. There is high polarisation in decision of cases. Cases are party driven instead of court driven)
- Double booking by lawyers

- **Lack of Financial Independence**

A financially marginalised judiciary is easily compromised

- There is no adequate budget for the Judiciary to function
- There is no budget for in service training to ensure uniformity and good standards within the judiciary.
- Lack of continuous in service training impacts the confidence and performance of judicial officers

- **Lack of (Institutional) Judicial independence.**

- There is interference of the executive in the Judiciary
- The Appointment of the Chief Justice and President of the Court Appeal are made by Politicians (Prime Minister). The appointment of the Chief Justice and President of the Court of Appeal is done on political advice unlike ad hoc and puisne judges appointed by the king on the advice of the judicial service commission which is a neutral body.
- Composition of the Judicial Service Commission is skewed in favour of the executive

Judicial independence must be clearly defined in the Constitution as well as the appointment and the impeachment processes especially of head of the judiciary. It is necessary that these processes should be depoliticised. To achieve this end, it is necessary that the following sections of the Constitution of Lesotho 1993 be given a complete overhaul. **Section 120(1)** (*appointment of Chief Justice*), **Section 121** (*impeachment process*), **Section 124** appointment of President of Court of Appeal,¹ **Section 125** (*impeachment process*). The *rationale* behind this reform is that the role of the Executive in the appointment and impeachment processes impinges of the *ethos* of judicial independence and of the principle of separation of powers.

- **No Recruitment Policy**

No recruitment policy of presiding officers thus quality control cannot guarantee.

- **Remuneration**

Remuneration of judicial officer's is very low. This affects the morale, safety and ability of these officers to effectively operate

- **Structure of the courts**

The courts structure is archaic and affects proper functioning of the judiciary. The Kingdom Lesotho has retained archaic legal structures and institutions. Despite its *Westminster* origins, the Constitution of Lesotho maintains the principle of *Supremacy of the Constitution* but the mind-set and persists that recognises the *Executive Supremacy* which in turn overshadows the supervisory role of Parliament and the independence of the judiciary.

- **Regulations of the Judiciary**

Most of the laws governing the Judiciary have been overtaken by events and they do not address the issues of the today

- **Accountability of the Judiciary**

There is lack of accountability in the judiciary. There also no Complaints Authority to investigate allegations of judicial impropriety – accountability. The appointment of the Chief Justice and President of the Court of Appeal is done on political advice unlike ad hoc and puisne judges appointed by the King on the advice of the Judicial Service Commission which is a neutral body.

¹ This office shall be abolished in the new proposed court structure wherein the Chief Justice as Head of the Judiciary shall preside in the new Supreme Court of Appeal of Lesotho.

- **Dysfunctional law reform commission**

The Law reform commission is emasculated by the executive thus it is inadequate

- **Lack of understanding on the functions of the judiciary**

There is lack of awareness about the exact functions of the judiciary. As a result, the public has a negative perception about the Judiciary

- **Lack of implementation of laws**

There is inadequate the administration of the Judiciary Act, code of good conduct and ethics and the law governing the establishment of a Judicial Training Institute.

- The standards and ethics of legal practitioners are poor. There is a need to instil good ethics in lawyers
- There must a constitutional clause with mechanisms that provides for the Prime Minister and Ministers impeachment
- The civil service is bloated and it uses revenues of the country which could be used to fund the judiciary

Recommendations

- Backlog of cases requires a multi stake holder approach to address it. The administrative aspect of the judiciary must be reformed to manage the backlog of cases
- There must be a clear time frame for which cases must be completed
- The criminal and civil jurisdiction of magistrates must be increased. This will reduce the back log in the High Court
- Increase the number of presiding officers. The Ratio of presiding must proportional to the population
- Cases must be court driven instead of party driven as it results in some cases being prioritized over the other.
- Expedite the laws making provision for other forms of Dispute Resolution e.g. laws dealing with Plea Bargain
- Have as many specialised courts as possible
- Capacitate and increase the jurisdiction of local court to deal with customary law and petty offences.
- Judicial Training Institute – Judicial training is necessary for a strong judiciary – to nurture “fit and proper persons” and to qualify them to judicial office

- There must be Pre Trial Conferences in both civil and criminal matters as it will aid in the
- Every organ of the State must be financially independent. There must be an over haul of the entire judicial and financial administration of the judiciary
- The judiciary must have its own representative who will advocate for allocation of resources and budget of the judiciary in parliament. This representative will also account to parliament (line Ministers have for a long time not ensured that the Judiciary is allocated funding to enable it to function effectively)
- There must be an Act that makes provision for the financial administration of the judiciary.
- The Act must have a provision that provides a certain percentage of the budget must be allocated to the judiciary
- There must be a remuneration policy that applies to all statutory bodies and Members of Parliament
- The remuneration policy must be reviewed by a remuneration committee
- Chapter 11 of the Constitution (JUDICATURE) must be repealed and replaced. The judiciary must be given new structures. The Judiciary must be independent and Accountable
- The labour court must be under the Judiciary because as it stands, the labour court is under the ministry of labour
- Appointment of the Chief Justice and President of the Court of Appeal must be made by the His Majesty acting on the advice of an independent body. The Appointment of the Chief Justice must be transparent based on a clear recruitment policy. Transparency may include holding public interviews
- The court of Appeal must be replaced by the supreme court of appeal and Constitutional court headed by the chief justice
- The Administrator of the courts must be the Register
- The JSC's Composition must be broad based, transparent and independent. e.g. include members of the civil society, government, members of the legal fraternity etc. The JSC must have its own secretariat. Judicial Service Commission need to be more broad based to include Law Society, Faculty Law and Civil Society. A new Judicial Service Commission Act should provide for selection process, *criteria* for judicial appointment. A secretariat shall be established to render appointment process more transparent and to select judicial officers' high calibre.
- The impeachment process must be insulated from executive interference. The current impeachment process must be modernised in such a way that the Prime Minister should no longer be the one to advise the King on impeachment of the Chief Justice and President of Court of Appeal

- There must be a clear Recruitment Policy for Judicial officers
- There must be a clear remuneration policy
- The housing and security of judicial officers in all courts must be improved
- All courts must be decentralised strategically to enable access and they must have accessible infrastructure (e.g. ramps for the disabled). Decentralisation must be complimented by decentralisation of the Director of public prosecutions. Senior Crown Councils must be able to give directives
- Laws that hinder the effective functioning of the judiciary must be repealed
- A way to ensure accountability is by having an embedded provision in the constitution that makes provision for a Judicial Complain Authority and Inspectorate
- The Constitution must make provision for an independent law reform commission
- The Judiciary must have a functional and vocal Public Relations Office to protect and restore the integrity of the judiciary
- Laws must be implemented and improved
- The whole Human Rights Chapter of the Constitution must be rewritten. State Policy considerations must be entrenched as fundamental human rights
- There must be a constitutional provision that provides that there must be a joint sitting in parliament where the Prime Minister accounts to Parliament at least twice in a year, possibly before and after the budget.
- Section 22 of the constitution of there is restrictive (Loci Standi provision) Civil Society must have standi. There must be a public interest clause to enable civil society and the general public to sue based on public interest
- Sections 83 (5) and 87 of the constitution (they deal with the options the Prime Minister has once a vote of no confidence is passed) must be revised
- There must be an Act that provides for how coalition governments must operate and be formed
- Cabinet is too large 20 Cabinet members will suffice
- The Defence Commission must be brought back. Heads of State Security Agencies must be hired through the defence commission (section 145 of the constitution).
- There is no “CLEAR” policy that governs deployment of people to foreign missions. There must be a clear policy that states that foreign missions are a career service
- Legal Aid is under staffed
- The priorities seem to be upside-down because the army and the office of the First Lady are allocated higher budget than that of the Judiciary.

- Laws providing for prime minister and deputy prime minister wives to get salaries and pensions must be repealed
- The Prime Minister is overloaded with duties of appointing people to statutory positions. E.g. Chief Justice, President of the Court of Appeal etc.
- The constituencies should be converted into municipalities and first-Past-The-Post (FPTP) system be applied to elect the mayors. Furthermore, the 120 seats of the National Assembly should be occupied by people who are technocrats of legislation. These members must be elected on Proportional Representation (PR) system.
- Lesotho should be segmented into just 3 regions (North, South and Central) rather than districts to improve service delivery.
- A judge should serve for a maximum period of 15 years or be made to retire at the age of 65.
- The minimum requirements for every political appointee (mokhethoa) are that, such nominee must have an educational qualification and must have some kind of personal achievement. A thorough background check must have done for anyone who holds a political office
- “For a small country like Lesotho to have over 30 political parties is an abuse of democracy”. It is uncalled for.
- Every political party must pass the basic democratic processes test
- Any political party that fails to have at least 500 votes after elections should automatically fall off or be written off the party registers roll.
- There should be a registry for all political parties that will ensure compliance of political parties and at IEC must focus on running elections
- It is highly critical to review the role of the monarch in the administration i.e. the King should be given powers to endorse, reject or review the advice of the Prime Minister.
- Revise the composition of the State Council
- The 11 seats in the Senate should be allocated to other sectors of the public e.g. youth, people living with disability, women etc.
- The office of the First Lady serves no purpose therefore should be abolished
- The composition of the implementation must have minimal representation of politicians. Minimum must be 10 per cent

CHAPTER 14

LAW SOCIETY

Issues

Policy and Legislature Affecting the Institution

- *The legal Practitioners Act of 1983* has loopholes in that it gives the attorneys the power to consult with members of the public while the advocates are not allowed to do so. This has raised a serious concern because we have a limited number of attorneys in Lesotho so that hinders administration of justice.
- The Act also prohibits Legal Practitioners from entering into partnerships with other professionals (accounts, auditors, social workers, psychologists, etc) and may not share profits with non-law professions.
- Legal practitioners may not tout nor advertise their services that mean that services are not known by the public.
- Only Attorneys are required to keep trust accounts, while advocates are not allowed to do so, that directly affects their economy.
- Legal practitioners require certificate that enable them to practice as legal practitioners for any given year, but there are several legal practitioners who continue to practice without the necessary practicing certificate.
- There are attorney's offices that receive practicing certificate without the necessary audited financial books or statements.
- The legal practitioners 'practicing certificate are renewed every year without the need for them to undergo any minimum continuing education (or training) that equip them with tools for the changing legal landscape and the development in law.
- Since 1983, to date, the Law Society has not had Ethics Code. Neither do we have Disciplinary Code to guide the disciplinary processes of the society, e.g. how to address complaints brought about by the public against them.
- Disciplinary Committees are constituted on ad hoc basis, with no meaningful results being made public.

