



Multi-stakeholder National Dialogue Plenary II Report

'Manthabiseng Convention Centre

25th – 27th November, 2019



The Lesotho We Want: Dialogue and Reforms for National Transformation

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LIST OF ACHRONYMS

AU	African Union
CCJP	Catholic in Commission for Justice and Peace
CCL	Christian Council of Lesotho
CID	Criminal Investigation Division
COSC	Cambridge Overseas School Certificate
CPC	Community Policing Committees
DCEO	Directorate of Dispute Prevention and Resolution
DPE	Development for Peace Education
EU	European Union
FIDA	Federation of Woman Lawyers
GANHRI	Global Alliance of National Human Rights Institutions
GNU	Government of National Unity
IEC	Independent Electoral Commission
JSC	Judicial Service Commission
LCA	Lesotho Communication Authority
LDF	Lesotho Defence Force
LGBTI	Lesbian Gay Bisexual Transgender Intersex
LGCSE	Lesotho General Certificate of Secondary Education
LHDA	Lesotho Highlands Development Authority
LMPS	Lesotho Mounted Police Service
LNBS	Lesotho National Broadcasting Services
LNDSP	Lesotho National Dialogue and Stabilisation Project
LNFOOD	Lesotho National Federation of Organisation of the Disabled
LTV	Lesotho Television
MISA	Media Institute of Southern Africa
MP	Members of Parliament
MSND	Multi-Stakeholder National Dialogue
NAP	National Action Plan
NDPC	National Dialogue Planning Committee
NLF	National Leaders Forum
NHRI	National Human Rights Institutions
NSS	National Security Service
NUL	National University of Lesotho
PCA	Police Complaints Authority
PM	Prime Minister
PR	Proportional Representation
PS	Principal Secretary
PWD	People With Disabilities

RSA	Republic of South Africa
SA	South Africa
SALW	Small Arms and Light Weapons
SADC	Southern African Development Community
TRC	Transformation Resource Centre
TSD	Teaching Service Department
UN	United Nations
UNDP	United Nations and Development Programme
VCL	Vodacom Lesotho
WLSA	Women Law in Southern Africa
YSC	Young Christian Students

ACKNOWLEDGEMENTS

The National Dialogue Planning Committee (NDPC) is indebted to Basotho representing over twenty sectors of the society, who diligently and wholeheartedly deliberated various national issues during the Multi-Stakeholder National Dialogue (MSND) held at Manthabiseng Convention Centre on the 25th to 27th November, 2019. Over eight hundred representatives who took part in the dialogue were a reflection of how ready Basotho are, to collectively work on their differences for the good of the country.

The Committee extends its gratitude to His Majesty King Letsie III, for his inspiring and guiding message which instilled hope, commitment and courage to forge forward into making Lesotho a better place for current and future generations.

The Committee acknowledges the support rendered to it by the Government through its Ministerial Sub Committee on Reforms and the Technical Team.

The role played by the National Leaders Forum (NLF) in the preparation of material for presentation to Plenary II deserves special recognition.

The people of Lesotho are highly indebted to the Southern African Development Community (SADC) for the facilitation role it continues to play in the reforms process.

The Committee further acknowledges the support and role played by development partners in Lesotho, especially the European Union (EU) and the United Nations Development Programme (UNDP).

The Committee is also inspired by the dedication shown by the National Leaders Forum Subcommittee in the synthesis and simplification of the Expert reports on the seven thematic reform topics. This was a true indication of the subcommittee's understanding that nothing of national importance could happen without requisite sacrifices.

Special gratitude goes to the team of National and International Experts, without whose sterling collective contribution this report, would not have been possible.

The NDPC wishes to express its sincere gratitude to everyone who contributed to the successful hosting of Multi-Stakeholder National Dialogue Plenary II and looks forward to the implementation of the decisions and resolutions of Plenary II.

The following members constitute the NDPC:

1. Hon. Samuel Rapapa
2. Mr. Chaka Ntsane

3. Mrs. 'Majoalane Thafeng
4. Ms. Liteboho Kompfi
5. Ms. Mamello Morrison
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13. Mr. Sam Letima
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15. Mr. Thabo Qhesi



Photo: Members of NDPC and UN staff

FOREWORD

The structure of the final NDPC report from Plenary II deliberations is a collation of the thematic reports that were distilled by Experts from all the dialogue reports from Plenary I, from In-District Consultations, from the Diaspora Consultations and from all written submissions that came from various sectors of society. This compendium that comes in seven separate thematic chapters contains the essence of the reform agenda as articulated by joint sittings of all stakeholders that were identified by the NDPC as representing the cross-section of Lesotho society.

The report is supported by annexures, which are the written material from which it was synthesised. It is also supported by the raw reports which are verbatim records of statements that were made at village level and in the Diaspora consultations. All these will be available as reference material that may be tested for authenticity.

The experience that the individual and collective members of NDPC gained over the period of their assignment is invaluable. As a microcosm of Basotho society, they experienced the same challenges that bedevil the socio-political arena in which the country has languished for the last fifty years and more. These were however, overcome due to three main factors:

- a. the commitment of the government of Lesotho to devote the necessary resources amidst trying economic and financial circumstances;
- b. the dedication of the development partners to render support even in the face of resistance that could derail the reform process;
- c. the unwavering resolve of the SADC Facilitation Team to succeed against all odds, and
- d. the consciousness of the members of the NDPC to the hope of Basotho in the villages that the reforms would bring positive change in their livelihoods.

All these were underpinned by a strong message of encouragement from His Majesty, King Letsie III.

All Basotho whose pronouncements form the content of this report and its annexures deserve no less than excellent service in the Implementation of the reform agenda. Kindly take note that that Security Sector Chapter has been presented differently due to the fact that various agencies are involved in the said sector.

Chapter 1

CONSTITUTIONAL REFORMS

ISSUE	DECISIONS/ RESOLUTIONS	IMPLEMENTING ENTITY	TYPE OF ACTION	TIME FRAME
1. Powers of the Prime Minister.	<ul style="list-style-type: none">• Set minimum and maximum number of Ministers.• Appoint and remove judicial leaders on the recommendation of Judicial Service Commission.• Appoint and remove Security Chiefs on the recommendation of concerned Commission i.e. Defence, Police, Correctional and National Security Services.• Appoint and remove Heads of Oversight Institutions on the recommendation of the Parliament.	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Short Term

2. Bill of rights.	<ul style="list-style-type: none"> • Include Socio-Economic Rights. • Include right of women, children, youth, LGBTI and the Disability. 	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Medium Term
3. Prorogation and dissolution of parliament.	<ul style="list-style-type: none"> • Remove prorogation Powers from the PM. • Fix term of Parliament at five years. • Make the circumstances under which Parliament may be dissolved stricter. 	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Short Term
4. Public funds.	<ul style="list-style-type: none"> • Draft a new chapter on Public Finance that bars the government from the appropriation of funds in the absence the Appropriation Act. 	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Short Term
5. Decentralisation.	<ul style="list-style-type: none"> • Implement the Decentralisation Policy immediately. • Clarify the various spheres of government. 	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Short Term

6. Office of First Lady.	<ul style="list-style-type: none"> Abolish the Office of First Lady. 	Cabinet	Administrative Action	Short Term
7. Political conflict resolution Mechanism.	<ul style="list-style-type: none"> Create a new chapter on political conflicts that will create a structure on conflict resolution. Or Look into the possibility of reviewing the Council of State. 	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Short Term
8. Office of King.	<ul style="list-style-type: none"> Review composition of Council of State by reducing the number of Public Servants. Review Sec. 52 and 53 to allow the College of Chiefs to recommend removal of the King to Parliament. Amend the Constitution to allow the King to be Commander-in-Chief of the Defense Force. 	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Short Term
9. Formation of Government and Coalitions.	<ul style="list-style-type: none"> Amend Sec. 87(2) to introduce Positive Parliamentarism. (Investiture Vote) 	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Short Term

