

# The NGO Web

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# Editorial

**It is my pleasure to once again welcome you dear readers to another issue of our quarterly newsletter, the NGO Web. We always strive to address issues of national interest in this publication.**



Our aim as the umbrella body for non-governmental organizations is to uplift the livelihood of communities through support to our members, who work with these communities at the grassroots level. It is also our mandate to advocate for policy decisions that respond to the needs of Basotho at large. This publication is another platform that we use for our voices to be heard, while also reporting on some of the activities of the Council during the quarter.

LCN held its 13th NGO Week in December 2012, where member organizations convened at 'Manthabiseng Convention Centre for a whole week. The NGO Week, which is an annual tradition, brought together all civil society formation under the Lesotho Council of NGOs to discuss and

debate policies that affect both NGOs and the entire nation under the theme Democratising Anti-Poverty Agenda in Lesotho: Civil Society Perspectives. The NGO Week addressed key issues ranging from agriculture, environment, economic justice, women and children, NGOs and Government partnership. The week culminated with the 23rd Annual General meeting which elected a new Board of Directors for the Council.

In this issue therefore we have articles on some of the issues that were discussed during the NGO Week, which include the issue of Lesotho's agricultural productivity in the context of changing climate. The reality of climate change has hit us, and we can no longer afford to think of it as just a theory.

The Constitution of Lesotho has been amended to provide for the establishment of a Human Rights Commission. We interrogate the pros and cons of establishing such a Commission in Lesotho and what strides have been made thus far towards achieving this move. The Economic Partnership Agreements (EPA) has become a buzz word in the economic arena, which to the layman is still hard to comprehend. With the topic on today's economic realities, we discuss the EPA in terms of opportunities, threats and implications for consumers and producers in Lesotho.

Let us have your views on this publication as we continually strive to improve it. Your suggestions on which topics to cover in the next issue are also welcome.

Enjoy and be informed!

**MPOLOKENG MPELI**  
Editor

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# A GIANT STEP IN *Curriculum Reforms* IN LESOTHO

Letsatsi Ntsibolane

## Was the country ready?

**This article aims at providing an overview of the new curriculum piloted in 2012 and implemented at grade one (1) to three (3) in 2013. It serves as an underlying basis for both public awareness and debate on critical issues related to this robust national undertaking. The paper will not attempt to provide a detailed analysis between the old and the new curriculum, but will highlight some areas in the new curriculum to form a basis for debate in the future articles.**



Owing to challenges in the world economies evidenced in escalating unemployment rates, education systems that are relevant and therefore responsive to the needs of nations have become a major debate in the public discourse. There is a strong advocacy for a paradigm shift from an education system that prepares citizens to be employed to a system where individuals are groomed to be self-reliant and therefore create jobs.

In an effort to reform the current education system, the government of Lesotho through the Ministry of Education and Training has implemented an integrated curriculum at the aforementioned grades designed to respond to the changing needs of education and challenges of the increasingly globalised world whilst maintaining the values and identity of Basotho culture and society. The plan is to face out what is known as the Primary School Leaving Examination (PSLE).

The integrated curriculum is said to have the following advantages:

- Mirrors the way children think, understand and learn, taking in many things and processing or organizing them holistically rather than in fragmented pieces;
- Builds and reinforces key concepts and skills;
- Provides contexts in which to understand, use and apply subject-specific skills and concepts;
- Builds on prior knowledge and experience, making connections across subject areas and supporting a holistic worldview to make learning more meaningful;
- Makes learning more relevant, reflecting the “real world” and the ways children learn at home and in the community;
- Offers coherence in learning between different subjects, unifying learning beyond individual subject areas.



*Will the new curriculum cater for each child, with the current teacher-learner ratio*

## Curriculum and assessment

The integrated curriculum, as provided in the 2009 curriculum and assessment policy, regard assessment and curriculum as closely integrated and mutually supportive. In an effort to achieve this goal, continuous assessment has been introduced as a key strategy in the implementation of the integrated curriculum. Thus there is a shift from assessment of learning (summative testing) to assessment for learning (formative assessment). The difference between the two forms of assessment is that summative assessment is carried out at the end of instruction to determine the learners learning and assigned rewards while formative assessment is carried out for purposes of improving learning or teaching while it is still going on; assessment for learning not grading.

It is imperative to note that the success of the latter depends on the conducive environment for learning in which educators are provided with, inter alia, infrastructure, necessary tools, support and strategies needed to be effective facilitators and agents of change. Curriculum developers prefer continuous assessment for the following reasons:

- It encourages the defining of learners performance without necessarily expressing it in terms of mark allocation
- It fosters classroom participation and independent learning
- It incorporates remediation



*The primary school leaving Examination (PSLE) which these students were assessed with is to phase out.*

- It focuses on improving learning
- It is meant to improve dialogue between teachers and learners
- It encourages learners to explore their own learning and understand what they are being assessed on
- It provides immediate feedback, which will help identify barriers in learning in the classroom
- It is designed to reduce repetition and drop-out rates.

## Challenges

While there is no iota of doubt that the new integrated curriculum and assessment is long overdue, it is no secret that the question of readiness leaves much to be desired. For purposes of this paper, only two limitations will be highlighted.

## Training and teaching materials

It was critical that the key stakeholders, teachers, be trained and oriented before the implementation of the curriculum. However, this so

important exercise was seriously compromised. Lack of training has resulted in misconceptions about the curriculum that it is meant for automatic promotion which in many cases has a negative effect on the effectiveness of teachers in classes. As if that was not enough, there is an appalling shortage of the key teaching materials such as the syllabi, in many schools. It is evident that the end results for this shortage is inactivity in the schools.

## Teacher-pupil ratio

The Teacher Training Initiative for Sub-Saharan Africa analysis of teacher issues in Lesotho conducted in 2012 confirms an unhealthy teacher-pupil ratio in the country which results from a considerable mismatch between the increase in the primary school enrollment and the increase in the number of teachers recruited. It goes without saying therefore that such critical elements of continuous assessment as immediate feedback and timely remediation are seriously compromised. The nature of the integrated curriculum requires an appropriate ratio to ensure effective learning and teaching.

## Conclusion

In order for the reform to bear intended fruits, that are directly relevant to the needs and challenges of our motherland, it is of utmost importance that relevant stakeholders and the public openly engage one another in the implementation of this important milestone. The myriad of limitations resulting from lack of readiness and other surrounding factors should collectively be addressed.

# THE 23RD LCN *Annual* GENERAL MEETING



## Outgoing president's official opening speech (verbatim) – Mr. Lira Theko

**We have come to the apex of our work as the Council. We were given power two years back to work with the Board in front of you.**

The NGO week showed us that members are growing, the question is do they respond to what they were established for? That is why we exist as LCN, to ensure that members adhere to what they were established to do. People we had invited here were amazed at the large numbers of members. They were however concerned of follow up on issues that were discussed. Are they going to contribute to development issues? We have done a lot of work as organisations. An example is the May General Elections and we

should applaud ourselves. It shows that NGOs can be trusted to drive issues that concern this country; development issues.

You sacrificed yourselves to teach the nation about elections for Lesotho to have the government that you have now. We need to continue to help the government to be what the nation wants it to be and keep it standing since its downfall will affect the entire nation.

Our responsibility is to continue driving democracy and teaching the nation about democracy and what is expected. We however need to voice concerns where Government fails. We talked about poverty all this week, saying this country has various policies, but are they responding to poverty. We should take it up as individuals, as NGOs. The policies should be part of our work. It should be our responsibility to implement them not just Government. We should know the Lesotho we want, and the needs that it should respond to.

You had given us a big responsibility. There were ups and downs. We have learned from these experiences. We now know what to do as civil society to advance the livelihoods of Basotho. LCN is going for elections. They are usually exciting elections. Most of you want to stand for elections. It shows you take the oversight role very seriously. We should stand because we have the vision for LCN to grow as well as drive the country's development agenda. Your vision should not be to create conflict or destroy the Council. We are here to discuss our issues, we should discuss them in the best interest of the Council, but without fear or intimidation. I am quite impressed with the numbers as we start this meeting.