Other Issues

- Other Minority Languages are not included in the Constitution
- Fundamental Rights and Freedoms
 - The limitation clause contained under Chapter 2 of the Constitution²
 - Exclusion of socio-economic rights, from being recognized as justiciable rights.

² Section 18 of the Constitution

- Exclusion of other fundamental rights in the bill of rights e.g. human dignity, right to fair labor practices and environmental rights.
- Limitation of the constitutional jurisdiction to the superior courts
- Lack of locus standi to sue on public matters³
- Exclusion of customary law principles from constitutional value system and principles⁴
- The determination of salaries and remuneration of public officers (including judges and magistrates) has being left to the Finance Minister of the day in Lesotho
- Limitation of the office of the Ombudsman to taking investigations only.
- Composition of the JSC
- Process and procedures in appointment of judges
- Concentration of legal services in the towns and cities to the exclusion of the majority of the poor and marginalized who are predominantly in the rural areas
- Lack of education on public interest law
- Lack of clinical legal training
- The law society has neither Ethics Code nor a Disciplinary Code to guide disciplinary processes of the Society.

Recommendations to the policy and legislature affecting the society

- The Act should be amended to give Advocates power to consult with members of the public because attorneys are few in number and such the public is prejudiced (especially people living in rural areas).
- Legal practitioners must also have a right to enter into partnerships with other professionals to help them grow both professionally and economically.
- The Act must allow for tout and advertisement of the legal services so that they are known to all members of the public so that they choose who to consult.
- Both Attorneys and Advocates must be allowed by the Act to keep trust accounts.
- A committee must be established within the Law Society that will ensure that all the legal practitioners have the necessary certificates and audited financial books that allow them to practice as provided by the Act.
- Capacity trainings should be conducted every 6 months for legal practitioners to equip them with skills that will enhance their capacity as professionals.

³ Currently, the Bill of Rights provisions (Chapter II) of the Constitution is enforceable only, first, by a person who alleges that his own right or freedom has been, is likely or is being infringed. The critical issue is: who has a locus standi to enforce the remaining part of the Constitution apart from the Bill of Rights? Should political and executive misconduct go unpunished simply because there is no one directly affected or whose rights have been infringed? The common law approach to locus standi is indeed narrow and is a fertile breeding ground for impunity and an impregnable wall behind which unconditional laws and conduct goes unpunished. No democracy should have a room for such.

⁴ The Constitution is the supreme law and the customary law, like any other law in the lower levels of the hierarchy of laws, should be subjected to the constitutional value system and principles, and, if found wanting by the courts, to be declared unconstitutional.

- A Special Tasks Committee should be established under the Act to deal with Disciplinary issues of members of Law Society.

Recommendations of the issues affecting proper functioning of the Society

- Other minority ethnic groups be included in the constitution e.g. siPhuthi
- Section 18 of the constitution should be abolished
- Such rights should be included in an enforceable bill of rights.
- Every court should be authorized to deal with the constitutionality of any law which the subject matter of application or enquiry before any such court.
- There should be establishment of a public interest body to raise any constitutional issues before any court of law
- Section 18 of the constitution which absolves customary law from the frame work should be abolished
- Creation of an independent commission, salaries and remunerations commission with the role of conducting comparative surveys on the labour markets and trends in remuneration
- Further, section 115⁵ of the Constitution should be abolished.
- Political parties should subscribe to and match specified constitutional values and standard prescribed in the constitution. There must be clear conduct which the constitution proscribes for political parties.
- IEC must not supervise and enforce discipline of political parties but a separate regulatory body be established through a party law.
- Political parties should self-regulate themselves and they should not be subjected to any form of standard practice.
- The Ombudsman must be constitutionally authorized to take such remedial action himself/herself after his or her investigation rather than having such action left to the discretion and implementation by parliament or any other body that may be established.
- Another view is that the Ombudsman should not be given power to implement their recommendations however there should be another implementing party other than the parliament.
- Membership of the JSC should be increased from four members to fourteenⁱ
- The recruitment of judges must be open and transparent
- The Judicial Service Commission Act must be promulgated to deal with implementation and administrative issues of the SJC
- Legal Aid Counsel Offices should be established in all districts.

⁵ Remuneration of certain officers such as Judges of the high court, judicial service commission and Magistrates.

- There is need for the University (Faculty) to produce legal professionals who are competent to deal with complex joint venture transactions, international attribution and one who is trained to deal with geopolitical, trade and information technology needs.
- The Law Society established a Special Task Force (Committee) to adopt a Bill that will address the disciplinary processes of the Society.

Other Issues

- Political parties are not constitutionally recognized or regulated in this Kingdom. The law regards these power-mongers as private entities which are left to their own private arrangements and mechanization under their own private constitutions.

Recommendations

- Political parties should subscribe to and match specified constitutional values and standard prescribed in the constitution. There must be clear conduct which the constitution proscribes for political parties.
- IEC must not supervise and enforce discipline of political parties but a separate regulatory body be established through a party law.
- Political parties should self-regulate themselves and they should not be subjected to any form of standard practice.

CHAPTER 15

INSTITUTIONS

The Independent Electoral Commission

The Commission has legislative mandate of delivering democratic national and local government elections, referendum and creation of an environment that enhances public participation and promotion of civic and voter education. It is headed by the Chair Person and two Commissioners. The Commission has the Secretariat, with the Director of elections as its chief accounting officer.

Challenges

- The National Assembly Electoral Act clashes with Financial Act in terms of Procurement procedures.
- Local Government act and the National Assembly Act differ in terms of election periods, boundaries and nomenclature. (A place where voting takes place during national assembly elections is called a voting station but a polling station during Local Government election).
- Appointment of commissioners: The appointments are politicized (they are appointed by political leaders of which the government of the day has greater influence over) and; the requirement that to be a commissioner one should not be a civil servant is very limiting because one first has to resign from his/her civil service position.
- Commissioners' terms of employment are on a full-time basis such that they are always present in office and this tampers with administration of IEC which is placed in the hands of Director of Elections.
- Simple/ loose registration of political parties (One only needs to have 500 members to register a party).
- The formation of coalition government is problematic because other parties with substantial majority do not become part of government, which is unfair.

Recommendations

- There should be provision of snap election procurement procedures.
- IEC Act that will outline ethics and roles of IEC staff.
- Both the National Assembly Election Act and Local Government Election Act be consolidated, so that both elections are held at the same time.
- Selection of Commissioners should include civic society groups, community leaders, media, principal chiefs and electoral stakeholders whose expertise would be required.
 - The age of commissioners should range from 40-65.

- The number of commissioners should be increased from 3 to 5 as to widen the scope of knowledge the commission should have.
- The exercise of appointment be done (6) six months prior to expiry of contract of the current commissioners.
- The Commissioner position should be open to every qualifying citizen (civil servant or not).
- Commissioners should meet on an ad-hoc basis (only when need arises), and should not be given salaries but sitting allowances.
- The threshold for registration of a political party should be 5000.
 - Upon registration the executive committee of the party should have 60% representation of the 10 districts
 - Parties that fail to nominate contestants in 50% of the constituencies should be cancelled.
 - Any party that fails to get a seat in parliament after elections, shall be cancelled from the register of political parties.
 - There should be a forum that solves issues amongst political parties to avoid conflicts and court orders.
 - Local government and National Assembly elections be combined together.
- No party list should be submitted to IEC prior to elections, rather the seats should be given to best performers after elections for the party concerned.
- In the event that there is no outright majority winner after elections, parties with majority votes should form government, failing which, we should go for a re-run where only the first and second parties will compete.
- A coalition should be valid for not less than five (5) years.
- The Prime Minister should transfer power to any member of parliament should he/she loses the vote of no confidence in parliament.
 - Upon motion of no confidence, the Prime minister should be elected from constituencies whilst the parliament continues running.
- Floor crossing should be highly regulated in order to facilitate stability in parliament; there should be bi-elections for members of parliament.

The Office of the Ombudsman

This institution was established per the Sections 134 and 135 of the Constitution, and the Ombudsman Act of 1996 in line with the provisions of the constitution; and it was essentially mandated to defend the public against the bureaucracy, and ensures respect for the rights of the citizens. It is not subject to direction or control of any person or authority. In that state it is charged

with handling matters in the areas of (i) injustice; (ii) maladministration; (iii) human rights violations; (iv) corruption; (v) depletion or destruction of the environment.