	<ul style="list-style-type: none"> Regulate formation of a coalition government. Regulate formation of a coalition of opposition parties. 			
10. The Preamble.	<ul style="list-style-type: none"> Insert a preamble to the Constitution to be drafted. 	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Short Term
11. Land.	<ul style="list-style-type: none"> Retain the current land tenure system. Reclaim Lesotho's Conquered Territory. 	Ministry of Local Government Cabinet Office	Administrative	Short Term
12. Age of Majority.	<ul style="list-style-type: none"> Introduce a constitutional provision on the age of majority. 	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Short Term
13. Chieftainship.	<ul style="list-style-type: none"> Resuscitate the position of Paramount Chief. Redesignate the position of the Chief of Thaba Tšoeu and the Chief of Likueneng as Principal Chiefs. Divide Matsieng into two wards. Amend Sec. 55 of the Constitution to provide for inclusion of the 	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Short Term

	heads of Baphuthi, Maxhoza, Bafokeng and Matebele clans in the Senate.			
14. Religion and Religious Rights.	<ul style="list-style-type: none"> • Retain the <i>Status Quo</i>. 			
15. Application of International Law in Lesotho.	<ul style="list-style-type: none"> • Introduce new provisions on the regulation of application of international law. • Involve Parliament in the ratification of international agreements. 	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Short Term
16. Official Languages.	<ul style="list-style-type: none"> • Include Sexhoza, Sephuthi, and Sign Language in the Constitution as official languages. 	Ministry of Law and Constitutional Affairs	Constitutional Amendment	Short Term

Chapter 2

PARLIAMENTARY REFORMS

ISSUE	DECISIONS/ RESOLUTIONS	IMPLEMENTING ENTITY	TYPE OF ACTION	TIME FRAME
1.1 Floor Crossing.	Allow floor crossing after three years in the life of parliament.	Ministry of Law and Ministry of Constitutional Affairs	Constitutional Amendment	Short Term
1.2 Recalling MPs.	Reject.			
1.3 Loans for MPs.	Abolish government guaranteed loans.	Ministry of Finance	Legislative	Short Term
1.4 PWDs.	Provide for special seats for PWDs in parliament.	Ministry of Law and Ministry of Constitutional Affairs	Legislative	Medium Term
1.5 Children/Youth Parliament.	Pursue Child Protection and Wellbeing Act amendment proposing children's parliament by law and Pursue Policy that provides for Youth Council and other platforms like Youth Parliament all to be guided by Youth development legislation.	Ministry of Law and Ministry of Constitutional Affairs	Legislative	Medium Term
1.6 Political Parties.	<ul style="list-style-type: none"> Enact a party registration law that governs registration, ensures party compliance with set standards, and controls unhealthy proliferation but does not curtail democracy and freedom of association. 			

	<ul style="list-style-type: none"> Change registration number from 500 to 5000 NO CONVERGENCE. 			
1.7 Electoral Model.	<p>(i) Retain the MMP Electoral Model with amendments on:</p> <ul style="list-style-type: none"> ✓ Threshold ✓ two ballots and ✓ submission of party list after elections in relation to performance. 	Ministry of Law and Ministry of Constitutional Affairs	Legislative	Short Term
1.8 Separation of powers.	<p>(i) Create Parliamentary Service Commission.</p> <p>(ii) Ensure separation by</p> <ul style="list-style-type: none"> ✓ strengthening parliament through empowerment of committees ✓ limiting influence and excess of executive to parliament and judiciary ✓ introducing impeachment <p>(iii) Explore the possibilities of excluding MPs from being members of the Executive and compare with practices elsewhere.</p>	Ministry of Law and Ministry of Constitutional Affairs	Legislative	Short Term
2.1 Size of parliament (National Assembly).	Retain status quo			
2.2 Educational qualifications.	Retain status quo			
2.3 Term Limit of PM.	Limit tenure to two terms.	Ministry of Law and Ministry of Constitutional Affairs	Constitutional Amendment	Short Term

2.4 Bicameralism.	Retain Status quo			
2.5 Senate.	<p>(i) Retain Senate and improve by:</p> <ul style="list-style-type: none"> ✓ including Baphuthi, Bafokeng, Bathepu, and Matebele; ✓ nominating professionals and representatives of different sectors of society as members. 	Ministry of Law and Ministry of Constitutional Affairs	Constitutional Amendment	Short Term
2.6 Prorogation (note the constitution report).	Regulate time limit depending on the reason for prorogation.	Ministry of Law and Ministry of Constitutional Affairs	Constitutional Amendment	Short Term
2.7 Vote of no confidence in the government.	<p>(i) Prohibit the PM from advising the King on dissolution after a successful vote of no confidence and PM does not ordinarily have powers to advise on dissolution unless it is supported by a 2/3 majority of the National Assembly; and</p> <p>(ii) Remove the PM by 2/3 majority of the National Assembly to ensure stability.</p> <p>Or</p> <p>(iii) Keep simple majority since in the current arrangement a motion of no confidence may not be done more than once in a session.</p> <p><i>Note: Parliamentary session might have to be defined in relation to budget cycle(see constitutional report)</i></p>	Ministry of Law and Ministry of Constitutional Affairs	Constitutional Amendment	Short Term

	Agreed that the option proposed in the <i>Constitution</i> under Prorogation and Dissolution of Parliament be taken in place of proposals made here.			
2.8 Eligibility for Pension for PM and DPM.	Keep status quo subject to change in the provision for life of parliament to be made.			
3.1 Conditions of service for MPs and Senators.	Place under Parliamentary service commission upon its establishment.	Ministry of Law and Ministry of Constitutional Affairs	Legislative	Short Term
3.2 Impeachment of the sitting PM.	Introduce impeachment clause in the constitution.	Ministry of Law and Ministry of Constitutional Affairs	Constitutional Amendment	Short Term
3.3 IEC.	Engage IEC commissioners be on a part-time basis, strengthen accountability systems of the institution and make recruitment process transparent and open for public observation.	Ministry of Law and Ministry of Constitutional Affairs	Legislative	Short Term
4.0 REMUNERATION OF MPs:				
4.1 MPs only to be paid when they are present (MSND 1) Remuneration of MPs- To be paid hourly or daily-not salaried.	No			

4.2 Age limit to become MPs.	No			
4.3 To resuscitate the office of the Paramount Chief- the Paramount Chief to be substantive President of the Senate Chamber.	No			
4.4 MPs to serve for two terms (in district consultations).	Retain status quo			
4.5 Campaign funding- to be equitably distributed to all political parties proportionately to the constituencies/seats they intend to contest.	Yes			

Chapter 3

SECURITY SECTOR REFORMS

Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF, NSS, LMPS, LCS	1. National Security Policy/Strategy	<ul style="list-style-type: none"> - Development of a National Security Policy/Strategy that is in line with the country's constitution and strategic interests. 	
	Time frame	Type of action	Implementing agency
	Short term	<ul style="list-style-type: none"> - Development of a guiding framework for formulation of a National Security Policy; use AU Policy Framework as a departure point pending the commencement of constitutional and legislative provisions for the development of a National Security Policy/strategy.¹ 	Parliament, and all Security sector institutions, heads of strategic industries, academia, civil society
	Medium term	<ul style="list-style-type: none"> - Constitutional and legislative provision for the development and dissemination of the National Security Strategy/Policy and a National Security Review. - Constitutional provision for the establishment of Security Council to oversee the development security policy/strategy.² 	

¹ AU Policy Framework for Security Sector Reform

² See Articles 209 of Zimbabwe's Constitution of 2013 and 240 of the Constitution of Kenya 2010 for composition and functions of National Security Council

	Long term	- Continuous review the nation's strategic goals to inform national security vision, strategy and policy.	
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF, NSS, LMPS, LCS	2. Civilian supremacy, democratic control and neutrality of the security sector	<ul style="list-style-type: none"> - The King shall appoint a Service Chief on the advice of the Prime Minister who will have approved the candidate recommended by the National Security Commission, based on the candidates' merit and performance assessments as well as background vetting by the NSS. - The National Security Commission recommends to the Prime Minister to discharge or dismiss the Service Chief if the Commission evaluates and finds the Chief incompetent; involved in politics. - The Prime Minister may exercise the power conferred by the Constitution of Lesotho to remove the Service Chiefs from office, only after consultation with the National Security Commission. - The Commission shall make a decision after an exhaustive and objective evaluation to the Prime Minister on whether or not a Service Chief should be removed. - Where the Prime Minister does not agree with the recommendation of the National Security Commission, the matter shall be deferred to the Parliamentary Portfolio Committee, which shall make a recommendation that the Prime Minister will approve. <p>(a) Qualification for appointments of service chiefs and their deputies:</p> <ul style="list-style-type: none"> (i) A Lesotho citizen; (ii) Has not been convicted of a criminal offence; 	