My worry is that we do not interrogate government policies. We need to engage government in all spheres that affect the public.

I wish u fruitful deliberations that will take us forward as civil society.

## AGM RESOLUTIONS

Based on the key strategic issues that emerged from the NGO Week and deliberations of the AGM, the following were AGM resolutions on 14 December 2012:

1. LCN should initiate and facilitate capacity building programmes in promoting unionism in Lesotho targeting government associations and trade unions;
2. LCN should expand its conflict management programme to other sectors such as education, private sectors and other associations in the country;
3. LCN should mobilize civil society organisations to take an active role in the establishment of Lesotho Human Rights Commission;
4. LCN should strengthen its programmes on economic justice and ecological justice in Lesotho;
5. LCN should initiate strong pro-poor development agenda in Lesotho;
6. LCN should engage in dialogue with GoL on issues of funding models for governance and development in Lesotho which could be implemented by civil society organisations;
7. LCN should continue to intensify efforts geared towards curbing HIV and AIDS;
8. LCN should continue to build strategic partnerships both in the country and outside;
9. LCN should support member organisations in addressing both governance and development issues through dialogues on laws and policies for vulnerable groups;
10. LCN should continue public dialogues on different issues of agriculture and environment such as dairy industry;
11. LCN should engage more on democracy and human rights in their different aspects such as election management, human rights, civic education etc;
12. LCN should ensure the implementation and enforcement of LCN Code of Conduct;
13. LCN should advocate for formulation of public participation laws and policies

## THE NEW BOARD MEMBERS

*President:* **'Mampho Thulo**

*Vice President:* **Ntsoaki Khosi**

*Treasurer:* **Lehlohonolo Chefa**

*Commissioner Agriculture, Environment and Natural Resources:*  
**Tsietsi Chabatsane**

*Commissioner Economic Justice:*  
**Ben Van-Tonder**

*Commissioner Disaster Management and Humanitarian Relief:* **Monaheng Mahlakeng**

*Commissioner Democracy and Human Rights:* **Thuso Ramabolu**

*Commissioner Health and Social Development:*  
**Mokome Monaheng**

*Commissioner Women and Children:* **'Mamotsiba Makara**

# Lesotho's

## Economic Integration Realities (liberalization), Opportunities, Threats and Implications for consumers and producers in Lesotho: The case of Economic Partnership Agreement

Teboho Tsekoo

### TRADE LIBERALISATION

Firstly let me put trade liberalization into perspective. There are basically two kinds of trade liberalization. Most Favoured Nation (MFN) trade liberalization which is tariff reductions resulting from multilateral trade talks under the World Trade Organisation, and Preferential trade liberalization resulting from bilateral or regional negotiations/relations, which basically violates MFN trade liberalization in that it gives a better treatment to the parties that are party to that preferential agreement than the rest of the world. Some preferential arrangements are unilateral, examples of which are Everything But Arms provided to Least Developed Countries by the European Union, African Opportunity Growth provided to African Countries by the United States of America, Cotonou

Agreement and many others provided mainly by developed countries to developing or least developed countries.

### WHAT ARE THE ECONOMIC PARTNERSHIP AGREEMENTS?

The Economic Partnership Agreements (EPA) are an integral part of the Cotonou Partnership Agreement signed in 2000 between the 15-member European Union and the 77 members of the Africa-Caribbean-Pacific (ACP) community of states. The 20-year Cotonou Agreement replaces previous 5-year agreements (first called Yaounde and then Lome Conventions) in governing cooperation between the two blocs. These agreements were mainly based on a dual approach: non-reciprocal preferential and in most cases free access for ACP products to the EU market (with the specific protocols for sugar, bananas, beef and rum) and financial assistance to ACP countries comprising traditional



Ms. Teboho Tsekoo -Ministry of Trade, Industry, cooperatives and Marketing

grant aid and export earnings stabilization mechanisms.

The new trade arrangement (EPAs) under the Cotonou agreement results from the fact that the Lome regime of unilateral preferential access was declared "non compliant" by the World Trade Organization. A complaint against the Banana regime brought to the WTO by the US and some Latin American countries resulted

in its dismantling by 2006; while the Lome trade regime in its entirety was granted a waiver until December 2007 (ICTSD website).

Cotonou has, at its core, the central objectives of poverty reduction, sustainable development and progressive integration of ACP countries into the world economy. The agreement attempted to promote those through a comprehensive and integrated approach including a political dimension, a focus on participatory approaches, a strengthened focus on poverty reduction, reform of financial cooperation and a new framework of trade cooperation, of which EPAs are central components.

As a trade instrument, EPAs are basically free trade agreements between the EU and ACP sub-regions where an internal free trade arrangement has already been or is being negotiated. However, there is indeed a substantial difference, for EPAs are fundamentally an instrument for development: they are being negotiated in the comprehensive context of Cotonou, where there is assistance envisaged for regional integration, improved governance, social development, regulatory upgrading, environmental sustainability, and trade negotiation capacity building. Moreover, EPAs are about flexibility, with transitory periods that may exceed 10 years, and asymmetry. The latter meaning, that the EC will liberalize substantially all imports from ACP regions while the ACP countries may still maintain tariff protection for sensitive products.

## **WHY NEGOTIATE AN ECONOMIC PARTNERSHIP AGREEMENT AS LESOTHO?**

A question that may come to mind is why Lesotho should negotiate an EPA if we already have trade concessions under the Every But Arms (EBA) where all products except arms enter the European market duty free quota free. At the beginning of EPA negotiations the rules of origin under the EBA were very stringent and could not be negotiated, as the concession is unilateral not a negotiated one. Under the EPA, we are able to negotiate the relaxed rules of origin. In simple terms and without going deeper into the complicated explanation, the rules of origin according to the World Trade Organisation, are the criteria needed to determine the national source of a product. Their importance is derived from the fact that duties and restrictions in several cases depend upon the source of imports.

Another reason why Lesotho negotiates an EPA is because of her membership to the Southern African Customs Union (SACU). The SACU agreement of 2002 calls for member states to negotiate and enter into new preferential agreements with third parties only with the consent of other Member States. This is because any negotiations by individual member states with third parties compromises the Common External Tariff, like the Trade, Development and Cooperation

Agreement (TDCA) between South African and the EU did. As the five member states of the SACU we each have sensitive products and some economic interests that we need to guard against, so that cannot be left to other members to decide for Lesotho.

## **THE GENERAL OVERVIEW OF THE STATE OF PLAY OF NEGOTIATIONS.**

The Southern African Development Community consists of fifteen (15) members. Seven of them are negotiating an EPA with the EU as the SADC EPA Group. These countries are Angola, Botswana, Lesotho, Mozambique, Namibia, Swaziland and South Africa. South Africa initially participated as an observer and in a supportive capacity but formally joined negotiations in 2007. The other eight SADC Member States (Democratic Republic of Congo, Madagascar, Malawi, Mauritius, Seychelles, Tanzania, Zambia and Zimbabwe) are negotiating in other regional EPA configurations. At the end of 2007 Botswana, Lesotho, Swaziland, Mozambique (23rd November) and Namibia (3rd December) agreed on an Interim region-to-region EPA with the EU. South Africa has refrained from joining the interim agreement and Angola has not yet tabled a tariff offer. In the meantime Angola, being a Least Developed Country, maintains duty free quota-free market access to the

EU under the Everything But Arms initiative, while EU - South Africa trade is covered by the Trade, Development and Cooperation Agreement (TDCA) signed in 1999.