- Politicization of the appointment of the Ombudsman.
- Ombudsman recommendations are not legally binding as the ombudsman Act does not have enforcement powers.
- Penalties for offences under the ombudsman Act are too little.
- Financial shortcomings
- The Ombudsman is not the chief accounting officer at his office.
- Centralized Ombudsman's office (present only in capital town)

Recommendations

- Recruitment and appointment process should be led by Parliamentary committee and participation of Non-Governmental Organizations and community leaders which shall be responsible for statutory position holders.
- The ombudsman should be appointed by the King acting in accordance with the advice of the above mentioned parties for a fixed term of seven years. (Non-renewable.)
- The ombudsman should be an independent person and immune from any influence.
- There should be an open advertisement of the ombudsman position submitted to the secretariat of the appointment committee.
- Such a person should be in possession of post graduate qualifications in Law/social sciences and any other relevant qualifications and not above 65 years of age.
- He/she should be accountable to the parliamentary committee.
- The ombudsman office should recruit, promote and discipline its staff.
- If agencies are not satisfied with the Ombudsman's recommendations, they should approach courts of law for judicial review and if no compliance by agencies and no application for review, Ombudsman should approach courts of law for enforcement.
- Penalties should be increased from M1000.00 to M10000.00 as a deterrent for disobedience or imprisonment for one year.
- There must be financial independence; after allocation of funds by the parliament the funds should go straight to the ombudsman account for full control.
- The ombudsman should be the chief accounting officer in his/her office.
- The office should be decentralized to districts' levels to effectively meet community demands.

Directorate on Corruption and Economic Offences (DCEO)

Issues

- Dependency on DPP's office in terms of prosecution.
- Politicized appointment of the Director General.
- Financial independency

Recommendations

- DCEO must have prosecution powers and use private lawyers.
- There should also be establishment of the anti-corruption court to enable prioritization of corruption cases.
- The Director General's appointment should be done by the combination of civil society, NGOs, community leaders with the assistance of the parliamentary committee though the influence of the King.
- Qualifications of the director general should not be limited to lawyers only.
- Term of office for the Director General should be 7 years.
- Director General should be transparent and subjected to scrutiny.
- DCEO subvention should be directed straight to its account.
- The DCEO should directly be accountable to the parliament.
- Constitutional amendment to allow for the name change of the agency, such that the new name is Lesotho Independent Anti- Corruption Commission (LIAC).

Auditor General

Issues

- Politicization of appointment of Auditor General
- Accountability of Auditor General to the Minister.
- Financial Dependency

Recommendation

- Appointment of the Auditor General be chosen on merits, by a committee consisting of none executive. Such person should not appear in any political party structure.
- The Auditor General should be a citizen of Lesotho.
- He/she should not have been convicted of any crime involving dishonesty in any country.

- The Auditor General should be a person who fulfils all tax obligations under the laws of Lesotho.
- The appointment should be free from any corruption, free from age restrictions, and be given a 7-year non- renewable contract.
- The Auditor General should directly report directly to the parliament instead of through the minister of finance.
- Recommendations of the Auditor General be legally binding, failure to which sanctions be enforced.
- The office must be allowed to be financially independent (they should have freedom to draw up their own budget to avoid being subjected to catalysts) as it deals with all the finances of the government in and outside the country which demands more money for the success of such work.
 - It must be given a certain % as subvention and still be allowed to charge Ministries for their services as a way of generating income.
- Their services must be decentralized to districts
- Section 117 (1) of the Constitution be amended by deleting the words “office in the public service” and substituting them with “independent and autonomous and a supreme audit institution in Lesotho”.
- Section 117(4) of the Constitution should be amended by deleting the whole subsection and replacing it with: “The Auditor General shall submit and table every report made by him in pursuance of subsection 2 to Parliament, the Auditor General shall submit the report not later than seven days after each house of parliament first meets”.

Other Issues

Constitution

- Appointment of Principal Secretaries
- Limited powers of the King
-

Recommendations

- Principal Secretaries should be appointed by the panel consisting of LRA, Administration person, private sector, law society and the Minister of the Ministry with three years’ renewable contract with two years.
- The Kings’ voice and instructions be heard and play a role in the constitution of the country. **(He should have a final say)**

Parliament

- Large size of cabinet
- The term of the Prime Minister
- Inadequate educational qualifications of Members of Parliament
- Too much allowances for Members of the Parliament.

Recommendations

- Minimum qualification should be COSC/LGCSE
- Executive should be a minimum of a Degree.
- 500 000 loans be abolished. Do away with daily allowances of the parliament.
- Seasons regarding the commencement and recession dates of the parliament should be publicized.

a. Judiciary

- Appointments and termination of contracts of Chief Justice

Recommendation

- The Prime Minister should consult with the Judicial Service Commission (JSC) or completely remove the responsibility of appointing the Chief Justice from the executive and allow the Judicial Service Commission (JSC) to directly advise the King to appoint the preferred candidate.

b. Security

- Politicized recruitment of heads of security forces

Recommendations

- Appointments of senior officers of the security agencies should be made by the King, on the advice of the Defence Council formed with the retired officers of the security sector.

CHAPTER 16

PROFESSIONAL BODIES

Issues

- Registration, recognition and regulation of professional bodies vary from one profession to another. This makes it very difficult for professionals and other stakeholders to know what is required to be fully compliant with professional standards.
- There are professional bodies that are established through an act of parliament, others are chapters of South African professional bodies, others are registered as companies while others are registered as non-governmental organisations. There is no consistency.
- The Council of State is currently referred to as the Executive Authority and many of the conflicts in Lesotho has been influenced by the attempts of politicians especially Prime Ministers in order to have numbers that support their cause in the Council of State.

Outward Looking

- Basotho is a divided nation between those who say the King should be given power to intervene where there are conflicts between politicians and those that think the King should be neutral at all times.

Proposed Pathways for The Reforms

- State council to be executive authority with the king as permanent chairperson, and its composition to be diverse
- All state council members should not be appointed by Prime Minister except minister of finance
- Prime Minister to report on the national performance on a quarterly to state council.
- Independent members should be chosen on merit with at least two citizens from Diaspora
- Naturalised citizens should not be members of state council
- The government secretary should be appointed on merit by state council, and shall be its secretary and that of cabinet. (for synchronisation of strategic direction)
- The council should have powers to impeach pm and or minister (vote of no confidence should be left with the parliament)
- The council should have committees – e.g. audit and risk committee where the internal audit cadre shall present reports to and not principal secretaries.

- There should be matters reserved for approval by state council. e.g. withdrawal of national reserves, debt, and transactions of a certain amounts, determination of parliament salaries and executives.
- Ratification of treaties after approval by parliament.
- In a quest to protect the king and to allay fears of citizens who fear abuse of power by either politicians or king a unitary board approach is recommended.
- It is recommended that the State council be chaired by His Majesty the King with members giving strategic direction with the Prime Minister and Ministers executing the strategies respectively.
- The recommended roles and powers of the State Council:
 - Ethical leadership
 - Strategy-short, medium, long
 - National performance
 - National risk
 - Sustainability (natural resources)
 - Solvency and liquidity
 - Integrated reporting
 - Compliance governance
 - Oversight institutions
 - International relations
 - Comprehensive council charter/act
 - Power over executive – impeachment powers
 - Quarterly (strategic performance based) and special meetings
 - Cabinet/executive periodic reporting
 - Government Secretary as an interlink between council and executive
- Recommended laws to be amended or introduced
 - Council of State Charter/Act
 - State Owned Enterprises Authority Act
 - Motor Vehicle Accident Fund Act
 - Central Bank Act
 - Separate the role of the CEO and the Chairman of CBL
 - The Appointment of the Governor of CBL should be made by the Appointment Committee and conducted in an open and transparent manner
 - The Governor of CBL should report to Council of State and Parliament
 - Access to Information Act

- Protected Disclosure Act/Whistle-blowers Protection Act
- Competition Act
- Judicial Officers Code of Conduct
 - Judges should be barred from serving as Board Members
- Professional Bodies Act
- Internal Audit Act
 - Internal Audit Unit
 - Internal Auditors should not be reporting to Principal Secretaries
 - Establish Ministerial Audit and Risk Committees
- The Appointment of the 11 Senators
- Senators
 - Our proposal is that 11 Senators who are appointed by the King should be appointed on the basis of their skills. These people should possess skills such as Law, Internal Auditing, External Auditing, Economics, Medicine, Engineering, Environmental Management, Teaching, Project Management, Human Resources, etc.
 - These 11 Senators should also serve as members of the appointment committee. The Committee will be responsible for confirming the appointments of Ministers, Ambassadors, Heads of Security Forces, CBL Governor, DG of DCEO, Judges of High Court, etc.
 - These 11 Senators shall not be eligible to fill ministerial positions in order to ensure separation of power between Parliament and Executive. This will also help the Senate to be able to constitute Committees with people with different backgrounds hence be in a better position to review laws from National Assembly.

