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PRESS STATEMENT

Development is impossible in the absence of true democracy, respect for human rights, peace and good governance. Good governance and human rights are mutually reinforcing. In turn good governance and participation are essential aspects of democracy and for achieving democracy of a freely functioning, well organised, vibrant society and responsible civil society is indispensable. Democracy presupposes amongst others functioning political parties and an active civil society that can primarily monitor the way states honour social protection contract with their citizenry and hold government accountable. Human rights are better promoted and protected in a democratic system and Lesotho system does not pose as democratic. Accordingly, measures taken by government that undermines key elements of good governance, tends to undermine the protection and promotion of human rights. Therefore, civil society should be seen exerting pressure on decision makers to observe the core values of democracy and human rights and not be subjected to hostile attitude and viewed as antagonistic predisposed to undermine efforts in providing social protection.

For the past 28 years, The Lesotho Council of Non-Government Organizations (LCN) as an umbrella body for Civil Society Organisations in Lesotho, established with the purpose of providing the supportive services to the NGO community through networking, leadership, information dissemination, capacity building, coordination, advocacy and lobbying, and representation when dealing with the international community and government, has been promoting awareness and observation of human rights, good governance, as well as promote accountability, civil legal reform and representation, community development and conflict management. LCN mission is to stimulate, promotes and build capacity within Lesotho NGOs so that they are stable, democratic, transparent, skilled, empowered, sustainable and responsive to their beneficiary's needs and those of the voiceless and marginalised.

LCN believes in true principles of democracy and intervene when those practicing it go beyond the perimeters and affect right of others in a manner that warrants our intervention as is the case currently within the three arms of government.

SPECIFIC ISSUES

- **Interdependence of The 3 Arms of State**

The division of powers among three distinct but interdependent branches of Legislature, Executive and the Judiciary is a defining feature of Lesotho governmental system. The Constitution of Lesotho denotes this division. However, interdependence is brought upon by the system of checks and balances. These branches are supposedly autonomous and should not be seen as hierarchical. However, this system provides ample opportunity for interbranch conflict and the notion of separation of powers is totally blurred. Separation of powers have been adopted to preclude the exercise of arbitrary use of powers however disputes of this nature have continued to occupy a central place of public concern. For instance, Judiciary is defined as part of government but independent so that courts can protect citizens without being influenced or pressurised by government. The independence of judiciary is a cornerstone of constitutional democracy. It guarantees the supremacy of the constitution. Notable incidences have been those of appointment and impeachment of judges by Prime Minister, contempt of court orders, interference of the functioning of the judiciary invalidating this doctrine and appoint judges by Prime Minister to name a few. Courts have failed to articulate consistent methodology for analysing separation of powers. The inconsistencies are depicted in the preposterous outcomes on cases brought before court. This Constitutional turf battle has undesirable consequences for the nation as a

whole. The people have lost faith in the justice system. Our courts fail to live up to the old adage that justice must not only be heard but must be seen to be done.

The relationship between the High Court and the Court of Appeal; in some instances, the latter is seen usurping the powers of the former. Also the conduct of the President of the Court of Appeal and Acting Chief Justice in handling of cases. There is a lot of interference of the Executive (Prime Minister) in the Judiciary.

- **Shrinking Political Space**

Measure taken by government to prevent key role players in protecting and promoting human rights provides a polarised environment to uphold democracy. The current situation is seen to curtail the civil society role of monitoring social protection principle and holding the government accountable. Any initiative taken is labelled as being politically affiliated and/or being influenced by factions of the dismantled major party within the coalition government. Civil society is not going to shy away from pointing out where powers exercised did not act in the best interest of the general populace for fear of being antagonistic and being labelled.

- **Divisions within the All Basotho Convention Party(ABC) and Looming Di visions within the BNP**

Divisions within the ABC has posed a threat to peace and stability. The result of the squabble for power within this party has also spread on the administration of the country as whole. Government shifting responsibility to party issues; issues regarding the party has remained top priority neglecting the development of the country. For instance, cases involving ABC are priorities within the judiciary resulting in a deadlock of cases; Parliament have gone to recess with a hovering motion of no confidence over the Prime Minister, parliament clusters such as social and economic cluster are not functional as chairmen's are ABC affiliated and are preoccupied with ABC issues. For instance, letters from Factory workers and issues regarding teachers have been stalling in such clusters. On the other hand, the executive is also seized ABC cases thus thwarting general operation of the Executive. BNP internal issues are a threat as well since it has followed the trend of submitting cases in court as well.

- **Manifestation of the problems**

- Threat to reforms – it was stated in the 38th SADC Summit Communique that an act that frustrate the implementation of reforms shall be penalised.
- Violation of fundamental human rights- e.g long detentions
- Poor service delivery; police stations without electricity, shortage of petrol for government vehicles
- Labour implications; Foreign Investors fear of instability within the government has affected business e.g. Unfounded retrenchments and/or lay-offs in the textile industry, pulling out of international investors and donors, lay-offs, strikes, low remuneration
- Threats to pillars of democracy and the rule of law
- Development (economy), issues of wool and mohair, Economic projects are likely to stall e.g threats from the US embassy to pull out the MCA project
- Security of the country is threatened
- There is no ownership of reforms by civil society organisation since there is a small representation and/or none at all. For instance, structures aimed at advancing reform progress there is no representation of Civil society or consultation thereof
- Education quota on students to be sponsored threatens the right to education
- Government failure to increase the subversion on education institutions results in institutions refusal in bargaining to decrease fees
- The delay to effect the 6% increase for police officers threatens service delivery
- Political Party lineage used for allocation of jobs as a result of patronage

WAY FORWARD

- Implementation of reforms by all leaders notably political parties beyond lip service; there is a need for commitment and political will. For instance, there should be deadlines, reports on allocation and use of money and accountability on the actors
- Transitional Government and Government of National Unity is not a solution as it vetoes the system of checks and balances and serves the interest of political leaders at the expense of ordinary citizens.
- Appeal to ABC party to work within the confines of law-where there is a court order they should respect it and avoid contempt of court
- Political Party Cases should not be prioritised, justice system and all people should hold sanctity of courts
- The judiciary should be maintained in a manner does not leave a shadow of doubt that their judgement is influenced by ultra-judicial issues.
- Collaboration with other stakeholders
- Appeal for Separation of powers
- Education issues should be prioritised
- There should be Stability within the coalition government parties; they should avoid to defy their constitutions and negotiate for peace and stability.

Founded in 1990

The primary mission of the council is to stimulate, promote and support NGO's in their development effort. In pursuit of this mission, The National Council will assist its member organisations to diagnose and satisfy their own needs as well as the needs of the society they serve. It will assist member organisations to be increasingly more effective in meeting their goals and to be able to initiate and maintain self-supporting and self-sustaining development and, therefore, fulfil their role in the upliftment of the disadvantaged and underprivileged and society at large.