Botswana, Lesotho, Swaziland and Mozambique signed the interim EPA in June 2009. Although Namibia initialled the agreement in 2007, they decided not to sign. In 2010 the process of ratification of the agreement was suspended, pending the conclusion of comprehensive regional negotiations. The countries nevertheless still today benefit from duty-free quota-free access to the EU that was granted temporarily to all EPA countries under the so-called Market Access Regulation (1528/2007). The Market Access Regulation will be amended shortly to reserve free access to those ACP countries that are ratifying their EPA.

Negotiations for a comprehensive regional EPA are ongoing and the parties are discussing improved market access, how to deal with trade related issues, rules of origin and cumulation, as well as some textual provisions of the Interim EPA text (e.g. Most

Favoured Nation clause, export taxes, sustainable development). Botswana, Mozambique, Lesotho and Swaziland have agreed to negotiate services. The door will be open for others to join at a later stage.

## THE MAIN FEATURES OF THE INTERIM EPA WITH SADC-EPA GROUP

The interim EPA offers insights into what will be covered by the comprehensive EPA. The interim agreement provides for a goods market access deal to Botswana, Lesotho, Mozambique and Swaziland. It commits the Parties to continuing negotiations on a comprehensive EPA for all countries of the SADC EPA Group and holds a full-fledged development cooperation chapter.

### TRADE IN GOODS

The provisions on Trade in Goods cover:

- Duty-free quota-free access for all imports from the relevant countries which have initialled the agreement as of 1st January 2008, with a transition period for sugar;
- An asymmetric and gradual opening of their markets to EU goods, taking full account of the differences in levels of development between them and the EU;

- A chapter on trade defense with bilateral safeguards allowing each party to reintroduce duties or quotas if imports from the other party disturb or threaten to disturb their economy;
- A chapter on technical barriers to trade as well as Sanitary and Phyto-sanitary (SPS) measures, to help exporters meet EU standards; and
- A chapter aiming at facilitating trade through measures such as more efficient customs procedures and better cooperation between administrations (as well as between administrations and business).

## WHAT IS THE ECONOMIC PARTNERSHIP AGREEMENT FOR THE PRIVATE SECTOR?

As indicated before, the EPA will bring closure to the preferential non-reciprocal trade regime which previously governed trade between ACP and the EU. Hence the private sector will need to become more competitive through diversification of product lines, moving up the value chain, and adopting best practices in order to build new and existing markets. The new agreement should lead to more open trade between Europe and the region, especial the SACU market, and poses both opportunities and challenges. In recognition of the differences in size and competitiveness of the EU

and ACP industries, transitional periods of up to 25 years for sensitive products have been agreed. This is expected to give us enough time to develop and become competitive in sensitive sectors.

## OPPORTUNITIES OF THE ECONOMIC PARTNERSHIP AGREEMENT.

### FOR INDUSTRIALISTS

- Increased Foreign Direct Investment and associated technology transfers.
- Diversification of exports—access to new materials which open up new production possibilities.
- Capacity building initiatives and development support
  - Cooperation in trade in goods;
  - Cooperation in supply-side competitiveness;
  - Cooperation in business enhancing infrastructure;
  - Cooperation in trade in services
  - Cooperation in trade related issues
  - Cooperation in trade data
  - Cooperation on fiscal adjustment

### FOR CONSUMERS:

It expands the choice of products and lowers prices for consumers by broadening supply sources of goods and services and strengthening competition.

### Threats of the Economic Partnership Agreement

The liberalisation of trade with the EU also poses threats for the private sector, one of which is greater competition from EU goods and services for local businesses, as EU goods and services might in some cases be of a higher quality and lower price. Hence, our businesses could be displaced by EU firms which originate from more enabling home market with better infrastructure and economic environment.

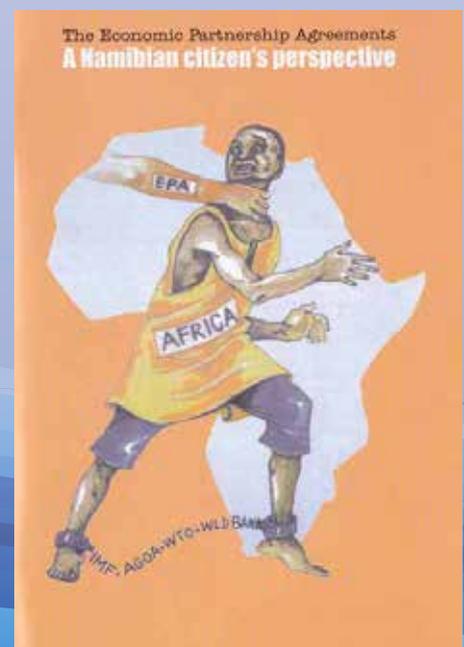
However Lesotho, together with other SACU members, has identified its sensitive products and these sensitive goods will either not be liberalized at all or liberalized over the longer periods. Products committed for immediate liberalization are mainly those with tariffs already zero-rated or with low or so-called nuisance tariffs. Thus, where import competition was the main concern, potentially competing imports were liberalized over the longest periods to enable improved competitiveness.

Another threat facing Lesotho is revenue loss through reduction of tariff revenue. However, since revenue generated from customs duties is an important concern for Lesotho, revenue sensitive items will be liberalized over longer phases or not at all and the EU pledged assistance for some adjustments required.

## CONCLUSION

The EPA promises to be profitable for the private sector if the government maintains an enabling environment which allows businesses to make use of the opportunities provided in the agreement. This would include a predictable and stable regulatory framework, the necessary support mechanisms, along with macro-economic and social stability. The Ministry of Trade and Industry, Cooperatives and Marketing supports trade promotion activities. However, so as not to be displaced in the process, it is necessary for firms to build strategic alliances, nationally, regionally and internationally. The EPA establishes a new paradigm in trading relations between the SADC and the EU. It represents an evolution from trade relations based on the basis of non-reciprocity to one now based on reciprocity. With the right vision, this new partnership promises to contribute significantly to the development of the region and Lesotho.

THESE ARE VIEWS OF SOME AFRICANS IN THE EPA .WHAT WOULD OTHER BASOTHO SAY ABOUT EPA?



# Lesotho's

## Agricultural Productivity in the Context of Changing Climate.

Dr. Makoala Marake

### Introduction

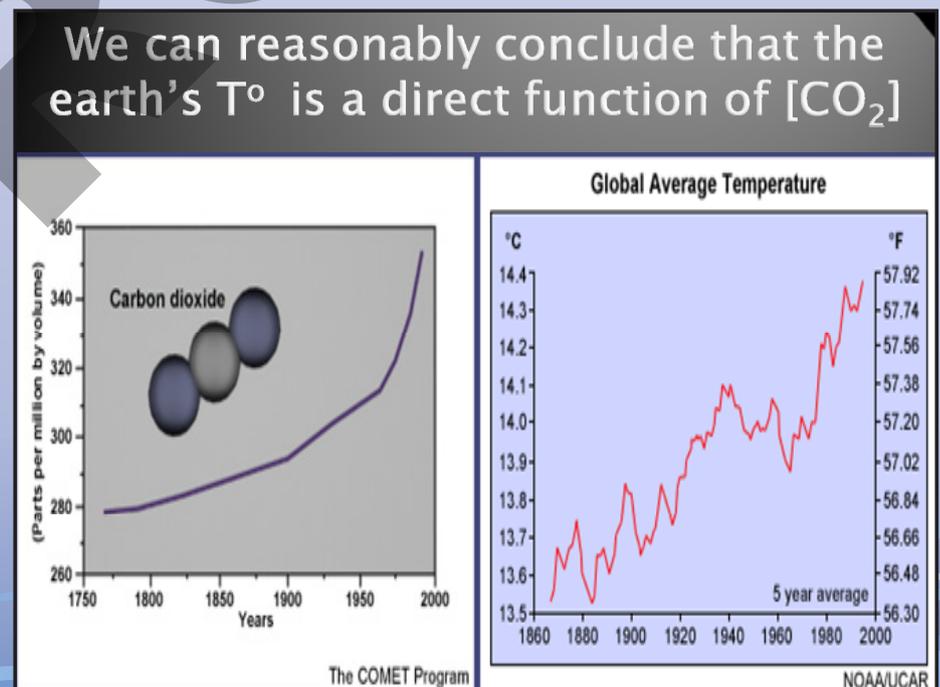
Climate change is a change of climate which is attributable directly or indirectly to human activity that alters the composition of the global atmosphere in addition to natural climate variability observed over a comparable time period (IPCC 2001a)<sup>1</sup>. Ayode (2004)<sup>2</sup> also defines climate change as a long-term shift, alteration or change in the type of climate prevailing over a specific location, region or the entire planet. Both definitions underscore that change is an inherent attribute of climate, which is caused by both human activities and natural processes.