CHAPTER 17

POLITICAL PARTIES SECTORAL CONSULTATIONS

Issues

- Stagnant Policy Issues within the country
- Basotho Citizen's / Voters in South Africa
- Political Parties do not have Freedom of Association?
- There is no Inter Party Capacity Building amongst Basotho political parties (Ho thakelana ka malebela rele makhotla le mekha ea lipolotiki ho ea ka makhabane ele ho holisa mekha le makhotla a rona a lipolotiki)
- Potential Capacity hindrances of the IEC in terms of finances and human resources
- Lack of ground rules that govern coalition politics.
- Lack of conflict resolution mechanisms.
- Lack of clear communication lines between Political Parties.
- Corruption and Politicized public service
- Lack of political tolerance and Floor crossing
- Overstaying of leaders within parties and lack of succession plans.
- Personalized politics, hero worship of leaders causing lack of accountability.

Pathways and Recommendations

- There is need for Political Parties Act that will govern and regulate Political Parties with provisions for prohibition of Political Parties leaders from registering new Political Parties when their leadership tenure ends.
- There is need for Ground rules that govern Coalition Politics and IEC as a guardian of National Elections be enacted by law to also manage Political Parties NEC elections.
- To enforce and improve accountability, compliance and transparency within political parties NEC elections
- Have a tribunal to deal with inter and intra party conflicts.
- There must be a truth and reconciliation forum to deal with past Party Political issues that still influence today's behavior.
- There should be clearly defined time and or term that a leader should hold a particular position in the NEC.
- There should be provision for accountability for Political Parties leaders when they become Prime Ministers, especially for public funds and property.

- Diplomats should not be catered for as there are no constituencies for them in SA, as provided by our model of voting.
- The PR lists should be submitted after the elections to ensure that everyone in the list is an active member of the political party. This will be evidenced by their participation in the elections at their different constituencies.
- The PR model that is being used should not be changed, it still serves its purpose.
- The PR list should be amended and should include youth candidates.
- The PR list should be amended and should include youth and people living with disability candidates.
- The PR list should be informed by all the candidates that stood for elections in the different constituencies as referenced by the number of votes they got. This will ensure that the voices of the electorate are well represented.
- The PR list should not be paid for (M8000.00) and as such be submitted after elections.
- His Majesty King Letsie III should lead the Country and the Political Parties should focus on the development of the Country.
- There should be representation of every clan in the Senate.
- Basotho in South Africa should be treated with priority. Services should be availed to them especially work permits and passports in order to ease their way of living and working conditions.
- Minority Political Parties should be given the same treatment as the big or the ruling ones,
- Political parties should have their own legislature that is independent from that of Societies' Act.
- There should be a set criterion and or code of conduct for people that can stand for elections as politics are used as an escape for corruption.
- There should be compliance by the Independent Electoral Commission to enforce the set laws, it does not gazette political parties more than 20,000 hence the misuse of funds.
- Party funding should be revised so that it caters for ALL Political Parties fairly without giving precedence to the big Political Parties.
- There should be a Political Parties fund. In the notion that *'ntja e tsokela ea e fang'*, development will be driven better by the fund as different people and focus groups will invest in the fund and as such their development issues will be addressed.
- De-privatise companies that offer basic needs such as water and energy.

CHAPTER 18

PRIVATE SECTOR

Issues

❖ **Crime and corruption**

- Foreign business owners are given tenders and the profits of the companies are spent in their countries origin
- Delaying justice in the courts of Lesotho and that in turn holds money that could be circulated and improve the economy.
- Civil servants are highly corrupt and value bribe. This demotivates the spirit of upcoming entrepreneurs and small businesses.
- Sometimes the ministries' officials delay payments due to the fact that they have invested money in some companies and that leads to some businesses failing.

❖ **Lesotho Revenue Authority**

- The institution is able to trace and demand due tax but they do not advise business owners on how best they can they money. Instead they have harsh punishments on business owners that lead to the collapse of small businesses
- LRA should refund people that it owes
- It has not catered for the business owners to speed up the process of clearing and accounting and that delays service provision
- A system that goes down at night while the border is still open

❖ **Regulation of civil servant engagement in the private sector**

- Judges are found in some of the boards of parastatals (CBL) and that is found to be very conflicting
- Civil servants and in particular the government officials and judges that sit in such boards should not be allocated free sitting. They should solely be representatives.
- Civil servants also engage in tendering and that puts them in a better position because they are fully aware of the requirements and expectation

❖ **International trips**

- International trips to some of the developed countries for learning about new ideas and methods of development is given to irrelevant personnel or individuals as rewards for their political patronage. They hardly ever give reports on what they have learnt

❖ **Protection and promotion of Basotho products**

- There are trade attaches that are bestowed with the responsibility of promoting Basotho products in foreign countries who are not doing that.
 - Franchises in Lesotho seem to be alienating Basotho products rather they import and promote foreign products that are still found in the country produced by Basotho
 - Franchises and foreigners have captured the market for small Basotho business owners by selling some of the products that were being sold by small business
- ❖ **Support of private sector by the Banks**
- Youth in the private sector needs to be mentored and trained on how to use money they sourced from the bank
 - Majority of the banks in Lesotho are hesitant in supporting small businesses and that affects the sustainability of the small businesses as well as consistent production and supply of services.
- ❖ **Procurement**
- There is no transparency and accountability in presentation of evaluation results by the tender board
- ❖ **Home affairs**
- There are requirements by the Home Affairs that delay the acquiring of identification documents after they have been lost.
 - It is not clear how foreigners acquire Lesotho identification documents and in turn afford them to assume the power.
- ❖ **Digitalisation and Decentralisation of public services**
- Services that are not digitised and decentralised have imposed challenges on businesses in Lesotho
- ❖ **Board of trade**
- More often the board of trade sitting take place after a long time and that delays the business process
- ❖ **Tourism**
- There is a shortfall in the tourism sector due to lack of support of the government, lack of markets
 - There is limited funding for infrastructure to support this business.
 - There has to be innovative activities that attract tourists should stay and spend money
 - Security problems deter tourists and that lead to the collapse
- ❖ **Partnering of business owners and corporations**

- Some entrepreneurs want to spearhead activities even when they are not inexperienced and this has been a reflection of lack of skills in business

❖ **Training and mentoring of entrepreneurs**

- There is also a problem of innovative investment in Lesotho
- Youth with innovative skills are not known yet there are so many to them and they lack information on how best they can be supported, which demotivates some of them to lose interest in utilising them

❖ **Access of land**

- Foreigners are buying land with a lot of money which challenges business
- Bribery at LAA

❖ **Exportation and Importation of goods**

- The treatment of business owners, who import and export goods by the South African government is ruthless
- There should be instruments that are introduced in agreement with RSA to improve and protect trade through South Africa.
- The GoL should ensure that they address this problem since it greatly affects doing business in Lesotho.

❖ **Legal framework has to be reformed**

- Arbitration laws have to be reformed
- Income tax laws have to be reformed
- Copyrights policy has to be reformed because it was formed at a time when the creative industry was not this prevalent in Lesotho and therefore it is not responsive especially in the film industry that is so dynamic and growing.
- Land Act 2010 needs to be reformed to protect the rights of Basotho from foreigners who secure land.

❖ **Creative Industry**

- There are some administrative problems that pose challenges to the creative industry in the ministries and this has led to it missing opportunities presented by it and other foreign companies that intended to partner with Basotho film companies.

❖ **Small business structure**

- Small business seems to be acting as a business on its own yet it is supposed to boost Basotho businesses
- As a strategy to boost young entrepreneurs they are requested to submit their business plans and these plans are stolen

❖ Institutionalisation of skills

- There are some citizens, who do not have qualification but who are highly skilled yet they are marginalised in the market and by the government institutions.
- One other challenge is that the existing institutionalisation body is not well known to Basotho

Recommendations

- LRA should arrange a speedy delivery of services specific for Basotho business owners
- The system of LRA should be opened at night because the border opens.
- It should devise strategies of low taxing of small businesses so that they grow and become businesses that can later contribute greatly to the revenue
- There should be clear income tax income tax policies.
- There has to be a policy that regulates the roles and interest of the civil servants, including chief accounting officers and ministers
- There has to be a law that deters the civil servants in acquiring business licences.
- There has to an accounting process that will even force to present or share information that they have gathered.
- The roles and activities of trade attaches should be publicised for the private sector to make use of the opportunities available
- Franchises should be forced to assume corporate responsibility
- Local trademarks are not well disseminated.
- Farming products sold in franchises should adhere to the standards of the country not to the countries of origin of the business.
- For big companies especially those owned by foreigners should present their beneficiary plans.
- There is need to mentor and train small business owners in the private sector on financial management and business management.
- Post Bank as a development Bank should be seen aiding Basotho in boosting national aspiration projects and entrepreneurs.
- The results of the evaluation should be publicised so that people can appreciate the results

- The Ministry of Home Affairs has to evaluated they requirements to avoid implications that complicated doing business.
- The criteria and process of awarding citizenship to foreigners should be made known to the public.
- Decentralisation of services at district level and afford private companies that will be forced to use legitimate and credible licenses an opportunity to offload some government structures
- There is a need to look into this aspect sector and come up with strategies.
- The government should inject more money in improvement this sector because it is key.
- Stability and security is key in the improvement of the tourism sector.
- There is need for infrastructure and the government should contribute to amnesties.
- This shows that there is a need to for mentoring and training necessary for sustainability of businesses
- There is a need track the performance of corporations.
- There is a need to have clear strategies of mentoring and training of such youth. They need to be mentored and trained to take an opportunity in developing the country.
- Programmes need to be introduced that will mentor and train Basotho entrepreneurs in innovative spending.
- There is a need for the government officials to understand the industry so that when they make laws they take into consideration the implication on this industry and appreciate its significance as one that has not been tapped as income generating and partly a solution for the rampant unemployment.
- Government has to regulate building houses on arable land, which affects the farming business
- Stealing of business plans should be criminalised
- The roles of small businesses structure need to be regulated.
- The structure that has been mandated to institutional skills should be seen to be effective and most importantly is should be make known by Basotho

Other Issues

❖ Judiciary

- High profile people always contest the courts judgements if it is against their interests.
- There are some of judiciary laws that are outdated.
- Judges take their mandates from the leading political parties
- Magistrates are overloaded with work at times which delays justice
- Judges and magistrates are bribed to pass unjust judgements.