		<ul style="list-style-type: none"> (iii) Hold a degree from a University recognised by the Counsel of Higher Learning – Lesotho or from a recognised military/service academy/institution; and (iv) Had served the service for at least 20 years; seven of which have been spent in senior management in line with the progression plan and have a distinguished career in their respective fields. <ul style="list-style-type: none"> - Is a serving member of the institution in question, of or above the relevant rank. - Revitalise and leverage the Cabinet Sub-Committee on security and ensure its accountability to parliament. 	
	Time frame	Type of action	Implementing agency
	Short term	<ul style="list-style-type: none"> - No appointments and removals in the interim. 	The coalition partners, Parliament, Ministries of Security sector institutions, Prime Minister’s office, Civil Society and Academia, LDF,NSS,LMPS,LCS
	Medium term	<ul style="list-style-type: none"> - Constitutional reform establishing a National Security Commission to serve the above mentioned function; - In the case of death of an incumbent Security Chief, the senior most among the deputies shall assume the appointment in an acting capacity until the recruitment procedure is reinitiated; - Amendment of the Service Acts to reflect the constitutional provision; and - Amendment of the Service Acts to reflect the qualification for appointments. 	
	Long term	<ul style="list-style-type: none"> - Monitoring and evaluation of adherence to the Constitutional and legal provision as required. 	

Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF, NSS, LMPS, LCS	3. Depoliticization of security sector	<ul style="list-style-type: none"> - Insulate security institutions from politically appointed executive officers; - Mitigate citizen incited politicization to build public confidence of institutions; - Prevent and punish political parties by law for interfering or inciting politics in the security sector; and - Clearly defined in the constitution what being partisan or politically active means for a member of the security sector.³ 	
	Time frame	Type of action	Implementing agency
	Short term	- Continuous Code of conduct and professionalism training on politicisation for serving members in security institutions.	Ministries of Security sector institutions, Parliament LDF, NSS, LMPS and LCS
	Medium term	<ul style="list-style-type: none"> - Constitutional provision barring political parties and their members from soliciting support from serving members of security institutions. - Constitutional provision barring serving members from actively participating in politics. 	
	Long term	- Periodical signing of officers confidential orders which will cover non-participation in any form of politics.	

³ See the Lesotho Public Service Act, 2008 and the example of the Constitutions of the Republic of Malawi, Zambia and Kenya

Institutions	Issue	Recommendations
LDF, NSS, LMPS, LCS	4. Relations among security institutions	<ul style="list-style-type: none"> - Elaborate by law, mandates, functions and inter-agency relations of security sector institutions.⁴ - Ensure all sector personnel – serving and incoming – are well vested with mandates, functions and their inter-agency relations of security institutions. - Explicitly differentiate the Defence force from national security service institutions⁵ to reflect their primary roles and political accountability i.e.: <p>Common principles relating to Defence Force and national security services</p> <p><i>1. The Defence Force and national security services shall:</i></p> <ul style="list-style-type: none"> <i>a. be nationalistic, patriotic, professional, disciplined and competent;</i> <i>b. be non-partisan;</i> <i>c. not further the interests or cause of a particular organisation; and</i> <i>d. not act against a political interest or cause permitted in this Constitution or as prescribed</i> <p><i>2. Clause (1) shall not prevent a member of the Defence Force and national security services from registering as a voter or voting in an election or referendum.</i></p> <p>Status of Defence Force and security services</p> <p><i>The Defence Force and national security services shall be—</i></p>

⁴ See RSA and Namibian constitutions for form of statutory provisions of inter-agency complementarity and supplementary

⁵ See Constitution of Zambia

- a. subordinate to civilian authority, as vested in the State organs; and*
 - b. adequately and properly equipped to enable them effectively to perform their functions.⁶*
 - c. a person shall not establish a military, paramilitary, or similar organisation that purports to promote and guarantee national security, except as provided for by this Constitution or an Act of Parliament.⁷*
 - d. No member of any security service may obey a manifestly illegal order.⁸*
-

Provisions related to the Defence Force:

- 1. There is established the Defence Force of the Kingdom of Lesotho consisting of—*
 - a. the regular force;*
 - b. the reserve force, and*
 - c. the volunteer element⁹.*
- 2. The Defence Force shall –*
 - a. preserve and defend the sovereignty and territorial integrity of the Republic;*
 - b. foster harmony and understanding between the Zambia Army, Zambia Air Force, an auxiliary unit and members of society; and*

⁶ See part XV: Article 190 – 194 of Zambia Constitution 2016, see also Article 169 of the Constitution of the Republic of Rwanda, which has a similar format in terms of preambular provisions

⁷ Article 239(4) of Constitution of Kenya 2010, Article 147(1) of the Constitution of the United Republic of Tanzania

⁸ Article 199(6) of the Constitution of South Africa of 1996

⁹ LDF Act of 1996 Sec.4(1) which outlines the composing elements of the Defence Force should be constitutionally enshrined

c. co-operate with State organs and State institutions in times of public emergencies and national disasters.¹⁰;

d. contribute to the development of the country;¹¹

e. participate in international peace keeping missions, humanitarian assistance and training.¹²

3. Deployment of Defence Forces

a. Subject to this Constitution, only the President as the commander in Chief has power--

- i. to authorise the deployment of the Defence Forces; or*
- ii. to determine the operational use of the Defence Forces.*

b. With the authority of the President, the Defence Forces may be deployed in Zimbabwe—

- i. in defence of Zimbabwe;*
- ii. in support of the Police Service in the maintenance of public order; or*
- iii. in support of the Police service and other civilian authorities in the event of emergency or a disaster.*

c. With the authority of the President the Defence Forces may be deployed outside Zimbabwe -

- i. On peace-keeping operations under the auspices of the United Nations Organisation or regional organisation of which Zimbabwe is a member;*
- ii. to defend the territorial integrity of a foreign country;*

¹⁰ Constitution of Zambia Article 192 (2) that outlines the primary functions of the Defence Force

¹¹ See article 173 of the Constitution of Republic of Rwanda which outlined a developmentalist mandate for the Defence Force

¹² *Ibid* which outlines the international engagement mandate of the Defence Force

iii. *in fulfilment of an international commitment; or*

iv. *in defence of Zimbabwe's national interests.*

d. *By a two-thirds majority of the total membership of Parliament at a joint sitting of the Senate and the National Assembly, Parliament may resolve that deployment of the Defence Forces outside Zimbabwe should be rescinded.*

e. *Where Parliament has resolved that a deployment of the Defence Forces outside Zimbabwe should be rescinded, the President must take all practical steps to withdraw the Defence Forces, taking due account of the need to ensure the safety of Lesotho personnel and equipment.*

4. Political accountability for deployment of Defence Forces

When the Defence Forces are deployed—

a. *in Zimbabwe to assist in the maintenance of public order; or*

b. *outside Zimbabwe.*

c. *the President must cause Parliament to be informed, promptly and in appropriate detail, of the reasons for their deployment and—*

(i) *where they are deployed in Lesotho, the place where they are deployed.*

(ii) *where they are deployed outside Zimbabwe, the country in which they are deployed.*¹³

Provisions related to national security service institutions¹⁴ i.e.: LMPS, NSS, LCS

LMPS role in:

¹³ See articles 213 -214 of Zimbabwe's Constitution of 2013 which outlines the constitutional procedures for deployment and rescission of with participation of parliament.

¹⁴ See Article 193 of the constitution of Zambia, which explicitly differentiates the national security services i.e, Police, Security Intelligence and Correctional Services from the Defence Force.