Human activities such as combustion of fossil fuels, industrialization and technological development, urbanization, deforestation and agricultural development appear to be affecting the global climate. There is scientific consensus based on strong evidence for a human influence on global climate and that these trends will continue for the foreseeable future due to continued emissions of carbon dioxide and other greenhouse gases from fossil fuels and other sources.



Dr. Makoala Marake - Lecturer at NUL

Global mean temperatures have risen by approximately 0.6°C since the mid 1800s and changes in rainfall patterns, sea levels, rates of glacial retreat and biological responses have also been detected which are consistent with expectations of 'greenhouse' climate change. The 1990s were the warmest decade ever recorded instrumentally (Fig. 1).



1 IPCC (2001). Climate Change 2001: The scientific basis. In 'Contribution of Working Group I to the Third Assessment Report of the Intergovernmental Panel on Climate Change (IPCC)'. (Eds. Houghton JT, Ding Griggs DJ, Noguer M, van der Linden PJ and Xiaosu D). Cambridge University Press, UK. pp. 944.

2 Ayode, J.O. 2004. Climate Change. Ibadan: Vantage Publishers, pp. 45-66.

Fig. 1. The correlation between greenhouse gas emissions ( $CO_2$ ) and temperature

Predictions suggest an increase in global average temperatures of 2-6°C by the end of the present century (Bindi and Howden, 2004)<sup>3</sup>. Such high global temperatures have not been experienced in the history of the human species and there is no precedent for managing them. Thus the world will face changes in average rainfall with the prospect of substantial rainfall declines in some regions but increases in others, increases in rainfall intensity, and the possibility of entering a more El-Niño-like climate condition (Bindi and Howden, 2004).

The purpose of this paper is to sensitize policy and decision makers in Lesotho that climate change is occurring and how it may change further, how these changes might affect agriculture, the adaptations that may be needed in the future and key research challenges towards climate proof or smart agriculture in Lesotho.

### Understanding Climate Change: The Green House Analogy

Scientists define a family of atmospheric gases called greenhouse gases (GHG). These are carbon dioxide (CO<sub>2</sub>), methane, nitrous oxide and ozone gases. The concept of GHG is based on the idea that these gases 'trap' heat like the glass walls of a greenhouse (Fig. 2). Initially, high energy shorter wave radiation penetrates both the upper and lower atmospheric layers to reach the surface of the earth. Most of it is absorbed by the surface of the earth but some is reflected back into the atmosphere in the form of less energetic long wave radiation (infrared). The infrared radiation is then absorbed by the atmospheric layer of greenhouse gases reflecting it back to earth releasing heat energy which subsequently warms the earth surface leading to global warming.

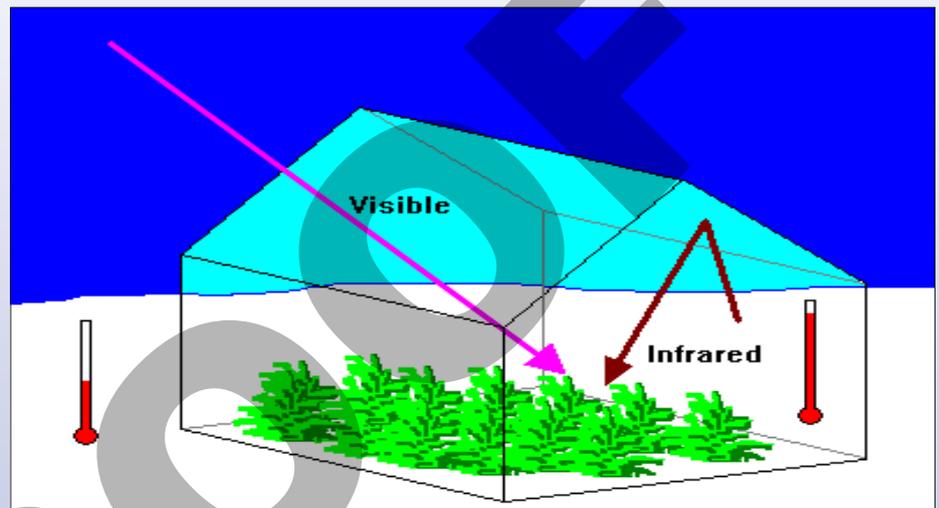


Fig. 2. The greenhouse analogy: High energy radiation penetrates the glass walls but in the process loses energy and can no longer escape the glass walls thus warming the inside of the greenhouse even during cold winter days.

3 Bindi, M. and M. Howden. 2004. Challenges and Opportunities for Cropping in a Changing Climate. "New directions for a diverse planet". Proceedings of the 4th International Crop Science Congress, 26 Sep – 1 Oct 2004, Brisbane, Australia. Published on CDROM. Web site [www.cropscience.org.au](http://www.cropscience.org.au).

Fig. 1 above shows that atmospheric CO<sub>2</sub> concentrations have increased markedly over the past century. There is also strong evidence that GHG are now higher than at any time in the past 420 000 years (Petit et al. 2000)<sup>4</sup>. These gases affect the absorption of long wave radiation from the earth by the atmosphere warming both the earth's surface and the lower atmosphere

4 Petit J.R, J. Jouzel, D. Raynaud, N.I. Barkov and J.M. Barnola. 2000. Climate and atmospheric history of the past 420000 years from the Vostok ice core, Antarctica. Nature 399: 429-436.

There have also been changes in the concentration of particulates known as aerosols. For aerosols, the direct effect can either be warming (for dark, highly absorptive particles such as soot) or cooling (for reflective particles such as sulphate), and their impact depends somewhat on their location in the atmosphere (Bindi and Howden, 2004). Aerosols can cause or prevent the formation of clouds, which in turn either cools or warms the earth, depending on their type and location. This is known as the 'aerosol indirect effect'. Although the net effect of aerosols remains highly uncertain in both sign and magnitude, the total global radiant energy forcing (gases and aerosols) is having a warming effect on the world. The resultant temperature rises already appear to be impacting on physical and biological systems underpinning agriculture e.g. progressively earlier start to the growing season across the northern hemisphere (Myneni et al. 1997)<sup>5</sup>, widespread and rapid glacial melting and progressively earlier flowering of plants. A large number of such studies have been synthesised by the IPCC (2001b<sup>6</sup>). In addition to these changes in temperature, there are trends in rainfall amounts and rainfall intensity (Angel and Huff 1997)<sup>7</sup>.

### Predicting the Future: What May Change Further?

The one thing that scientists are sure of in climate change science is the uncertainty of future climate changes. A selection of climate models, driven by a range of scenarios of human development, technology and environmental governance, project the global mean temperature to rise a further 2 to 6°C during the 21st Century (IPCC 2001a). To make things worse, the projected warming is not evenly distributed around the globe: continental areas warm more than the ocean and coastal areas, and the poles warm faster than equatorial areas (Bindi and Howden, 2004). This is a large range, with about half of the variation in projected temperatures attributed to uncertainties in the climate models, and the other half to uncertainties regarding GHG emissions which are closely tied to social, economic and technological aspects of our future.