❖ De politicisation of civil servants

- Chief accounting officers are appointed politically and that leads to poor service delivery because of their short-term tenure in office and they are not held accountable

❖ Budget

- Budget is planned without the engagement of the private sector (examples can be drawn from the exclusion from the call circular)
- The allocated budgets to the ministries do not implement the submitted work plans
- A huge amount of the budget is spent on paying the civil servants and international trips without reserving a reasonable working capital

❖ Use of opportunities presented by declarations

- The security institutions have employed people with skills which need to be used to improve the economy but they are idling.
- The security sector is recruiting a lot of personnel in this sector and this further requires the government inject a lot of money in its functionality

❖ Security Sector

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- The security sector is recruiting a lot of personnel in this sector and this further requires the government inject a lot of money in its functionality

❖ Enforcement of laws

- The hesitation of asset declaring does not a good precedence
- There are some laws that are very good which are not being implemented

❖ Synchronisation of development plans

- It is common to find sectors or ministries implementing conflicting projects which sometimes wasted money
- There has to be evaluation of cross-cutting projects and engage appropriate bodies.
- ❖ **The powers of the King**
 - There is an acknowledgement that the constitution has afforded the Prime Minister has been awarded too much power
- ❖ **Parliamentary**
 - Parliamentarians who have low educational level tend to fail to appreciate some of the technical developmental initiatives that requires the formulation of laws and policies
- ❖ **Health**
 - The health services are poor because the ministers do not use the health services
- ❖ **Environmental Protection**
 - Recycling of waste in the country is still not controlled and managed in a proper way and continue to degrade the environment
- ❖ **State owned entities**
 - Boards of state owned entities are infiltrated by the politics, which has led to some of the decisions taken not ethical

Recommendations

- There has to an autonomous panel that appoints credible judges and magistrates
- De-politicization of law society
- There is need to amend or formulated new judiciary laws to accommodate the community of Basotho that has evolved
- These chief accounting officers have to be awarded permanent contracts.
- Private sector should be included in call circular as the engine of economic growth
- Budget Tracking -Monitoring and evaluation of operational plans in the institutions to assess compliance with the submitted work plans
- Reports should be presented on some of these declarations so that the public can engage in tracking of adoption of them.
- The government should devise of strategies on how best they can make use of these skills.
- There is a need to a considerate downsizing of the quota, which will in turn reduce the budget of this sector that will in turn be diverted to the private sector that will generate more revenue
- There has to be an enforcement of this process for transparency and for setting precedence

- Some of these powers which will be taken from the PM should be given to the King.
- There is a need to relook into the criteria used appoint the parliamentarians
- They must only be paid for health services sourced in the country and those from other countries should be paid from personal budget.
- Recycling of waste can improve the country's economy while being environmentally friendly

General Recommendations

- Members of these boards should be appointed on merit
- International trips that relates to the private sector directly and indirectly should be taken by those from the private sector, who can account and share the ideas.
- There should access to information (laws, operational plans, tendering and etc.)
- Budget Tracking to ensure that proposed projects are implemented. Also, Government budget should be endorsed by the PSFL before official approval and no activities should commence before the PSFL approval. Quarterly reports from each ministry should be submitted to the PSFL office.
- All procurement plans should be submitted to the PSFL by all government ministries
- Payment Technology which extremely minimise the
- De-politicisation of civil service which will solve the problem of poor service delivery
- Creative and cultural industries should be given a priority so that a proper budget can be allocated.
- A one-year dedication to tourism activities supported by the government to promote its growth.
- A national peace building project should will instil the value of peace promotion in every citizen.
- The PM should take trips with the technocrats in the related sector in order to appreciate the new ideas.
- There has to be a placement desk where educated youth are helped to look for opportunities outside the country
- The opportunities reaped from the bilateral agreements should be publicised and the government should create a process of putting the private sector at the centre of implementation and then the GoL will monitor.
- Institutionalisation of public-private dialogues that will facilitate a structured discussion that will look into operational plans.

- National Planning Board should be effective for it plays a very crucial in advising, projection and long-term strategic
- Any local work (any form of supply of goods and/or services required by the government for jobs that can be done by local companies, that is, such jobs do not require critical skills or knowledge hence can be done by local companies) should primarily be allocated to Basotho (Basotho Pele). All work should primarily be given to Basotho and should only be given to international companies when such works require international expertise, but reference should be given to Mosotho who will appoint an expert (e.g. LHWP or mines);
- All government civil servants must not tender since they are already employed and have their own businesses, therefore they get paid twice by the government;
- Evaluation teams must incorporate members of the police, DCEO and the PSFL;
- Selective tenders should be approved by Finance (PPAD) and the PSFL in order to combat corruption, colluding nepotism and to get value for money (from the pre-selected suppliers, this promotes sustainability since money will not be spend in a negligent manner); and
- Foreigners should not be given passports easily as this will minimise corruption and Basotho businesses being taken over by outside companies.

Recommendations

- Basotho should be given first priority and there has to be a register of companies that are foreign and local in order to oversee the business gap. This gap should be evaluated what it fills
- They should also partner or hire Basotho skilled and unskilled.
- Monitoring of judges and magistrate performance in order to track their accomplishment of the set objectives.
- There has to be an introduction of payment technology to avoid the used of hard cash in paying for services especially in ministries.
- DCEO should have some autonomy
- Speedy finalisation of judgements especially commercial cases

CHAPTER 19

PUBLIC SERVICE

Issues

Poor Service Delivery

- lack of relevant human capital
- lack of infrastructure
- skills mismatch
- insufficient capacity building
- Fragmentation of ministries (poor coordination)
- Duplication of efforts and fiscal burden.

Human Resource Management

- Remuneration (no periodic review of basic salary structures)
- Unfair transfers of the work force
- Unclear benefits (mountain allowance)
- housing subsidy
- pension fund
- Delay of pension benefits
- Pension Age

Rampant corruption

- Extensive corruption impedes service delivery, dignity of civil servants, and tarnishes the image of the country to development partners.

Recommendations

- There should be proper placement of existing staff in the ministries
- Adequate resourcing and financing of responsive infrastructure to the needs
- Labour market survey should be established so that public service commission can compete with other employers in order to get the best employees.
- Mandatory budget allocations for regular trainings.
- Restructuring and reorganising of government ministries.
- There should be clear articulated roles, responsibilities and functions of each ministry and department.
- Basic salary structures should be reviewed every 5 years.
- Have well established HR offices at district level to coordinate all transfers

- There should be a periodic review (5 years) mountain allowance with consideration of hard to reach places.
- Government should extend a hand in providing affordable housing to civil servants.
- Civil servants should be represented within the pension fund board.
- Move to an electronic data capture of employees that is timely updated and have an efficient HR department
- Technical staff should be employed on a fixed term contract of 10 years, while administrative staff should retire at age 45. Re-define minimum age but should exclude persons with rare skills and qualifications (PhD).
- There should be constant monitoring of public funds, governance issues, domestication and compliance with ratified conventions and national laws.
- Appropriate staffing in the HR cadre with proper Human resource management skills to develop, organise and utilise HR systems.
- Review, amend and comply with existing laws. Have a complete project management cycles.
- A periodic survey of 5 years and research on the labour market that is readily available.
- There should be a law that binds all ministries on regular staff trainings.
- Government ministries and departments with the same responsibilities and functions should be merged.
- There should be clear frameworks and work plans for all line ministries.
- An ACT should be enacted that binds this recommendation.
- Have decentralised structures and departments including HR at all districts.
- Enact a law that stipulates time frames for salary structure review.
- Have an independent body to source foreign direct investment to build affordable housing for civil servants
- Representation should be ensured the Ministry of Public service.
- Invest and finance infrastructure and capacitate the HR team
- Have and share labour market informed data and statistics from labour market surveys.
- Establish a public protector who is an overseer of all government institutions that comprises of Civil Society, college of chiefs, a retired legal practitioner, and an account/ economist. That has power to take legal action where necessary. It should submit its budget to the government and be allocated 5% of each ministry's fiscal budget.
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CHAPTER 20

LABOUR

contribution in Peace Building, Stability and Economic Development:(Role)

- Advocacy for unity of workers and their allies
- Strengthening labour legislation and compliance
- Advocacy for justice and rule of law
- Advocate for fair distribution of collective wealth
- Advocacy against environmental degradation
- Advocacy for worker's and people's rights (economic, political, etc.)
- Promotion and protection of social dialogue at workplaces and nationally
- Promotion of peace (Industrial and National)
- Fight exploitation in all its forms and manifestation
- Advocacy for employees in Courts of Law

Policy and Legislature that affects the Labour movement;

- Labour Code Order of 1992 No 24 (includes all the amendments)

The policy is outdated and must be updated.