		<p><i>Participating in international peacekeeping missions, humanitarian assistance and training</i>¹⁵</p> <p>NSS role in:</p> <ul style="list-style-type: none"> - <i>Advice the President and the Government of any threat or potential threat to the security of Namibia;</i> - <i>Assisting the Namibian Police by gathering intelligence to be used in the detection and prevention of such serious offences as may be determined by the Director-General after consultation with the Inspector General;</i> - <i>Gather ministerial intelligence at the request of any interested office, ministry or agency, and without delay to evaluate and transmit as appropriate to that office, ministry or agency such intelligence and any other intelligence at the disposal of the Service and which constitutes ministerial intelligence;</i> - <i>Assist with the carrying out of security vetting investigations for the security clearance of persons who hold or may hold vettable posts in offices, ministries and agencies or who have or may have access to any sensitive or classified information; and</i> - <i>Perform other functions as prescribed.</i>¹⁶ 	
	Time frame	Type of action	Implementing agency
	Short term	- Establishment of a National Security Council to oversee relations between sector institutions in their complementarity, which will also be the focal point in the review of functions and mandates of different Lesotho Security Institutions.	Ministries of Security sector institutions, , Ministry of Law and

¹⁵ See Article 171 of the constitution of the Republic of Rwanda which constitutionally mandates the participation of the police service in international peacekeeping missions ;

¹⁶ See section 5 (1) (a) – (d) of Namibia Central Intelligence Service Act 10 of 1997

		<ul style="list-style-type: none"> - Proposals by LDF and LMPS on how they are going to contribute to peace keeping operations.¹⁷ 	constitutional affairs, Ministry of Foreign Affairs and International Relations, Parliament, LDF, LMPS, LCS, NSS, development partners
Medium term	<ul style="list-style-type: none"> - Constitutional and legislative provisions following the review of functions and mandates of Lesotho security institutions in line with the National Vision/Interest. - Establish a coordination committee for instance, a National Security Council or. - Re-introduce the previous Joint Operations and Intelligence Committee at National level which will subsequently represented at Regional and district level. - Resource mobilisation on peacekeeping operations. 		
Long term	<ul style="list-style-type: none"> - Continuous evaluation of inter-agency responsibilities in line with the emergence and evolution of threats to national security. 		
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF, LMPS, LCS, NSS	5. Effective and accountable delivery of security services	<ul style="list-style-type: none"> - Security affairs across all agencies should be open to performance auditing through parliament, judicial and independent oversight mechanisms; - Developing frameworks and leverage on security cooperation at bilateral, regional and international; - Development of assessment frameworks; - Conduct needs assessment for all security agencies with a view to providing appropriate personnel, training and equipment; 	

¹⁷ See <https://peacekeeping.un.org/en/bangladesh-three-decades-of-service-and-sacrifice-un-peacekeeping> Bangladesh's participation in UN peacekeeping mission has boosted the country's reputation and shored up its international image. It is interesting that small country should contribute so much to peacekeeping to extent that the military has lost interest in meddling in domestic politics

		<ul style="list-style-type: none"> - Provide and improve clear systems for internal control and supervision – code of conducts, internal regulations, and disciplinary standards complaints process; - Develop resource mobilisation strategy; - Align security institutions structure with the national security strategy to improve control and management of service delivery; and - Benchmark rank structures of agencies with other sister organisations in the region. 	
	Time frame	Type of action	Implementing agency
	Short term	<ul style="list-style-type: none"> - Development of assessment frameworks; - Conduct needs assessment for all security agencies with a view to providing appropriate personnel, training and equipment; and - Development of internal control and supervision documents. 	Ministries of Security sector institutions and Parliament.
	Medium term	<ul style="list-style-type: none"> - Develop resource mobilisation strategy; - Sector wide needs assessments conducted; - Security institutions structures revised to address current security challenges and rank structures benchmarked with other sister organisations in the region; - Implementation of supervision and internal control systems; - Bilateral, regional and international Memorandum of Understanding on security cooperation and capacity building; - Implementation of best practice programmes on security cooperation; 	

		<ul style="list-style-type: none"> - Constitutional amendment to reflect the establishment of National Security and Advisory Board whose other function will be to report to parliament on the state of security in Lesotho¹⁸. 	
	Long term	<ul style="list-style-type: none"> - Leverage the existing policies of strategic planning and reporting with regards to resource allocation. 	
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LMPS	6. Effective and accountable delivery of security services by LMPS	<ul style="list-style-type: none"> - Empower and adequately resource LMPS to be protective in crime prevention as opposed to being reactive. - Establish Police Commission.¹⁹ - Community policing committees (CPCs) (Mahokela) provided with non-lethal kit during their engagement. - LMPS to be equipped and resourced to leverage the usefulness of Mahokela (Budget allocation for Mahokela). - Broaden community policing to include crime prevention through environmental design.²⁰ - Resuscitate Training Advisory Board. - Develop training policy in line with emerging crime trends; monitor and approve the training curriculum and oversee its implementation with emphasis on: <ul style="list-style-type: none"> o physical training to deter unnecessary use of firearms; 	

¹⁸ Section 240 of the Constitution of Kenya

¹⁹ See Article 222 – 223 of the Constitution of Zimbabwe on the composition and functions of Police Service Commission, see article 246 of the Constitution of Kenya, 2010 on the establishment and composition of National Police Service Commission

²⁰ See example Constitution and section 19(1) of the South African Police Services (SAPS) Act 68 of 1995.

		<ul style="list-style-type: none"> o Refresher courses; o Senior Officers Command courses; o Strengthen CID basic and advanced courses addressing stock theft unit, traffic unit, and gender and child abuse, gender based violence (GBV) work, white collar crimes, interrogation techniques and human right, etc.; o Scene of Crime Officers (SOCO) training courses must be revived; o Prosecution and Presiding Officer’s courses; and o Public order Policing must be emphasized. <ul style="list-style-type: none"> - The Minister to present crime statistics every year. - Introduction of integrated justice system to improve the efficiency and effectiveness of the Lesotho criminal justice process in an effort to increase the probability of successful investigation, prosecution, punishment, and ultimately the rehabilitation of offenders and their restoration back into society.²¹ - Strengthen stock theft Unit within the LMPS. - Greater attention to car theft. 	
	Time frame	Type of action	Implementing agency
	Short term	<ul style="list-style-type: none"> - Cabinet decision to introduce integrated justice system. - Formulation of a task team on integrated justice system, and terms of references. 	Ministry of Police and Public Safety, Parliament, LMPS,

²¹ <https://pmg.org.za/files/170531IJSReport>

		<ul style="list-style-type: none"> - Consultations with Mahokela to gather lessons learned towards an evidence based Mahokela and citizen participation in crime prevention programming. - Aggressive and continuous campaign around active citizen responsibility and action in crime prevention. 	Ministry of Justice and Correctional Service, Ministry of Finance
	Medium term	<ul style="list-style-type: none"> - Constitutional provision for the establishment of Police Service Commission. - Stipulate guidelines for training policy and curriculum. - Budget allocation for Mahokela. - Amendment the constitution and LMPS service Act of 1998 to include presentation of crime statistics and policing efficiency reports to parliament. - Conduct needs assessment preceding to introduction of integrated justice system. 	
	Long term	<ul style="list-style-type: none"> - Implementation of integrated justice system. - Ongoing input, evaluation and two way feedback between the members of the community and LMPS. 	

Institutions	Issue	DECISIONS/ RESOLUTIONS	
LMPS	7. Effective and accountable delivery of Police Complaints Authority Oversight	<ul style="list-style-type: none"> - Mandatory investigation by Police Complaint Authority (PCA) in any complaint relating misconduct or non-compliance by police officers whether on or off duty, in the execution of their duties or otherwise.²² - Mandatory Inquest to investigate any death in police custody, especially death as a result of police action or caused by natural death within police custody. - PCA be established under the Constitution of Lesotho. - Membership to exclude Commissioner of Police and Minister of Police and Public Service. - Report and disseminate work of the PCA regularly to the public. - Decentralised and open access to the PCA. - Expand the Ombudsman to accommodate the PCA. 	
	Time frame	Type of action	Implementing agency
	Short term	<ul style="list-style-type: none"> - Legislative and constitutional provision for an autonomous PCA with executive powers, and powers to prosecute. - Development of a new institutional framework of the PCA to accommodate autonomy and reformulated mandate. - Stratification of recourse for complaints and misconduct. - Reformulation of the complaint, investigation, decision-making, resolution and or appeal process. 	LMPS, PCA, Ministry of Law and Constitutional Affairs, Ministry of Justice and Correctional Service, Parliament, Civil Society.