The scenarios of emissions project atmospheric CO<sub>2</sub> concentrations to rise to between 550ppm and 960ppm during the 21st century (IPCC 2000) against natural baseline concentrations of 340ppm. The impact of such CO<sub>2</sub> accumulations will be significant on cropping systems presenting both benefits and detrimental effects. On the positive side, such CO<sub>2</sub> concentrations would make plants more efficient in their use of water, light and nitrogen, increasing yields particularly in dry conditions but decreasing nitrogen contents of

produce. The downside of this is that for much of Africa the impact of the predicted global warming is expected to be more frequent weather extremes especially drought.

A warmer world will, on average, produce more rainfall, falling with greater intensity (Bindi & Howden, 2004). The negative impact for Lesotho is that high intensity rainfalls are associated with high runoff incidences, soil erosion, and siltation of reservoirs which would be detrimental to the integrity and sustainability of the Lesotho Highlands Water Project. However, by the look of things that is the least of our worries because according to Bindi and Howden (2004) in southern Australia and Africa, there may be substantial reductions in rainfall. Though rainfall projections by the various climate models frequently differ in both sign and magnitude for given regions, the typical range of the changes is less than  $\pm 15\%$  which is approximately the amount by which evaporation will increase in a 3°C warmer world assuming symmetrical increases in day and night temperatures (Howden 2003)<sup>8</sup>. As a result, the inter annual variability of rainfall is likely to increase, leading paradoxically to both more frequent droughts and more frequent floods.

5 Myneni R.B., C.D. Keeling, C.J. Tucker, G. Asrar and P.R. Nemani RR. 1997. Increased plant growth in the northern latitudes from 1981 to 1991. *Nature* 386: 698-702.

6 IPCC (2001b). *Climate Change 2001: Impacts, adaptation and vulnerability*. In 'Contribution of Working Group II to the Third Assessment Report of the Intergovernmental Panel on Climate Change (IPCC)'. (Eds. McCarthy J.J., O.F. Canziani, N.A. Leary, D.J. Dokken and K.S. White). Cambridge University Press, UK. pp. 1032.

7 Angel J.R. and F.A. Huff. 1997. Changes in heavy rainfall in midwestern United States. *J. of Water Resources Planning and Management*, 123, 246-249.

8 Howden, M. 2003. Climate variability and climate change: challenges and opportunities for farming an even more sunburnt country. *Proceedings of the National Drought Forum*, Brisbane, 15-16 April 2003. pp. 57-61.

That must ring a bell for the Mountain Kingdom. We project a 1-2°C between 2030 - 2050 probably rising to 2.5 – 3.5oC by 2080. In the Second National Communication (In Draft), annual temperature & seasonal precipitation for 100 yrs (2010 – 2100) were modelled. The prediction is that temperatures are likely to increase (0.4 – 4.7°C) in the northern districts with variations from 1.6 – 3.8oC in southern Lesotho by 2100. Overall summer precipitation in the north will be slightly above normal but below normal in the south. Autumn will experience normal scenarios in both regions with below normal winter precipitation especially in the north.

**Cropping Outlooks: How will global change affect agriculture?**

Biophysical processes of agroecosystems are strongly affected by environmental conditions. Thus the projected increase in GHGs will affect agro ecosystems either directly, for example response to increased concentration in CO2 and tropospheric ozone or indirectly, via effects on climate e.g. temperature and rainfall. The exact responses depend on the sensitivity of the particular ecosystem and on the

relative changes in the controlling factors (Bindi and Howden, 2004).

Throughout history, Basotho have adopted new crop varieties and adjusted their practices in accordance with changes in the environment. The difference now is that as global temperature continues to rise, the pace of environmental change will be unprecedented and difficult, if not impossible, to keep up with especially by farmers already struggling to make ends meet even before a predicted climate

change scenario. This is where Basotho farmers and the rest of poor smallholder farmers in Africa will be. More frequent and intense precipitation events, elevated temperatures, drought, floods and other types of damaging weather are all expected to impact crop yield and quality (Hatfield et al., 2011)<sup>9</sup>. Such extreme weather events are already affecting agriculture in Lesotho. The floods in of 2010 /2011 growing season are still fresh in our minds with their associated loss of agricultural output and damage to infrastructure (Fig. 3).



Fig. 3. Road destruction in Botha-Bothe (right) & Quthing during the 2010/2011 floods.

Total losses and damages were estimated at M462.7 million – 3.2% of Gross Domestic Product. The agriculture sector was hit hard with high losses sustained by livestock (M29.8 million) and crop production (M103.6 million) subsectors respectively (DMA, Poster Disaster Report, 2011).

<sup>9</sup> Hatfield, J., K. Boote, B.A. Kimball, R. Izaurralde, D. Ort, A. Thomson, and D. Wolfe. 2011. Climate Impacts on Agriculture: Implications for Crop Production. *Agron. J.* 103:351–370.

Climate change scenarios predict even more extreme and intense floods and droughts. A comprehensive analysis on impact of climate change (Lobell *et al.*, 2008)<sup>10</sup> indicates that southern Africa is one of the two regions likely to suffer negative impacts of climate change on several crops (e.g. maize and sorghum) that are very important to large food-insecure populations.

Beyond its direct effects on weather, climate change will increase both abiotic stresses e.g. drought, and biotic stresses e.g. pests and crop diseases on agriculture. Biological stresses on cropping systems include weeds, insects, viruses, bacteria, and fungi. Temperature is the most important factor in determining how insects affect crop production and yield (Coakley *et al.*, 1999)<sup>11</sup>. For example, some populations of insect species e.g. fleas and beetles, are showing signs of overwintering because of warmer winter temperatures (Harrington *et al.*, 2001<sup>12</sup>; Wolfe *et al.*, 2007<sup>13</sup>). Viral, bacterial, and fungal pathogens also respond greatly to temperature, humidity and rainfall. Thus, as the growing season

lengthens and winters moderate due to climate change, pressures from plant, microbial, and insect pests are expected to rise due to an increased capacity for overwintering, greater movement of organisms, and expanded adaptation zones. This season, crops in Lesotho are ravaged by a never seen before infestation of African Army worms. Such biotic pressures are predicted to increase in the future. Of greatest concern and largely unknown, are the influences that interactions among different types of stresses will have on agriculture.

A GIS-based spatial analysis of climate change vulnerability for southern Africa<sup>14</sup> showed that the most vulnerable countries and regions are characterized by high population pressure on the available arable land and natural resources, high levels of food insecurity and poverty, and lack of infrastructure which curtails the ability of the population to deal with severe weather conditions. The Kingdom of Lesotho is a modal case and typical example of a least developed country fitting this scenario (Dejene *et al.*, 2011). As Lesotho falls within this regional hotspot of future food insecurity, sufficient adaptation measures need to be prioritized urgently and made available to the vulnerable Basotho communities already ravaged by recurrent droughts. Thus, learning to adapt our agriculture to a rapidly changing climate is imperative for ensuring food security and political stability.

## How can we to Adapt Crops and Cropping Systems to Climate Change?<sup>15</sup>

Drought is expected to limit the productivity of arable lands in the next 50 years (Cattivelli *et al.*, 2008<sup>16</sup>; Sinclair, 2010)<sup>17</sup>, and competition for water between urban and agricultural areas will compound issues of water availability (Rosegrant *et al.*, 2009)<sup>18</sup>. Thus to mitigate the impact of drought, there is an urgent need for crop varieties and cropping systems that conserve water and retain yield during periods of water scarcity. Developing these crops is difficult because of the interplay of crop response systems to drought at the genomic, metabolic, biochemical, and physiological levels. To make drought-tolerant varieties available to farmers, interdisciplinary teams of scientists working at the cellular, plant, and field scales must collaborate to discover ways to manipulate these complex, multilevel processes and improve crop response.

10 Lobell, D.B., Burke, M.B., Tebaldi, C., Mastrandrea, M.D., Falcon, W.P. and Naylor, R.L., 2008. Prioritizing climate change adaptation needs for food security in 2030. *Science* 319: 607-610.