- Workmen's Compensation Act of 1977.
 - The Act omitted some of the serious illnesses caused by the invention of clothing and textile firms, which use dangerous chemicals.
 - The penalties of these law are very low
- The Constitution

Issues

- Weak and ineffective Social Dialogue structures whose mandate thus far is advisory.
(They are built in such a way that generates confrontations e.g. Advisory board and tribunals that never bring lasting resolutions)

- Poor Law enforcement system on labour issues, the law states clearly working hours, however people are still working long hours. The penalties given to companies given to employers are non-existent.
- Denial of access to basic workers' rights to a large population of workers thereby violating the ILO C87 & C98 ratified by the Kingdom. This has compromised public sector workers reducing them to slaves of the Executive.
- Failure to domesticate ILO convention by proper legislation, leading to enforceability of the intended benefits.
- Lack of coherence of structures that grow the economy. *(The institutions that are supposed to drive the economy are scattered, hence there are poor linkages.)*

Recommendations

- Reform social dialogue issues that will enable determination of issues objectively.
- Promulgation of Labour Code 2019
- Creation of Social Dialogue structures that are more inclusive than provided in the Labour Code Bill
- Strengthening Labour Inspectorate by committing more human and financial resources
- Speedy promulgation of the Labour Code Bill 2019
- Implementation of the constitution
- Review the social dialogues to make sure that the departments are coherent.
- Consider consolidating economic driving structure under the same roof.
- Promulgation of

Other Reform Areas

Area	Recommendation
Security	<p>Depoliticise and professionalise, appointment by Head of State Not Head of Government</p> <p>Leadership of the following be appointed by the professional and independent structure on merit</p> <ul style="list-style-type: none"> • NSS • DCEO • COMPOL • NSS • LDF – Commander • LCS
Parliament	<p>Separate Legislature (<i>oversight body</i>) from Executive / Cabinet (<i>runs Government</i>)</p> <p>Cabinet</p> <ul style="list-style-type: none"> • Direct election of a Prime Minister • Prime Minister appoints ministers who shall not simultaneously be in cabinet • Cabinet’s qualification is competent <p>Electoral model</p> <p>National Assembly:</p> <ul style="list-style-type: none"> • Reduce size to 80 seats • 50% FPP & 50% PR • Members do not join cabinet • If any takes cabinet post, they vacate the oversight body (National Assembly) • The Assembly has duty to impeach the Prime Minister for corruption, breach of constitution, etc. <p>Senate:</p> <ul style="list-style-type: none"> • Specialised groups [<i>Workers, Business, Persons with disability, Women, etc.</i>] • College of chiefs [include Bafokeng, Batlokoa, IsiXhosa, Baphuthi.]
Government	<p>Decentralisation be entrenched in the constitution</p> <ul style="list-style-type: none"> • District to be governed / by elected assembly • Budget allocation to lower structure independent of the Executive
Constitution	<ul style="list-style-type: none"> • Views from the Reform process to be effected without fundamental changes (<i>i.e. views of the public be respected</i>)

	<ul style="list-style-type: none"> • The pending Authority’s recommendations be treated as clearly representing national views
Judiciary	<p>Independent</p> <ul style="list-style-type: none"> • Reform JSC to be a more accountable structure • Judge’s be selected on merit in an open process

Table 4

CHAPTER 21

LEPOSA

Issues

- Political Interference
- Arbitrary decisions of management regarding:
 - transfers
 - promotions
 - dismissal
- Appointment and removal of Commissioner of Police and Deputy Commissioner of Police
- Formation of the Promotion Board
- Absence of policies regarding human resource management; recruitment, transfer, promotional, occupational health, Safety and Security
- Lack of efficient and effective control systems, monitoring and evaluation mechanisms.
- Support staff of the LMPS not covered by the Police Act.
- Police Complaints Authority within the Ministry of Police
- Non-compliance with section 67 of the Police Act
- Standings orders per section 13(2) of the Police Act

Recommendations

- We propose for establishment of the Security Commission
- Formation of recruitment board.
- Promotion board as per Section 8 of Police Act should include the representation of the labour movement
- Clear Human Resources Management policies and framework
- Section 5 of the Police Act gives PM the powers to advise the King but does not prescribe criteria except that the incumbent must be a senior officer. We propose for retention of such power but subject to advice from Security Commission.
- Section 6 which gives power to the Police Authority to appoint the Deputy Commissioner of Police should be amended to the extent that such powers are vested in the Security Commission consisting of retired Senior Police Officer, have the Principal chief, Police

Directorate, Principal Secretary; Public service, Police labour movement nominee, be chaired by someone from Academia.

- It is recommended that when in office, the commissioner should be given a fixed 3-year contract; subject to renewal.
- The candidate is not to be allowed to take up the position of COMPOL on secondment; they are to resign once they become COMPOL.
- The labour movement should be represented in the Promotion Board. The Commissioner and Deputy Commissioners positions should be applied for. Section 8 of the Police Act should be amended to this effect.
- Formation and or implementation of human resource policies. The Police Act should entail the clause that policies should be provided for in the Police Act.
- Appointment and Promotion of senior officers should follow the suggested criteria of the advice from the security commission.
- Police Act should cover support staff and allow them to enjoy the benefits and rights of the LMPS. They are to be absolved from the public service.
- The Police Complaints Authority should be rooted out of the ministry of police and account to the parliament. The PCA should be autonomous and independent from the commissioner of police and the Police Authority though still working within the parameters of LMPS issues.
- The Police Negotiating Council should sit at least once per annum
- In promulgation of standing orders, consultations must be done with the Police Labour movement.
- The ministry of police and public safety structure should be clearly defined Ministry of Police (Central Administration), Police Directorate and LMPS – Police Inspectorate – Police Complaints Authority

CHAPTER 22

NURSES

Issues

Legal Frameworks

- There are several health related laws that are very old, outdated and not responsive to current crisis and issues. Most of them were proclaimed many years ago and have never been amended to meet the challenges we face now.
- Important health bills that are pending in parliament such as nursing and midwifery bill, health professional bill, Radiation bill, tobacco bill, a bill that gives NHTC autonomy, medicine and medical device bill and that hinders the progress of health sector in the county.

Resources

- Lack of human and capital resources is hampering service delivery in health sector because there is no balance in the patient doctor/nurse ratio.
- Poor health infrastructure also hinders providing good health services, that is, as a country we lack the capacity to prevent diseases, promote health and prepare for and respond to both acute threads and chronic challenges to health.
- Unavailability of drugs at health facilities is another major challenge that need

Mental Health infrastructure

- The mental health clinic is not conducive for mentally challenged people.

Human Resource management

- Nursing staff has an overload of work and Shortage of specialised doctor's and nurse is another major challenge facing the health sector
- Lack of specialised doctors and nurses and Lack of recognition of qualification in health professionals result in many health professionals leaving for greener pastures by joining privately owned hospitals and others leaving for other countries.
- There is no clear occupational health and safety act and this leaves health workers vulnerable.
- Health professionals are employed by public service: this delays some recruitment process and affects clear M&E as far as human resources is concerned
- Ministry of health does not have full accountability on human resources issues, that is, HR issues are centralised

Health sector structures

- There is irregularity in organogram e.g. Director having to report to another director of the same level.
- Irregular HR Placing of health professionals
- **Positions within the ministry are medicalised**
- Incomplete hospital management systems leading to poor services
- Health sector is focused to secondary and tertiary level of care

Recommendations

- It is recommended that the old, outdated and not responsive laws need to be reviewed and amended accordingly and some need to be cancelled altogether and invent new laws that will answer today's life challenges.
- The pending bills in parliament should be discussed and debated so that they are turned into laws. The Public Health Order of 1970 needs to be reviewed and be inclusive in order to respond to issues concerning Primary health care and environmental Health.
- The government should comply with the ratified conventions on health financing (Abuja conventions) where African Union countries met and pledged to set a target of allocating at least 15% of their annual budget to improve the health sector and urged donor countries to scale up support. If Lesotho as a country can adopt that pledge, then we see health sector succeeding in its mandate.
- Domestication of Abuja convention to be an act of the parliament
- Government to invest more money for health and adopt the agreement reached under Abuja conventions.
- There should be a periodical review and compliance of the establishment list every 5 years in order to find out where there is a need to employ new doctors and nurses.
- Develop retain strategies for specialised rare skills so that those specialities are available in all the hospitals in the country e.g. attractive packages for rare skilled personnel.
- Enactment of occupational health and safety act that will cover every worker at any work place.
- Health laws should be amended within maximum period of 10 years
- Establishing factories that manufacture of drugs in country
- Review, amend and comply with existing laws and have a complete project management cycle
- Health professionals should be moved from public service under Ministry of health instead, health commission should be established and be responsible for health professionals and human resources issues

- Health Professionals should be given a freedom of unionisation and their unions represent them in MOH planning board.
- HR issues should be decentralised to DHMT level for betterment of HR management
- MOH organogram should be reviewed and adhere to
- Create specialised health services and place HR accordingly
- Review clear Hospital management systems
- MOH should strategies primary health care, focus more on concept of community caring for its own health and avoid imposed health care

CHAPTER 23

LESOTHO LIBERATION ARMY (LLA)

Issues

- The SADC head of states recommended on several occasions that the LLA be treated as is the norm with other historic liberation armies in the continent in terms of monetary compensation for their service as well as losses incurred. As a followup on the recommendations, the LLA adopted soft diplomacy through consultations with the Christian Council of Lesotho and the LCN to push for their issues to be addressed but this bore no fruit for the cause. They proceeded to engage courts in the matter, but that also proved to be abortive in that the proposed demobilisation and disbarment compensation never saw the light of day; intergration into the army that was offered by government was irrelevant given the age of the LLA members.
- The LLA continues to feel ostracised from the society as the majority of them remain unemployed and without any income given their age that does not allow them to be integrated into the army. Those who were absorbed into the army were also forced to retired alsomst immediately as prescribed by law . Only a few, who have special relationships with ministers are offered jobs in ministries.
- There is a lack of clear political programs across political parties geared towards bringing Basotho together as a nation, rather, there seems to be strategic isolation of the LLA by ruling elites.
- It seems to be a norm that recruitment into the security sectors is based on party political affiliation. This practise perpetuates disunion of the populace and begets a vicious cycle as party after party will strive to have their party political members into the security sectors once in power.