²² See example of the Independent Police Investigative Directorate Act, 2011 (Act 1 of 2011) – South Africa for comprehensive articulation of terms for investigation

		<ul style="list-style-type: none"> - Functional decentralisation of complaints channels. - Stakeholder dialogue on the PCA, its mandate and role. - Identify existing structures in the Ministry of Justice and Parliament to provide oversight of the PCA's work. 	
	Medium term	<ul style="list-style-type: none"> - Decentralisation of the structural and institutional channels of complaints and recourse. - Development of a new organisational structure. - Recruitment and staffing. 	
	Long term	<ul style="list-style-type: none"> - Monitoring of complaints and resolutions as indicators of public confidence in the police service and justice system. - Continuous periodic consultations with police, the public and the justice system on the efficiency of the PCA. 	
Institutions	Issue	Challenges	
LDF	8. Effective and accountable delivery of national defence	<ul style="list-style-type: none"> - The LDF should optimise its Public Relations office to popularize its civil work, achievements and projects within the limits of not jeopardizing the integrity of the institution. - National sensitization of the LDF's peacetime engagement and strategy. - Establishment of a military academy to strengthen military post-secondary education, institutional research into military and civil disciplines, process institutional knowledge management and capacity building in partnership with the Ministry of Education. 	

		- The retirement age from 55 years to 60, as fall public servants. ²³	
	Time frame	Type of action	Implementing agency
	Short term	<ul style="list-style-type: none"> - Formulation of an external communications strategy that engages digital audiences. - Formulation and public dissemination of the LDF’s peacetime strategy and engagements. - Strong public sensitization campaign of the LDF as a deterrent defence force instead of an offensive army. - Dialogue on the establishment of Military Academy. 	LDF, Ministry of Defence, Ministry of Law and Constitutional Affairs Parliament, Media, Civil Society and Academia, Ministry of Education
	Medium term	<ul style="list-style-type: none"> - Creation of media content from existing project monitoring to build communications content. - Establishment of an Action Plan towards the establishment of a Military Academy. - Section 23(1) and 39 (1) of LDF Act respectively be amended by substituting the number “55” with “60”. 	
	Long term	<ul style="list-style-type: none"> - Periodic monitoring, institutional learning and goal setting for LDF public engagement strategy and activities. - Institution of a Military Academy. 	

²³ <https://www.moneycontrol.com/news/india/army-considers-raising-retirement-age-to-retain-s>, The mode is also intended to reduce the mounting pension obligation on the Indian Army. Also, It is important that mandatory retirement age be revisited to fully benefit the organisation and bring it in line with the practice in SADC region; in that regard.

Institutions	Issue	DECISIONS/ RESOLUTIONS	
NSS	9. Effective and accountable delivery of strategic intelligence	<ul style="list-style-type: none"> - Establish the Ministry of Intelligence. - Conduct continuous training to focus on child specific issues. - To leverage autonomy and enhance decision making for early warning and early response to threats. - National Security Service is to be an independent civil institution under its Director General answerable to the Prime Minister. - Maintaining intelligence channels to relevant executive and policy avenues for effective decision making at all levels of government. - Leverage existing counterintelligence capabilities. - Review and restructuring and strengthening of intelligence channels with law enforcement, government i.e. Council of State, and other institutional decision making elements towards intelligence responsive governance. - Compulsory retirement at 60yrs of age. 	
	Time frame	Type of actions	Implementing agency
	Short term	<ul style="list-style-type: none"> - Capacity building in intelligence ethics. - Review of NSS human security priorities. - Capacity building in intelligence responsive governance for the NSS and political authorities. 	NSS, Ministry of Defence, Ministry of Law and Constitutional Affairs

	Medium term	<ul style="list-style-type: none"> - Constitutional and legislative review of NSS mandates. - Intelligence architecture review and restructuring. - NSS entrusted with building a culture of monitoring, forecasting, early warning and resilience building across the Government of Lesotho and state institutions. - Amendment of National Security Act for compulsory retirement to be at 60 years. 	Parliament, Ministry of Finance, Ministry of
	Long term	<ul style="list-style-type: none"> - Monitoring, evaluation and institutional learning to optimise the intelligence and counterintelligence operations, as well as the intelligence cycle to optimise decision making. 	
Institutions	Issue	Recommendations	
LCS	10. Effective and accountable delivery of security and rehabilitation in the penal system²⁴	<ul style="list-style-type: none"> - Equip LCS officers with capacity to apply child friendly/protection approaches in their service delivery. - Overhaul of the LCS legislation to optimise efficiency. - Construct separate cells for children to divide them from adult offenders should be separated according to the type of offences committed i.e. petty offences, remand and legal offenders. - Equally prioritise the rehabilitation and security functions of the LCS. 	

²⁴ - UN Standard Minimum Rules for the Treatment of Prisoners,
- Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment,
- Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules),
- Rules for the Protection of Juveniles Deprived of Their Liberty, Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules),
- Code of Conduct for Law Enforcement Officials,

		<ul style="list-style-type: none"> - Amend the Lesotho Correctional Service Act No; 3 of 2016 to facilitate for the Establishment of the LCS Inspectorate. - Establishment of Correction Service Commission to deal with promotion, training, etc.²⁵ - Establishment of a victims of crime unit. - Establishment of a trading account for the LCS. 	
	Time frame	Type of actions	Implementing agency
	Short term	<ul style="list-style-type: none"> - Capacity building in juvenile detention and rehabilitation. 	LCS, Ministry of Justice and
	Medium term	<ul style="list-style-type: none"> - Lesotho Correctional Service Act No; 3 of 2016 amended to facilitate for the Establishment of the LCS Inspectorate. - Constitutional and legislative provision for the establishment of Correctional Service Commission. - Legislative provision for establishment of trading account for LCS. - Financial auditing and reporting mechanism established. - Drafting of Prisoner Rehabilitation Project with support from UNODC's Global Programme for the Implementation of Doha Declaration, which assist Member 	Correctional Service and Parliament

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- International Covenant on Civil and Political Rights,
 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
 - Convention on the Elimination of All Forms of Discrimination against Women,
 - Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities

²⁵ See section 231 – 232 of Zimbabwe's constitutional of 2013 on the establishment , composition and functions of the Prisons and Correctional Service Commission

		States in breaking the cycle of re-offending through effective rehabilitation and social reintegration. ²⁶	
	Long term	<ul style="list-style-type: none"> - Prison facilities constructed/improved to cater for different categories of prisoners, taking account of their sex, age, criminal record, the legal reason for their detention and the necessities of their treatment.²⁷ - Long term training to capacitate LCS officers to endow with child friendly approach in their service delivery conducted. - Implementation of Prisoner Rehabilitation Project. 	
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF, NSS, LMPS, LCS	11. Service recruitment, retention and conditions of service	<ul style="list-style-type: none"> - The recruitment and induction shall consider every Mosotho adult between ages of 18-26. - Recruitment periodicity and volumes in the service institutions will be directed by the National Security policy and strategic plan and institutional planning objectives. - The recruitment process is required to be free of any gender prejudice or preference, with guidance from the SADC protocol on gender and development. - Use major media platforms to publish all exams and testing results for recruitment. - Ensure transparent, non-partisan procedures for appointment and promotions of senior officers. - The Office of the Ombudsman and other oversight mechanisms leveraging their role by accepting complaints from service and military personnel. 	

²⁶ See www.unodc.org/documents

²⁷ https://www.unodc.org/pdf/criminal_justice Standard Minimum Rules for the Treatment of Prisoners: UNODC, 1977

		<ul style="list-style-type: none"> - Law to provide that service staff may refer their complaints to the Office of the Ombudsman and other oversight bodies. - Opportunity for Support/"civilian" staff to make lateral transitions into security institutions following due process and training. - Allocation of positions that can be filled by persons with disabilities in security institutions. 	
	Time frame	Type of actions	Implementing agency
	Short term	<ul style="list-style-type: none"> - Internal assessment of critical opportunity points for external influence in the recruitment process. 	LCS, LDF, NSS, LCS, Ministry of Labour and Employment, Ministry of Public Service, Ministry of Law and Constitutional Affairs Parliament
	Medium term	<ul style="list-style-type: none"> - Legal provision for the Office of the Ombudsman to accept complaints from service and military personnel and recommend legally binding resolutions. - Rule based insulation against political or other influence for individuals who work in the Human Resource department e.g. declaration of assets before taking on office. 	
	Long term	<ul style="list-style-type: none"> - Continuous review of the recruitment process to detect and stopgap emerging opportunities for external influence. 	