11 Coakley, S., H. Scherm, and S. Chakraborty. 1999. Climate change and plant disease management. *Annu. Rev. Phytopathol.* 37:399-426.

12 Lobell, D.B., Burke, M.B., Tebaldi, C., Mastrandrea, M.D., Falcon, W.P. and Naylor, R.L., 2008. Prioritizing climate change adaptation needs for food security in 2030. *Science* 319: 607-610.

13 Coakley, S., H. Scherm, and S. Chakraborty. 1999. Climate change and plant disease management. *Annu. Rev. Phytopathol.* 37:399-426.

14 OneWorld Sustainable Investments, 2010a. Climate Risk & Vulnerability Mapping for Southern Africa: Status Quo (2008) & Future (2050). Regional Climate Change Programme. For the Department for International Development, UK.

15 CSSA, 2011 Position Statement on Crop Adaptation to Climate Change. Crop Science Society of America. Madison, WI. Adaptation to Climate Change Working Group

16 Cattivelli, L., F. Rizza, F.W. Badeck, E. Mazzucotelli, A.M. Mastrangelo, E. Francia, C. Marč, A. Tondelli, and A.M. Stanca. 2008. Drought tolerance improvement in crop plants: an integrated view from breeding to genomics. *Field Crops Res.* 105:1-14.

17 Sinclair, T.R. 2010. Precipitation: The Thousand-Pound Gorilla in Crop Response to Climate Change. p. 179-190. In D. Hillel and C. Rosenzweig (ed.) *Handbook of Climate Change and Agroecosystems: Impacts, Adaptation, and Mitigation*. World Scientific Books.

18 Rosegrant, M.W., C. Ringler, and T.J. Zhu. 2009. Water for agriculture: maintaining food security under growing scarcity. *Annual Rev. Environ. Resour.* 34:205-222.

The challenge to Lesotho decision makers is the policy vacuum regarding use of genetically modified plant technologies which are known to address the potential abiotic and biotic stresses. This lack of policy is disadvantaging food security initiatives. I advocate for an open scientific and social debate on the use of genetically modified plants in Lesotho. In any case we are already importing them in one form of product or another from South Africa. In addition, South African farmers are using GMOs across the river and there is no way of stopping cross pollination of Lesotho crops.

Temperature influences the growth and development of all crops, shaping potential yield throughout the growing season. We are already disturbed by current temperature fluctuations but in places like southern Lesotho temperature variations already exceed the optimum. Temperature events higher than normal are expected to reduce cereal and grain legume yields (Hatfield et al., 2011)<sup>19</sup> by shortening the grain-filling period, reducing pollen viability and weight gain in grain (Boote and Sinclair, 2006<sup>20</sup>). Cereals, oilseed and protein crops including pulses are mostly determinate species, and the duration to maturity depends on temperature and in many cases day length. A temperature increase will therefore shorten the length of the growing period, reducing

yields, if management is not altered (Porter and Gawith 1999<sup>21</sup>; Tubiello et al. 2000<sup>22</sup>), and change the area of cultivation. Simple management options to counteract the warming effect are changes in sowing dates and use of shorter season cultivars (Olesen et al. 2000<sup>23</sup>; van Ittersum et al. 2003<sup>24</sup>). This warming effect may be counteracted by the CO<sub>2</sub> fertilisation effect, which also will lead to increased symbiotic nitrogen fixation in pulses (Serraj et al. 1998<sup>25</sup>).

Moreover, temperature changes can result in warmer, less severe winters. In Lesotho this will affect the vernalization dynamics of winter wheat. Moreover, this may allow diseases and pests to survive and overwinter, increasing the likelihood of reduced yield during the next cropping season. For all these reasons, adapting crops and cropping systems will require home-specific crop adaptation strategies. Thus policy makers must put money on research

and development. Currently, we neither have a national research policy nor a funding strategy for priority research interests.

Today, two primary approaches exist for adapting crops to these conditions:

### Improving existing crop cultivars and developing new crops

- Development of new varieties
- Integrate beneficial traits into existing crops through use of germplasm collections, related datasets, and breeding.
- Use new technologies—image-based measurements, high-throughput DNA sequencing, databases, and statistical models.
- Identify crop germplasm that tolerates, drought, heat and waterlogging
- Expand field evaluation of crop germplasm
- Employing new tools, techniques, and datasets to accelerate the delivery and release of proven varieties.
- Identifying crop germplasm for tolerance to pathogens, insects, and nematodes.

### 2) Devising new cropping systems and methods for managing crops in the field.

New management systems are now being developed to increase crop resilience toward climatic stresses. Since not all regions are predicted to experience the same agricultural vulnerabilities

19 Hatfield, J., K. Boote, B.A. Kimball, R. Izaurralde, D. Ort, A. Thomson, and D. Wolfe. 2011. Climate Impacts on Agriculture: Implications for Crop Production. *Agron. J.* 103:351–370.

20 Boote, K.J., and T.R. Sinclair. 2006. Crop Physiology: Significant Discoveries and Our Changing Perspective on Research. *Crop Sci.* 46:2270.

21 Porter J.R. and M. Gawith. 1999. Temperatures and the growth and development of wheat: a review. *Eur. J. Agron.* 10, 23-36.

22 Tubiello F.N., M. Donatelli, C. Rosenzweig and C.O. Stockle. 2000. Effects of climate change and elevated CO<sub>2</sub> on cropping systems: model predictions at two Italian locations. *Eur. J. Agron.* 13, 179-189.

23 Olesen J.E., Jensen and J. Petersen. 2000. Sensitivity of field-scale winter wheat production in Denmark to climate variability and climate change. *Clim. Res.* 15, 221-238.

24 van Ittersum M.K., S.M. Howden and S. Asseng. 2003. Sensitivity of productivity and deep drainage of wheat cropping systems in a Mediterranean environment to changes in CO<sub>2</sub>, temperature and precipitation. *Agric., Ecosyst. and Env.* 97: 255-273.

25 Serraj R, T.R. Sinclair and L.H. Allen. 1998. Soybean nodulation and N<sub>2</sub> fixation response to drought under carbon dioxide enrichment. *Plant Cell Environ.* 21, 491-500.

to climate change, mitigation and adaptation strategies will vary. Appropriate, sites specific cropping system management practices can help alleviate the effects of abiotic and biotic stresses on crop productivity and yield. Crops are planted in sequences or rotations depending on their purpose, tolerance to prevailing temperatures, weather extremes, and economic return where one crop has an impact on the successive crop planted. Because agriculture will not experience the same vulnerability to climate change in all regions, site-specific cropping systems and management practices are needed that match yield potential with inputs, soil fertility, and the range of climate variability in each area. Some options for Lesotho are:

- Conservation agriculture
- Use of crop models in decision making
- Applying remote sensing and precision agriculture technologies
- Monitoring crop condition
- Optimize water use efficiency
- Optimize land use

## Conclusions

I was asked to reflect on the challenges that must be addressed to adapt agriculture to climate change in Lesotho. I have thus sought to identify short term and long term strategies. In particular, research investments and efforts in support of the climate change adaptation endeavours espoused

by the National Strategic Development Plan 2012-2017. Three major strategies are critical:

- Understanding the physiological, genetic, and molecular basis of adaptation to drought, heat and biotic stresses likely resulting from climate change;
- Translating new knowledge into new agricultural practices for soil management, water conservation, carbon sequestration and soil erosion and land degradation control;
- Transferring knowledge effectively and making technologies and innovations widely available to increase food production and stability.

Furthermore, I would like to underscore that the role both non-governmental (NGOs & Private Sector) and academic and research institutions are fundamental to building a sustainable approach to crop adaptation to climate change. Collaboration and communication between these sectors is also essential to create knowledge, and develop and transfer new technologies. However, the National University of Lesotho and the Lesotho Agricultural College play another critical role: they train the next generation of soil scientists, crop scientists, agronomists, breeders, and growers. Without these human resources, Lesotho will have little or no capacity to adapt to climate change.