Recommendations

Remedial to the above issues, the following pathways were recommended for stability, peace and prosperity to be established and sustained in the country.

- The SADC heads of state recommended that Lesotho adopt the policy used by african countries at large on how to compensate liberation army members. The sector advocates for the implementation of the recommendations by the SADC heads of State.
- Have a truth and reconciliation forum to iron out differences from the past that have entrenched pain and in turn caused hatred among some groups of society.

- And have talks with the members of the LDF members to iron out issues between them and the LLA and erase the sworn enemy relationship to ensure joint effort in issues of development in the future for it is purported that there can never be any progress with a bitter past.

CHAPTER 24

BASOTHO LEAD PETITIONERS / BASOTHO RIGHT TO BELONG

Issues

- Chapter III of The Constitution of Lesotho on Principles of State Policy must be amended so that Sections 25 to 36 all become enforceable and justiciable to be consistent with Constitution and enforce compliance of politicians.
- The BLP/BRB strongly believe that bloated public service and large number of ministers strains the national budget and hinders service delivery. The organisation is of a strong view that the situation is rectifiable.
- The organisation believes that in order to improve service delivery and to attaining good governance, parliamentarians should be elected on the two term basis and citizens be accorded right to recall their parliamentarians should the MP fail them as electorate.
- BLP/BRB urges that reforms amend labour laws especially within the public service such that pensionable age is reduced to 45 to respond to alarming rate of unemployment rate.
- The Constitution of Lesotho gives excessive powers of the Prime Minister especially in appointing heads of institutions such as security and judiciary.

Contribution for Building Peace, Stability, And Economic Development

Peace

In respect of peace, we are contributing directly by uniting for a common cause, the people from diverse socio-economic backgrounds; regardless and without discrimination whatsoever of military status, religious orientations, conflicting political opinions, ethnic origin, etc. to demand our ceded land and territories.

Stability

Our vision and quest for prosperity is contingent on realization of proper rule of law; which is instrumental to sustainable peace, respect for human rights and justice, inclusive of transparent governance. Our efforts will ensure and guarantee an environment conducive to stability, which is critical for attraction and retention of investors and sustainable economic growth.

Economic Development

Land is the sole precondition for meaningful economic development. Hence restitution of deprived land and access to its resources is imperative. The land we demand as a right for self-determination will help to ease the ever increasing population congestion, commercial agricultural and industrialization.

Policy and Legislation Affecting Our Institution

Sec. 1 (2) of the Constitution of Lesotho

The organisation proposes:

- (a) Implementation of *Resolution of 1654 of 1961 and read with Section 20 and Section 107 of Lesotho Constitution.*
- (b) *Lesotho is a territory of what was formerly Basutoland together with all the ceded territories.*
- (c) *A provision to enshrine the International Law within our Constitution*

Sec. 14 (Freedom of expression) *to be reaffirmed.*

Sec. 20 (1) (b) (Right to participate) *to be reaffirmed*

Sec. 107 (Land of Basotho) *all land in Lesotho and its territories is vested in the Basotho nation.*

Sec. 25 (State Policy Principles) these be fundamental human rights, be enforceable

Sec. 86 (Executive Authority) – **(1966 Constitution)** Executive powers vested in and exercised *directly* by king (include “...or a Council”) (in cases of emergency and during interregnums.

Other Issues

- Construct a cold room at the airport to store eggs and poultry to be exported thus creating employment.
- Reduce number of unnecessary cars used by the ministers
- Celebration of King’s birthday is expensive, let the money be diverted to youth and development projects in the community

- Gini-coefficient (the gap of poor and rich people) the politicians are the richer by corrupt means (there should be life style audit) before and after parliament.
- The Reforms be such that the constitution is built on the ethos and aspirations of Basotho not on the foreign influence.
- State Council should be appointed by the King not through the advice of the PM
- Public Servants must be pensionable from 45 onwards.

CHAPTER 25

TRANSPORT

Issues

- Permits and licences which require frequent renewals.
- The Road Transport Act 1981

Recommendations

Road Transport Act 1981 needs amendments in relation to the following issues:

- Laws that clearly distinguish between the types of passenger carriers there are on public roads.
- All permits be referred to as licenses
- A new document, known as a G-licence (permit) must be created for the transportation of pupils from their homes to their designated schools.
- D-License to be issued to taxis exclusively. (4+1)
- C-license. (for buses however no standing at all in such passenger vehicles.)
- Passenger Liability insurance for long distance passenger vehicles.
- B-license (for owner, commercial purposes.)
- Indigenous A-license. (For transportation of furniture from particularly targeted at Franchises)
- The Constitutional Provision of the establishment of the Transport Authority whose structures, functions and all dynamics behind its operations are clearly articulated in the road transport act.
- A cross-border policy that is in line with the S.A.D.C protocols.
- Ratification of all S.A.D.C protocols in relation to Lesotho`s transport sector.
- E-license (for closed door tours)
- F-license for to be clearly distinguished between passenger and good clearing and freight and cabotage permitting (offloading of freight in international borders).
- That a clause that ensures that a defensive driving certificate is part of the requirement list for drivers.

Other recommendations for the efficiency, the transport sector asks for the following

- A constitutional law that prohibits any civil servant from owning a passenger-carrying vehicle.
- The Lesotho Mounted Police Service to only deal with accident scenes exclusively. All other traffic related matters be allocated solely to traffic cops and the Lesotho Transport Authority.

- Establishment of the Court of traffic offences that operates 24/7 be established.
- That car fitness be determined by a private agency and that this should be constitutional.
- That inspectors be trained and have certificates that prove they have undergone through training.
- Constitutional Establishment of the Lesotho Transport Authority as an independent and autonomous institution tasked with the organising of the sector with the aim of formalising it.
- A proposed Public Private Partnership between Government and passenger vehicle owners.
- Representing the interests of owners, a board overseeing the transport authority with the following share radii:
 - 45% for Vehicle owners
 - 30% for Consumers
 - 25% for Government
- Due to the monopoly given to Lesotho National Insurance Group (LNIG) to compensate for third party claims, the Transport sector requires a 60% representation in the boards.
- For a minimum of 80% of the claims to be paid annually and the eradication of the lapsing provision.
- For the swift establishment of the Transport Authority.
- For the formulation and subsequent of the Cross boarder policy.
- A partnership with local authorities that gives the transport sector officials enough authority to develop their taxi and bus ranks.
- Check-points at every council in Lesotho with minimal territorial fees aimed at fundraising for the efficient function of the Authority.
- Allowance for more revenue generating mechanisms with as little intervention from Government as possible.

CHAPTER 26

SPORTS

Issues

Policy and Legislature Affecting the Sports Sector

According to the sports sector the following policy and legislature affect their sector. Those are;

Taxation

The sports sector stated that the national tax system affects their sector in a negative way. The sports sector indicated that the national tax law on sports equipment clashes with the tax law in the sports and recreation Act of 2002, as a result donated sports equipment is taxed and this discourages sporting activities.

The Constitution

Sports and Recreation are not constitutionally recognized; therefore, it is not a government priority. The sports sector also pointed out that education is currently reflected as a policy in the Constitution, therefore, physical education cannot be enforced in the learning institutions. Another problem that was identified by the sports sector was that Lesotho has ratified international conventions related to sports and recreation, but they are not implemented.

Budgeting policy

The sports sector has outlined that there is a problem of discretionary allocation of funds to sport sector which often causes corruption, conflict in the sporting fraternity and problems of accountability.

Lesotho sports and recreation Act 2002

The sports sector argued that the current sports and recreation act needs to be re-visited, amended and re shaped. The sports sector state that the Act should be reformed because it does not serve the interests of sports as a whole. It is their plea as well that the sports organisations which are LNOC, NAPCOL, LSRC and Special Olympics should be a part of the panel that will reform the Act.

Other Issues

- The sports sector indicated that sports and tourism are interrelated and complementary. Sport tourism is one of the fastest growing sectors in tourism and the sports sector can use this as a way for economic development of Lesotho.

- The sports sector is not given an opportunity and access to sporting attractions such as Afriski, rather they are given to foreign investors and the proceeds received cross border and do not even benefit the country economically. This hinders economic development.
- The sector further indicated that there is extreme lawlessness in the country in relation to road laws, environmental laws to mention a few.
- They further indicated that implementation of the already existing laws is a problem as well.
- The sports sector stated also that another issue that affects peace, stability and economic development is the regular reshuffling of ministers. They stated that this procedure disrupts and delays the implementation of policies. This reshuffling also opens room for irresponsible or misuse of public funds which in turn becomes hard to trace. In the end, nobody is taken to account.