Institutions	Issue	DECISIONS/ RESOLUTIONS	
LCS	<p>12. LCS as a security institution</p>	<ul style="list-style-type: none"> - Elaboration of the LCS's role in the national security architecture with a focus on complementarity instead of seniority.²⁸ - Clear demarcation of LSC mandate and personnel stratification i.e., security and rehabilitation programming. - Adequately resource LCS for efficiency. - Rehabilitation and social-reintegration centred approach to detention and imprisonment. - Equally prioritize rehabilitation and social re-integration approach to detention and imprisonment with continuous capacity building. - Ensuring the safety of LCS personnel in their interactions with detainees. - Strive for efficient institutional management. 	
	<p>Time frame</p>	<p>Type of actions</p> <ul style="list-style-type: none"> - Institutional and capacity assessment of the LCS to determine resource gaps. - Formulation of an institutional architecture reflecting a demilitarization and civilianisation of the correctional services. - Articulation of rehabilitation and physical security roles to identify and stratify capacity building needs. - Capacity building in human rights for detainees and prisoners. 	<p>Implementing agency</p> <p>LCS, Ministry of Justice and Correctional Service</p>
	<p>Short term</p>		

²⁸ The Role of Penal Reform in Security Sector Reform Geneva Centre for The Democratic Control Of Armed Forces (DCAF) Occasional Paper – №18: “in many post-conflict SSR environments, such as Afghanistan, Burundi, Côte d'Ivoire, the Democratic Republic of the Congo (DRC), Haiti and Liberia, inadequate attention to penal reform has undermined efforts at police or judicial reform”.

		<ul style="list-style-type: none"> - Develop institutional management framework. - Relegate immediate institutional management and direction to the LCS Commissioner. 	
	Medium term	<ul style="list-style-type: none"> - Continuous capacity building in human and physical security for senior and junior LCS personnel. 	
	Long term	<ul style="list-style-type: none"> - Monitoring and review of correctional services to establish a community of practice in correctional services security. 	
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF	13. Deployment and Positioning of LDF	<ul style="list-style-type: none"> - Deployment of LDF along the country's porous borders in line with their mandate for territorial security. - Exclusively designate LDF operational areas to avoid villages encroaching on LDF instalments. - Regional command bases to be strengthened to improve the efficiency and effectiveness of LDF in urban and rural areas. - Locate Commander's offices outside the Barracks. 	
	Time frame	Type of actions	Implementing agency
	Short term	<ul style="list-style-type: none"> - Establishment of regional brigades or bases using temporal materials like tents or prefabs. 	LDF, Ministry of Defence, Ministry of

	Medium term	<ul style="list-style-type: none"> - Establishment of regional commands by lodging into already existing government buildings until permanent buildings are built. - Joint Task Team between LDF and Ministry of Local Government and Chieftainship to identify LDF territories and to work on modalities of preventing land allocation bodies in allocating residential sites in LDF territories. 	Public Works, Parliament, Ministry of Local Government and Chieftainship
	Long Term	<ul style="list-style-type: none"> - Establishment of permanent regional commands or bases. 	
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF, LMPS, LCS, NSS	14. Public trust in security institutions	<ul style="list-style-type: none"> - Establishment of a public outreach and engagement strategy and office for each institution, to be carried out in print, broadcast and digital media platforms. - Institutional capacity building for handling and communication of sensitive issues, rumour management and public dialogue for good governance, conflict prevention and management. <p>Measure oscillations of public trust in the security sector and, identify the root causes of upswings to leverage them and correct the drops i.e. a Social Barometer of public confidence and trust in sector institutions.</p>	
	Time frame	Type of actions	Implementing agency
	Short term	<ul style="list-style-type: none"> - Create dialogue spaces for the sector and the public through social engagement events. 	Ministries of security institutions, NSS, LDF,

		<ul style="list-style-type: none"> - Leverage existing public relations offices and strategy to run the strategy and feed findings back to the respective institutions to guide internal institutional confidence. 	LMPS, LCS, Civil society, Parliament.
	Medium term	<ul style="list-style-type: none"> - Establish platforms for strong institution-public communications to disseminate monitoring data and leverage the public interest in this information. 	
	Long term	<ul style="list-style-type: none"> - Monitor and evaluate this strategy for improvement and adaptation to the socio-political climate. 	
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LMPS	15. Police public relations	<ul style="list-style-type: none"> - The current practice whereby only Police Officers who had undergone initiation school to handle cases related to initiation schools to continue; however, flexibility should be applied where initiated officers are not available. - A Policy on Customary Practices on Initiation in Lesotho be developed with a view to outline the working modalities among initiates, traditional leaders Chiefs and law enforcement agencies. 	
	Time frame	Type of actions	Implementing agency
	Short term	<ul style="list-style-type: none"> - Consultations between LMPS, Ministry of Tourism Environment and Culture and Traditional Leaders to iron out differences and to pave a way forward. 	LMPS, Traditional Leaders, Ministry of

	Medium term	- Policy on Police engagement on Customary Practices of Initiation.	Tourism Environment and Culture
	Long term	- Monitoring and evaluation on implementation of agreed standards.	
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF, LMPS, LCS, NSS	16. Respect for Human Rights	<ul style="list-style-type: none"> - Development of a human rights strategy to: <ul style="list-style-type: none"> o maximise human rights observance in the security sector; o consider both citizens and security sector operatives as right-holders; and o emphasise security specific human rights issues such as the <i>habeas corpus</i> with regards to the Police Service, Lesotho Defence and the Correctional service, <i>locus standi</i> for human rights violations and data protection with regards to intelligence gathering techniques, etc. - Legislate the role of the institution, their executives and operatives as custodians, protectors and fulfillers of human security for all. - Develop preventative and reactive psychosocial behavioural change intervention programmes. - Assessment of security sector institutions on their human rights performance in preparation for: 	

		<ul style="list-style-type: none"> o Institutional and administrative interventions to strengthening human rights observance, emphasis on the relationship between right holder and duty bearers; and reiterating the rights and responsibilities of both. - Adopt an evidence-based monitoring and evaluation (outcomes) instead of output based. - Integrate human rights into Manuals and Service Operating Procedures for respective Security Sector institutions. 	
	Time frame	Type of actions	Implementing agency
	Short term	<ul style="list-style-type: none"> - Formulation and articulation of a sector side Human Rights framework and action plan. 	Ministry of Foreign Affairs and International Relation,
	Medium term	<ul style="list-style-type: none"> - Strengthen the promotion, ratification, and implementation of key international human rights treaties and rights instruments. - Address International observations of human rights abuses by the security sector in Lesotho.²⁹ - Constitutional provision on the establishment of Human Rights Commission. 	Parliament, Civil Society, Human Rights Activists/ Academia
	Long term and continuous	<ul style="list-style-type: none"> - Organise periodic exchanges of views among Member States on best practice in implementing human rights treaties. 	

²⁹ See Lesotho UPR Recommendations

Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF, LMPS, LCS, NSS	17. Gender mainstreaming in the security sector and its operations	<ul style="list-style-type: none"> - Lesotho holds a gender outlook that gives opportunity to all Basotho adults to serve in security sector institutions irrespective of biological gender or gender identification. - Administrative policies should redress gender imbalances through gender inclusive language. - Use a dual track approach of gender mainstreaming and gender specific policy to identify and eradicate direct and indirect gender discrimination. - Leveraging the SADC Protocol on Gender and Development. - Institute continuous capacity building across the sector from the most senior to most junior level on: <ul style="list-style-type: none"> • Sound gender approaches to policy making; and • Gender sensitive execution of their duties, such as avoiding secondary victimisation of female and male victims of gender based violence. - Periodic monitoring and evaluation to gauge the state of gender balance performance and indicate the way forward. 	
	Time frame	Type of actions	Implementing agencies
	Short term	<ul style="list-style-type: none"> - Development of a gender performance assessment framework. - Formulation of gender sensitization activities for all security sector personnel. - Pre and post training/campaign tests to evaluate knowledge levels and attitudes. - Creation and opening of spaces for dialogue within security sector institutions. 	LMPS, LDF, NSS, LCS, Ministry of Gender, Youth, Sports and Recreation