Finally, these adaptations can be thought of as being applicable at different temporal and spatial

scales, e.g., short term adjustments and long term adaptations, farm-level or national policy level (Bindi and Howden, 2004).

## Short-term adjustments

Short-term adjustments to climate change are efforts to optimise production without major system changes. They are autonomous in the sense that no other sectors (e.g. policy, research, etc.) are needed in their development and implementation. Thus, short-term adjustment can be considered as the first defence tools against climate change. A large range of short-term adjustments has been reported for dealing with the effect of climate change, these include:

- Changes in planting dates and cultivars.
- Changes in external inputs.
- Practices to conserve moisture.
- Soil management technologies

## Long-term adaptations

Long-term adaptations refer to major structural changes to overcome adversity caused by climate change.

These may include:

- changes in land tenure policy and land use
- introduction of more resistant crop varieties
- substitution of crops
- enhancement of irrigation efficiency
- changes in farming systems
- Crop breeding
- Nutrient management

## Farm level adaptations

There is a large range of farm level options for adapting to climate change. Key adaptations include:

- Developing risk amelioration approaches e.g. Conservation agriculture techniques with minimum tillage, retaining residue and crop rotation; extending fallows, row spacing, planting density, staggering planting times, and erosion control infrastructure.
- More opportunistic cropping – more effectively taking into account environmental condition e.g. soil moisture or climate e.g. seasonal climate forecasting.
- Expand routine record keeping of weather, production, degradation, pest and diseases, weed invasion training to interpret climate data and analyse alternative management options

- Selection of varieties with appropriate thermal time and verbalization requirements, heat shock resistance, drought tolerance, resistance to new pests and diseases and perhaps that set flowers in hot/windy conditions
- Improve seasonal and other climate forecasting and also develop early warning systems of the likelihood of very hot days and high erosion potential

## National Scale Initiatives

The high levels of uncertainty in future climate changes suggest that rather than try to manage for a particular climate regime, we need more resilient agricultural systems (including socio-economic and cultural/institutional structures) to cope with a broad range of possible changes (Gunderson et al. 1995)<sup>26</sup>. However, enhanced resilience usually comes with various types of

overhead costs such as building in redundancy, increasing enterprise diversity and moving away from systems that maximize efficiency of production at the cost of broader sustainability goals.

Sound research on the impact of climate change on agriculture, as well as in other sectors, requires extensive and sound data. Even when suitable data exists, the identification of changes in agriculture by integrated assessment using climatic and non-climatic conditions should be performed. These analyses will allow a detailed exploration of a range of technological and policy adjustments in agriculture for mitigating negative impacts or exploration of new options for agriculture. Finally, these results need to be communicated effectively so as to be useful for research and decision-making by government, private sector and farmers.

<sup>26</sup> Gunderson L., C.S. Holling and S. Light(Eds.) (1995). Barriers and Bridges To The Renewal Of Ecosystems and Institutions. Columbia University Press. New York.

# Parliament

## OPENS DOORS FOR CIVIL SOCIETY

By Mpolokeng Mpeli

### BACKGROUND

**The process of budget analysis in Lesotho as it has now become known was pioneered by the Lesotho Council of NGOs (LCN) back in 2000; whereby the Finance Minister would meet with Non-Governmental Organisations following his presentation of the budget in Parliament to engage with them on the same.**

The process has now cascaded to other groups and is now a norm in the country. Although the Minister no longer engages with NGOs specifically, NGOs still make their own analysis and interrogate the budget in relation to expectations of the communities they serve; who are the poorest of the poor and the marginalised.

It has been a long time outcry of civil society that Government should make a conscious effort to make the budget process participatory, impartial and inclusive. However, civil society organizations have been denied an entry point in the process for them to make a significant contribution that

influences the budget outcome. The initiative by the Parliament Economic Cluster Committee of inviting LCN to present its analysis of the 2013/2014 budget was therefore welcomed with new hope that things were beginning to change for the better.

### THE ANALYSIS: LCN PERSPECTIVE

Presenting on behalf of NGOs that are affiliated to LCN, the Executive Director of LCN, Mr. Seabata Motsamai pointed out that the 2013/14 budget takes place in a context where the country is faced with a myriad of challenges such as the global economic recession that has diminished Lesotho's revenue base; the steadfast decrease on SACU remittances, the high unemployment rate of about 40%; high poverty incidences characterized by over 700,000 people in dire need of food supplies; high HIV prevalence at the rate of 23.6%; alarming rates of women and children abuse and education characterized by producing job seekers as opposed to job creators.

The budget, according to LCN is premised on strong revenue collection capability of the



*Chairman of the Economic Cluster Committee, Mr. Litsiba*

country, adherence to priorities set out in the NSDP and Vision 2020, a vibrant private sector that promotes economic growth; strengthened monitoring and evaluation (M & E) systems within the NSDP; and strong public management and accountability.

The questions civil society raises therefore are: What are the facets of strong revenue collection in the country? What are other revenue alternatives of SACU's magnitude? What needs to happen for vision 2020 and the NSDP to come to fruition? What are the strategies in place to ensure a vibrant private sector? How do we move from rhetoric to action in ensuring effective M & E and strong public management and accountability?

While LCN appreciates the priorities set by Government and the increase in budget allocations for various priority areas; it is of the view that the budget is lacking in providing generic targets. For instance, Government is expected to indicate that it intends to reduce the unemployment rate from X percentage to Y percentage.

The budget also does not show a paradigm shift from subsistence to commercial agriculture that has a clear value added chain. The education budget has left out children with disability, pre-school children, out of school children and expansion of vocational schools. On the mining sector, the bulk of the budget is more on research than on extraction itself, which according to members is very crucial. Since NGOs strive for inclusive and participatory governance, they would have

appreciated a clear indication of envisaged public participation strategies by attaching a budget to it. There seems to be limited strategies in tackling poverty and unemployment.

### **Economic Cluster Committee response**

Honourable Members of the economic cluster noted with appreciation submissions made by LCN on the 2023/14 budget. It became apparent that the meeting was also a breakthrough for them to understand the role of NGOs as they sought clarity on how much muscle NGOs have to influence Government policy; whether there are any boundaries and what LCN intends to do to make its voice heard. Honourable members felt NGOS must devise a good mechanism that would make Government listen to them.

In order for NGOs to influence the budget outcome, they should be involved in all the processes of formulation, approval, implementation and audit of the budget and not only when it is at the approval stage and thereafter at the audit stage. Honourable members noted that their role and that of civil society is not different as they both fight for communities, as long the latter's agenda is objective and not to overthrow government.

The Executive Director of LCN reiterated to emphasise that NGOs complement Government through both advocacy and service delivery; and do both in earnest. He indicated that they would like to further interact with the Committee even on other issues of common interest and to further explain their mandate to Honourable members.



*LCN members during their meeting with the Economic Cluster Committee*

# Pros and Cons

## of Establishing a Human Rights Commission in Lesotho

Thuso Ramabolu



Mr. Thuso Ramabolu; Human rights officer at TRC.

### INTRODUCTION

**Lesotho like any other African state is crippling with the issue of human rights standards. In an effort to arrest human rights governance, Lesotho has joined the international community by a move to establish a body which will overlook the human rights observance in Lesotho. What makes this Commission peculiar is the fact that, once established, it will have powers to “monitor the state of human rights through-out Lesotho”<sup>1</sup>.**

The monitoring of human rights observance in Lesotho has always been lurking, perhaps due to the weak structural and mandate deficiencies that have always clouded our oversight institutions<sup>2</sup>.

The negative effect of these structural problems is impunity and lack of redress where violations occurred, which basically renders the enjoyment of human rights a far-fetched reality for the majority of the populace. It is therefore ideal that we have an institution specifically dedicated to the improvement of the human rights record of Lesotho.