Pathways

- For purposes of finding a solution to the lost market of sports tourism, the sector advises that the government work in synchronization with the sports organizations in order to identify and regulate the sport tourism attractions in the country.
- In order to solve the issue of lawlessness in the country, the sports sector recommends that value based education should be established. This value based education will guarantee ethical and emotional intelligence, social cohesion, and strong values-culture.
- In order to solve the problems that come with regular reshuffling of ministers the sector believes that the solution is monitoring of the whole process, and because there is indeed a need for the reshuffling to be carried out
- budgeting for the sports and recreation sectors should be collaborative between the department of sports, LSRC, LNOC, NAPCOL, and Special Olympics. Furthermore, allocation of funds should be disbursed to LSRC, LNOC, NAPCOL, and Special Olympics as budgeted for. Lastly, the sports sector would like the ministry to create clear policies on budgeting, and disbursement of funds to sporting bodies
- legislature problems brought by the constitution is that the right to sport and recreation should be included in part II of the constitution being Fundamental human rights. Amendment of part II of the Constitution must be done as well, and reflected in the corresponding Laws for instance the education ACT of 2010. The sports sector further stated that the right to quality education should be included in part II of the Constitution. Such right to quality education should include the right to physical and value based education, which should be compulsory. Another recommendation is that the Constitution should include a provision on international conventions and treaties to be self-executing upon ratification.

- donated sports equipment should be exempted from all forms of tax. Donated sports equipment should be included in section 47 of VAT ACT 2001. VAT ACT 2001 should correspond with LSRC ACT 2002

CHAPTER 27

MEDIA

Issues

- **Media contribution to peacebuilding, stability and economic development.** The media in Lesotho is broadly perceived as divisive and politically motivated with the bulk of media reports on political rather than developmental issues.
- **The Constitution.** The Constitution of Lesotho limits rights and freedoms including free speech, association and does not include media freedom and the overall effect is to constrain rather than facilitate media work.
- **Media Policy.** The existing policy has been in draft form for more than ten years with recent revisions made without broad media participation.
- **Official Secrets Act.** The act has been used to limit media access to information as it does not define what is government secret.
- **Cybersecurity Bill.** Investigation of cybersecurity crime is currently very difficult and the explosion of use of social media has led to some behavior that can be criminal and outside of the conventions and practices of the media.
- **Access to and receipt of information bill.** Limiting responsibility for release of government information to the office of the Principal Secretary only tends to criminalize the release of most information.
- **Media Council.** There is currently no system for regulating behavior of all media across different platforms.
- **Media sustainability.** The media in Lesotho is dependent on government and limited private sector advertising as a result of which some media withhold critical news for fear of antagonizing government of the private institutions that advertise with them.
- **Training and capacity-building.** Some journalists do not have any form of training and therefore are unable to appreciate professional conduct, practice and ethics.
- **Radio licenses.** There has been exponential growth in the number of radio stations but most of them do not have national reach and are not accessible outside of the urban areas.
- **Media ownership.** There are security concerns with foreign ownership of media in Lesotho.
- **Lesotho television.** LTV is available on DSTV for 24 hours but there is not enough local content.
- **Copyright protection for names of registered newspapers.**
- **Welfare and security of journalists.** An example was made of a journalist who died while travelling on a United Nations vehicle and was not covered by the institution's insurance.

- **New media.** Explosion of use of social media has had effects including the proliferation of fake news; made it difficult for people to distinguish between credible and trusted sources of information, created a lot of misinformation and lessened space for verification of information.
- **Library and information systems.** Library and information systems should be recognized under the media.

Recommendations

- **Media contribution to peacebuilding, stability and economic development.**

The position of the group is that media can only contribute to peacebuilding, stability and economic development if media practice is based on the universal media principles that include objectivity, fairness, factual reporting that represents all sides in an issue.

Another position was that the practice of development reporting contributes to peacebuilding and that Lesotho media should be encouraged to report more on development related issues including reporting the feelings and reactions of communities to development programs, changes and to a lack of development in their areas.

- **The Constitution**

The Bill of Rights of the Constitution of Lesotho should include media freedom and right to access of information. All existing laws should be reformed to correct unnecessary limits to media freedom, freedom of speech, access to information and other rights and freedoms.

- **Media Policy**

There should be a process to allow broad participation into the review of the draft policy with the intention to have cabinet approval of the document.

The media policy document should include a Code of Conduct that provides penalties for conduct that is outside its provisions it should also provide for the establishment of the office of the Media Ombudsman.

The media policy should regulate practice and ethics of practitioners and pave the way for a media law.

- **Official Secrets Act**

All existing laws should be reformed to correct unnecessary limits to media freedom, freedom of speech, access to information and other rights and freedoms.

- **Cybersecurity Bill**

The cybersecurity bill should clearly define the possible crimes and identify criminal behavior. The development of the bill requires innovation, inclusion and broad consultation.

The use of social platforms has resulted in behavior that is outside of existing social norms but is not enough reason to ban use of social media.

There is need to recognize that some areas of new media might remain outside of legislation, but the focus should ensure internet security rather than to punish.

The group suggested registration of (use of) all internet connected technological devices but also recognized that registration can result in unlawful monitoring of individuals and groups (especially attempts to trace sources of information in the media) by government. This might be protected by defining who the registering authority for IT systems should be and ensuring distance (autonomy) between such an authority and government.

- **Access to and receipt of information bill**

There should be laws that require government ministries and its agencies, including the office of the Prime Minister to regularly release information to the media and to facilitate such interaction so that government official business is transmitted to citizens.

That government should adopt the existing African Union model law on media regulation

That departments of information within ministries should have vibrant and effective social media platforms.

The issue of response time to access to information requests should be addressed in the bill with penalties for failing to respond

- **Media Council**

The most desirable form of regulation is media self-regulation, but this will only work if it is protected within national legislation.

The Media Council should be recognized within legislation and be responsible for registration of all media; accreditation and qualification; setting penalties; registration of institutions; facilitation of training and capacity-building. Examples for formation of the council can be drawn from Law Society, Lesotho Institute of Accountants and the Nursing Council

For the purposes of broadcast media there is need for co-regulation as regulation of this sector is expensive. But the BDRP should be autonomous of government and have transparent decision-making processes.

The relationship between the broadcast media and the Lesotho Communications Authority should be improved as currently the connection of the Lesotho Communications Authority to the institutions it monitors is very weak. The Lesotho Communications Authority should be allocated funding directly by Parliament

- **Media sustainability**

There should be an independent and autonomous agency that is responsible for competitively distributing all government advertising and information across all media platforms.

There should be laws that ensure that across all media and on the internet people who create traffic for the communications networks, whether through telephones, cellphones or data receive a share of the revenue collected by the networks as a result of their work.

The Lesotho Communications Authority should work to keep the costs of data down (with public participation)

- **Training and capacity-building**

The government should establish a public mechanism for capacity building of the media in general to benefit both public and private media and facilitate in-service training for the sector.

- **Radio licenses**

Community radio stations are as a solution to this problem and growth of the sector should be facilitated by government

Radio station licenses should be more affordable

Media ownership

According to the Windhoek Declaration, media ownership should be such that it encourages pluralism and broad participation of all social sectors and interests.

Foreign ownership should be regulated in terms of market share, coverage and shareholding should reflect local interests. Where foreign companies own local media platforms there should be inclusion of local interest.

- **Lesotho television**

Access should be given to other actors to enrich the available content.

- **Copyright protection for names of registered newspapers**

There should be laws to protect copyright of names and patents.

- **Welfare and security of journalists**

The rights, welfare and on the job safety and security of journalists should be included in the media regulatory framework.

- **New media**

The new media platforms, including citizen journalism have increased access to information even outside of the scope of conventional media and this is a welcome development.

The government needs to develop an innovative regulatory framework for new media, that acknowledges its contribution without seeking to punish its use.

- **Library and information systems**

Lesotho should operate a nation-wide network of libraries through the Lesotho National Library Services Bill

The proposed Library Act should enforce the development of libraries by organizations

The Council on Higher Education prescribes that there has to be an academic library for all tertiary institutions

Institutionalized library services should be provided for primary school pupils, farmers, scholars, health practitioners, administrator, civil servants, politicians and journalists

Other Issues

The Constitution should be used as an instrument for expanding rather than limiting rights. The limitations should only be contained in specific laws that protect groups such as children or government secrets but even these should be justified.

CONCLUSION

Different non-state actors have been able to make views and suggestions on the Lesotho reforms processes. The suggestions included a review of the constitution, to basically incorporate socio-economic issues as rights. The reforms would also centre around the practice and performance of a democracy, which limits the term of a sitting Prime Minister to a two terms period. Governance issues included review of electoral act; amendment or review of Ombudsman act; DCEO, Parliament, Public Service act etc. Emphasis has been on professionalism and appointment of executives and security chiefs by parliament or by independent bodies. Health issues were also touched which included establishment of factories that manufacture drugs; enactment of occupational health and safety act that will cover every worker at any work place; reviewing of hospital management systems as well as the review of Public Health Order of 1970 that needs to be inclusive in order to respond to issues concerning Primary Health Care and environmental health. The discussions of the sector also touched on the rights of the minority groups such as the herd-boys; people with disability, youth formations; trade unions and farmers' organizations. These bodies want a review of policies and laws that will regulate trade and that will ensure their participation in issues that affect them.