	Mid term	<ul style="list-style-type: none"> - Legislative amendment to address gender balance in the institutional Acts to ensuring gender neutrality. - Intensifying ratification and participation of international treaties and agreements on gender. 	
	Long term	<ul style="list-style-type: none"> - Monitoring, evaluation and institutional learning for continuous implementation of gender balance strategy. 	
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF, LMPS, LCS, NSS	18.Security sector and youth development	<ul style="list-style-type: none"> - Security sector institutions to contribute to teaching and instruction in a national service program which, in addition to the curriculum, will entail patriotism geared education: <ul style="list-style-type: none"> • Program duration of maximum two years; • Participants will qualify using high school fourth year results into this program; and • Participants will obtain a Post-secondary school diploma or certificate. - Engagement of youth in security discourse. 	
	Time frame	Type of actions	Implementing agency
	Short term	<ul style="list-style-type: none"> - Engage youth in security dialogue, i.e. with Parliament Portfolio Committee. 	Ministry of Education,

		<ul style="list-style-type: none"> - Formulate a national youth resilience and crisis preparedness program, framework and action plan. 	Ministry of Defence, Ministry of Gender Youth, Sports and Recreation
Medium term	<ul style="list-style-type: none"> - Run a youth resilience assessment. - Formulate and implement framework and action plan to monitor youth resilience during political and security crises. 		
Long term	<ul style="list-style-type: none"> - Dialogue platforms for youth in peace and security. 		
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF, LMPS, LCS, NSS	19.Proliferation of illicit small arms and light weapons (SALW)	<ul style="list-style-type: none"> - Establishment of a National Focal Point Committee (NFPC) to oversee the implementation of the legally binding SADC Protocol on the Control of Firearms, Ammunition and other related material (SADC Protocol on Firearms), in terms of article 17 of the Protocol that will be the starting point for further development of a holistic and integrated small arms and light weapons (SALW) control, that involve measures to that address the three dimensions of supply, demand and misuse.³⁰ - Domestication of international Protocols, conventions and treaties on SALW.³¹ - Vigilance and action of legally obtained but illegally possessed and brandished arms. 	

³⁰ See SALW Control Training Manual for West Africa

³¹ UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition (UN Firearms Protocol); The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (UNoPA), Bamako Declaration on African Common Position on Illicit Proliferation, Circulation and Trafficking in SALW; and SADC Protocol on Firearms , Firearms Trade Treaty and SADC Protocol On SALW

		<ul style="list-style-type: none"> - Licencing period of small arms is once annually to curb increased. - Define the role of Chiefs in determining applicant's suitability to possess a fire arm. 	
	Time frame	Type of actions	Implementing agency
	Short term	<ul style="list-style-type: none"> - Formulation of NFPC with a fully functional secretariat 	LDF, LMPS, NSS, LCS,
	Medium term	<ul style="list-style-type: none"> - National Conference on SALW on conducted. - Mapping phase assessment on the true nature and extent of the firearm problem Lesotho. - Policy on SALW developed to address the full spectrum of issues related to SALW and to provide the basis for the review of national legislation, regulation and administrative procedure governing SALW. - National Action Plan (NAP) for Arms Management and Disarmament in Lesotho developed. - Resource mobilisation strategy development to fund the implementation of NAP. - Internal Security Arms and Ammunition Act no.17 of 1966 reviewed to be in conformity with regional and international measures³² to deal with SALW in a comprehensive and coordinated manner. 	Ministries of Gender, Youth, Sports and Recreation, Foreign Affairs and International Relations, Parliament, Civil Society and Academia, development partners

³² UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components, and Ammunition (UN Firearms Protocol); The UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in all its Aspects (UNoPA), Bamako Declaration on African Common Position on Illicit Proliferation, Circulation and Trafficking in SALW; and SADC Protocol on Firearms

		<ul style="list-style-type: none"> - Central electronic database developed for national recordkeeping, control of the national stockpile and to assist with investigation, national information and regional co-operation priority. - Leverage on existing bi- and multilateral joint operations on curbing illicit firearms and ammunition. 	
	Long term	<ul style="list-style-type: none"> - Continuous Implementation, monitoring and evaluation of NAP on SALW. 	
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LMPS	20. Police law enforcement suffering at the cost of a focus on non-core functions	<ul style="list-style-type: none"> - Keep forensic services with LMPS, and report to Deputy Commissioner Criminal Investigation Services. - Traffic law enforcement functions to remain with LMPS and clear lines of demarcation and complementarity be drawn between LMPS and Traffic Inspectorate Officers. - Transfer fire brigade and paramedics function to Ministry of Local Government as emergency services. - LMPS to complement on crime scene investigations. 	
	Time frame	Type of actions	Implementing agency
	Short term	<ul style="list-style-type: none"> - Policy guidelines on lines of demarcation and complementarity between LMPS and Traffic Inspectorate Officers. 	Ministry Police and Public Safety, Ministry

		- Coordination of efforts to avoid duplication and redundancy.	of Transport, LMPS, Ministry of Local Government and Chieftainship, Fire Brigade, Forensic Service Department
	Medium term	- Effective change management. - Amendment of Road Traffic Act of 1981 to cater for new developments. - Capacitating Fire Brigade to focus more on fire prevention.	
	Long term	- Periodic commercial inspection on fire compliance. - Continuous accreditation of Forensic Laboratory in line with ISO/IEC 17025. ³³	
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF, LMPS, LCS, NSS and Private security services	21.Regulation and aligning private security to the public interest and promote safety.	- Subject civilian private security services to government regulation, oversight bodies, and programs that enhance standards to improve their contribution to crime prevention and community safety.	
	Time frame	Type of actions	Implementing agency
	Short term	- Private security sector mapping to establish the size and activities of sector members	Ministry of Police and Public Safety, Private

³³ ISO/IEC 17025 Testing and Calibration Laboratories

	Medium term	<ul style="list-style-type: none"> - Constitutional and legislative provision for regulation of private security services.³⁴ with regards to conduct, accountability, accreditation and their role with regards to the national security sector institutions. - Legislative provision to attribute the regulation of private security services to the Police Service, to regional compliance boards and to international norms and regimes.³⁵ 	Security Companies, Parliament
	Long term	<ul style="list-style-type: none"> - Monitoring, evaluation and review of this strategy and its implementation for increased efficiency. 	
Institutions	Issue	DECISIONS/ RESOLUTIONS	
LDF, NSS, LMPS,	22.Prime Minister and Ministerial/Executive VIP Service.	<ul style="list-style-type: none"> - The Lesotho Mounted Police Service take primary responsibility the VIP service³⁶ - Joint agency approach according to three layers of security - Specialised training in Executive/VIP protection unit of the LMPS trained by the LDF - NSS to provide the advance team services - Regular and comprehensive security assessments of VIP service and - The NSS provides intelligence for effective VIP protection - The protection and security measures of the Prime Minister, Deputy Prime Minister and Cabinet Ministers include, but are not limited to: 	

³⁴ South Africa, Private Security Industry Act no. 56 of 2001 <https://www.gov.za/documents/private-security-industry-regulation-act> accessed 26 August 2019

³⁵ See The Sarajevo Code of Conduct for Private Security Companies and The Sarajevo Client Guidelines

³⁶ See the Organ gram of Namibia Police Force, www.nampol.gov.na, and www.kenya.go.ke

		<ul style="list-style-type: none"> ○ regular security assessments; ○ static protection at all official and private residences; ○ In-transit protection during all domestic and international movements; ○ In-transit protection during all domestic and international movements; and ○ regular vetting of protectors, medical personnel and other staff 	
	Time frame	Type of actions	Implementing agency
	Short	<ul style="list-style-type: none"> - Stratified training of Security Sector Officers in Executive/VIP personal and event security. - Establishment of and continuous capacity building Code of Conduct and professionalism to officers in Security Sector agencies with regards to indiscretions in Executive/VIP service. 	Ministries of security sector institutions, Ministry of Foreign Affairs and International Relations LDF, NSS, LMPS, LCS,
	Medium	<ul style="list-style-type: none"> - Periodic review of the mandates of Executive/VIP service capabilities and the persons entitled to this service, conditions for the cost of this service. - Build an excellence and performance based Executive/VIP protection service training programme adapted to Lesotho's unique context. 	