It is in the light of the above that we seek to put the reader into perspective as far as the establishment of a Commission in Lesotho is concerned. This article kicks-off by unpacking the 6th Amendment which establishes the Commission and then looks into why we need a human rights commission together with the challenges and opportunities that lay ahead as we are about to form a human rights commission. The last part of the article will wrap-up our arguments as well as advance practical recommendations.

### ESTABLISHING A HUMAN RIGHTS COMMISSION IN LESOTHO

The 6th Amendment has come at a ripe period when the country has been experiencing a pattern of human rights abuses ranging from police brutality, gender disparities and appalling conditions in prisons, to name but a few. The absence of a fully operational national Human Rights Commission in Lesotho is arguably responsible for the rights of vulnerable groups such as women, children, the disabled and many others in Lesotho not receiving sufficient institutional recourse. Although Lesotho does not necessarily experience serious human rights violations on a massive scale, it is however accepted that there is inadequacy of human rights institutions to protect, promote and fulfil the Bill of Rights enshrined in the Constitution and other regional and international instruments to which Lesotho is party. In an effort to respond to this state of affairs, the government of Lesotho amended the Constitution to form an independent human rights institution which will monitor human rights.

<sup>1</sup> Section 133A of the Sixth Amendment to the Constitution Act, 2011.

<sup>2</sup> Ombudsman, has been criticized for being a toothless bulldog because of non-enforcement of findings, while the DCEO is only limited to cases of economic offences.

## WHY DO WE NEED A HUMAN RIGHTS COMMISSION IN THE KINGDOM?

Besides the courts of law and the existing oversight bodies, Lesotho does not have a comprehensive institution that deals with the general aspects of human rights in Lesotho. The absence of a rich human rights culture results in citizens' inability to freely and openly advocate for state accountability for human rights fulfilment, promotion and protection. Where a human rights culture is nonexistent, citizens live in fear, suspicion, powerlessness, tension and uncertainty and hence their full participation in and promotion of democracy is therefore severely undermined. As a country, we do not have to wait for egregious human rights abuses for us to start thinking about the establishment of a Human Rights Commission. This Commission is long overdue given the existing problems including the absence of human rights information, lack of awareness of a rights-based approach to development, lack of comprehensive and coordinated national human rights education programmes, and the absence of a clear human rights monitoring framework. Lastly, the country's socio-economic development is in danger of being retarded where citizens cannot advocate for delivery of services in a rights-based approach.

## THE BENEFITS OF HAVING A HUMAN RIGHTS COMMISSION IN LESOTHO

It goes without saying that the human rights record of Lesotho both nationally and internationally will improve once the Commission is formed and effective. One of the obvious advantages of establishing a Human Rights Commission in Lesotho is an undeniable fact that it will create hope for a possible avenue to address human rights concerns domestically. This comes with the fact that once this Commission is up and running, it will possess powers to provide accessible remedies, particularly for those who are most vulnerable because of its quasi-judicial nature. Practices from elsewhere in other jurisdictions have proven that an independent, robust national human rights institution is crucial in complementing the state initiatives of responding to human rights challenges<sup>3</sup>. In no uncertain terms, we submit here that, if the Commission is not independent right from formative stage, then it will be as good as nothing. It is therefore at this present moment that it becomes absolutely necessary to install measures which will guarantee the Commission's independence.

Moreover, human rights institutions are necessary as they leave stones unturned where they suspect violations of human rights.

Somehow, they even venture into the prohibited or 'no-go areas' to investigate and resolve human rights complaints "where the judicial system is weak, politicized, slow or otherwise incapacitated"<sup>4</sup>. Therefore it is our genuine believe that if the coming Commission lives up to the Paris Principles, which set standards, then it will be a perfect remedy to the existing gaps of redress for human rights abuses.

Additionally, the existence of this Commission will be a guarantee to the decline of human rights abuses in Lesotho and accountability where violations have occurred, perpetrated by both non-state actors and state actors<sup>5</sup>. Cooperation, public participation and civil society involvement at all stages leading to the birth of this institution, will ensure a representation which in turn, will strengthen the human rights discourse of Lesotho. Last but, certainly not least, the Commission will represent an information hub on human rights as there will be extensive human rights awareness to the general public, including the most remote areas of Lesotho.

<sup>3</sup> See the Principles to be considered for the functioning and status of the national human rights institutions, accessed on May 29th, 2012 at <http://www.unhchr.ch/html/menu6/2/fs19.htm>.

<sup>4</sup> Linda C. R. 'Building Democratic Institutions: The Role of National Human Rights Institutions in Good Governance and Human Rights Protection', Harvard Human Rights Journal, Vol. 13, at 13.

<sup>5</sup> Cardenas, S., 'Emerging Global Actors: The United Nations and National Human rights Institutions', in: Global Governance, Vol. 9, (2003), p-29.

## CHALLENGES IN ESTABLISHING A HUMAN RIGHTS COMMISSION FOR LESOTHO

### THE RELATIONSHIP WITH OTHER OVERSIGHT BODIES

Questions might also pop-up as to why we should have yet another human rights institution while we already have oversight bodies in Lesotho. This inquiry may be brought about by the fact that there are no clearly spelled-out working relations or inter-relationships between the already existing oversight institutions and the yet to be established Human Rights Commission. If these inter-phases are not properly extrapolated they are likely to ferment into collision course which will not only undermine the mandate of the Commission but even of those other oversight bodies.

### PARTICIPATION OF CIVIL SOCIETY ORGANISATIONS

Civil society organisations have largely been the vanguards for human rights protection in Lesotho in the absence of the statutory Human Rights Commission. Unlike in other countries where the civil society is an integral part of the Human Rights Commissions, perhaps to thwart duplication and acrimony, the Lesotho Human Rights Commission as contemplated by the Constitution does not necessarily envisage a structural confluence between the Commission and the work of civil society organisations. It is of absolute importance to bring on board civil society organisations right from inception of the

Commission. Perhaps this could be done by raising awareness among the members of civil society and collectively engaging the government of Lesotho on the establishment of the Commission. It is in the hands of civil society to put more pressure on the government to fast-track the establishment of the Commission.

### COMPLIANCE WITH INTERNATIONAL STANDARDS

Without compliance to the internationally established standards on the formation of national human rights institutions, the Human Rights Commission will be ineffective and therefore will fail to assume the promotion of paper-written rights into reality. Amongst this standards, which are commonly referred to as the “Paris Principles”, is the standard to ensure *composition and guarantees for independence and pluralism*. According to this standard, national human rights institutions build-up should align to the structures which will enable it “to ensure the pluralist representation of the social forces involved in the protection and promotion of human rights”. The participation of non-state actors including community based organisations and NGOs doing the human rights related work should be at the forefront as a guarantee of a broad representation in the establishment of these Commissions. A glance at some of the provisions of the Sixth Amendment to the Constitution comes to show that, at least on this aspect of diversity, our constitutional Amendment is

wanting. For instance section 133B on composition provides that:

‘The Commission shall consist of the chairmen and two other members who shall be appointed by the king acting in accordance with the advice of the Prime Minister’.

It is therefore necessary to install measures which will guard against this observable gap on the composition of the Human Rights Commission. Practical measures should be put forward for the inclusion of a plethora of actors including professionals outside the political realm and civil servants. This diversity will fuel the national human rights monitoring across the spectrum.

### CONCLUSION

In summation, it is worth acknowledging that the amendment of the Constitution to include the establishment of a Human Rights Commission is one of the milestones ever realized in the country’s human rights discourse. Perhaps, what may delay this wonderful initiative is the lack of political will observable from the government-side to actually establish this Commission. The next immediate step is to exert pressure on the government to come up with an Act which will operationalise the Commission. Even that step is very crucial as the participation of the general public is a democratic necessity to ensure that the public’s concerns, comments and suggestions are included in the bill which establishes the Commission.

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