	Long Term	<ul style="list-style-type: none"> - Establishment of and linkages with platforms for the community of practice in Executive/VIP protection services. - Catalogue and keep in line with shared international best practice to the effect that it enhances the efficiency of the Executive/VIP protection service. 	
Institutions	Issues	DECISIONS/ RESOLUTIONS	
LDF, LMPS, LCS, NSS	23. Transitional and other justice processes³⁷	<ul style="list-style-type: none"> - Establish an all-encompassing Transitional Justice Commission (TJ Commissions)³⁸ suitable to Lesotho's context to address incidents of human rights violations and injustices, with a focus on reconciliation, peacebuilding, reparation, compensation without compromising justice and impunity, to address all things that have turned the Basotho nation against each other. - A balance between amnesty and prosecution. - Use the African Pioneers Corps (pensions) (amendment) Act of 2012 in reparative justice processes. 	

³⁷ In line with African Union Transitional Justice Policy, 2019, the process may have the following characteristics: acknowledgement of responsibility and the suffering of victims; showing remorse, asking for forgiveness, paying compensation or making reparation; and reconciliation.

³⁸ See United National Approach to Transitional Justice, 2010. According to the African Union Transitional Justice Policy, 2019, TJC's are legal bodies established to examine and address violations and abuses. They also serve to establish a full historical record of such violations, including the various experiences of different groups such as women, children and youth, the identity of the victims and perpetrators, as well as the role of various State and non – state institutions, and to provide for measures of reconciliation and healing.

	Time frame	Type of actions	Implementing agencies
	Short term	<ul style="list-style-type: none"> - Exhaustive broad based dialogue on restorative justice to unpack social notions of concession, impunity, reconciliation etc. and secure public and international buy-in and support. - Formulation of the process and its agenda and objectives. - Legislative provision for a TJ Commission and the restorative justice process. - Identification and development of the necessary institutional infrastructure for the process. 	Parliament, Media, Civil Society, Academia, Ministry of all Security institutions, Ministry of Justice and Correctional Services, Political parties, development partners and observers
	Medium term	<ul style="list-style-type: none"> - strengthen and reform existing structures or establish new ones to enforce the TRC verdicts. - Institution of Human Rights Commission with a unit dedicated to political and systemic violence. 	
	Long term	<ul style="list-style-type: none"> - monitoring, evaluation and reporting of the implementation and follow through of TRC rulings and verdicts. - PCA and Ombudsman to carry the baton of recourse for public complaints lodged against sector institutions. 	

Chapter 4

JUSTICE SECTOR REFORMS

1. SHORT TERM				
ISSUE	DECISIONS/ RESOLUTIONS	IMPLEMENTING AGENCY	TYPE OF ACTION	TIME FRAME
<p>1.0 Delay in the administration of justice:</p> <ul style="list-style-type: none"> • Backlog of cases; and • Pre-trial accused are subjected to long periods of incarceration before prosecution. 	<ul style="list-style-type: none"> • Establish a justice sector coordination mechanism to champion reforms aimed at improving the administration of justice • Introduce proactive alternative resolution of disputes (arbitration and mediation and Se-Moshoeshoe. • Abolish the long recesses of the High Court (observe holidays only). 	<p>Judiciary Ministry of Justice Ministry of Law Law Society of Lesotho</p>	<p>Administrative and Legislative (amendment of the Subordinates' Court Act 1998)</p>	<p>Short Term</p>

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|--|---|--|--|--|
| | <ul style="list-style-type: none">• Increase the number and frequency of roving courts around the country• Set time frames for the disposal of cases and establish strong monitoring mechanisms• Introduce and implement a performance appraisal system for judicial officers and officers of the courts• Enhance criminal and civil jurisdiction of the Magistrate's courts.• Carry out committal reforms.• Judicial Administration Act, 2011 – the NRA to review the Act.• Establish ANTI-CORRUPTION COURT to | | | |
|--|---|--|--|--|

	<p>hear and determine economic offences and other incidental offences and issues.</p> <ul style="list-style-type: none">• Set up Justice Inspectorate.• Establish Regional courts in the Magistrate's courts to hear cases of murder where there are extenuating circumstances.• Give accused persons at least two case postponements to secure legal representation, thereafter case proceed with or without legal representation.			
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<p>1.1 The High Court and specialised courts are centralised.</p> <p>1.1.1. Inadequate sittings of the Court of Appeal.</p>	<ul style="list-style-type: none"> • Introduce periodic roving courts in the districts, per quarter pending Decentralisation of the High Court and specialised courts. • Make provision for the Court of Appeal to sit throughout the year pending its abolishment and replacement by the Supreme Court. 	<p>Ministry of Justice Ministry of Law</p>	<p>Administrative</p>	<p>Short Term</p>
<p>1.2 Violations of human rights, police torture and brutality, and extra-judicial killings in the</p>	<ul style="list-style-type: none"> • Set up an oversight body to ensure accountability and observance of Human Rights by the police in the execution of their duties. • Strengthen the investigative capacity of 	<p>Ministry of Justice Ministry of Police</p>	<p>Administrative</p>	<p>Short Term</p>

<p>security sector, including:</p> <ul style="list-style-type: none"> -overcrowding; -food shortages; -lack of medicines; and -lack of capacity to rehabilitate inmates. 	<p>the police ensuring it is gender responsive.</p> <ul style="list-style-type: none"> • Increase the police strength through phased recruitment and deployment of trained officers as well as provision of modern investigation equipment.<i>(Read together with 2.1 below)</i> 			
<p>1.3 Rampant corruption in the police service.</p>	<ul style="list-style-type: none"> • Develop an anti-corruption policy for the police. • Improve conditions of employment of police to include financial resources and necessary equipment. 	<p>Ministry of Police</p>	<p>Administrative</p>	<p>Short Term</p>

<p>1.4 Conferment of King's Counsel title not transparent.</p>	<p>Develop a clear policy for conferment of King's Counsel title that shall give the mandate to the JSC to make the call to the Law Society to submit names for consideration by the JSC which shall make the final decision on conferment.</p>	<p>Ministry of Justice</p>	<p>Administrative</p>	<p>Short Term</p>
<p>1.5 There is no code of conduct for judicial officers.</p>	<ul style="list-style-type: none"> Promulgate a code of ethics for the Judiciary to maintain standards and ethical performance. 	<p>Ministry of Justice The Judiciary Ministry of Law</p>	<p>Administrative</p>	<p>Short Term</p>
<p>1.6 Bail- i) Circumstances under which bail is granted are not clear.</p>	<ul style="list-style-type: none"> Conduct civic awareness on criminal legal system to increase the citizen's knowledge of their 	<p>Ministry of Justice The Judiciary Ministry of Law Ministry of Justice The Judiciary</p>	<p>Administrative</p>	<p>Short Term</p>

	<p>resources and infrastructure.</p> <ul style="list-style-type: none"> • Deny bail in cases of murder and rape. • Increase bail deposit for certain crimes. 		<p>Administrative</p> <p>Administrative</p>	
1.7	<p>Crown witnesses are not given their entitlements.</p> <ul style="list-style-type: none"> • Ensure safeguards in the management of the witnesses' fund. • Make provision for adequate financial resources for the fund. 	Ministry of Law	<p>Administrative</p> <p>Administrative</p>	Short Term
1.8	<p>Ratio of judges is not proportional to the population.</p> <ul style="list-style-type: none"> • Increase the number of presiding officers so as to be proportional to the population. 	<p>Ministry of Justice</p> <p>The Judiciary</p>	Administrative	Short Term

	<p>who are at risk of being left behind.</p> <ul style="list-style-type: none">• Ensure rationalised Decentralisation of justice institutions and services to make them available;• Expand and decentralise legal aid services covering both civil and criminal cases;• Promote alternative dispute resolution approaches and alternative sentencing including community service;• Carry out sustained legal and civic education on justice covering both			
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	<p>substantive and procedural law issues;</p> <ul style="list-style-type: none"> Establish and ensure gender responsive specialised units and services to meet justice needs of women and girls. 			
<p>1.10 It is not easy for a person with disability to access Justice.</p>	<p>Domesticate CRPD, especially Article 13 by:</p> <ul style="list-style-type: none"> Making policies that are responsive to persons with disability to enable them to access Justice easily. Amending the Court Rules to cater for persons with disability e.g. Recognition of sign language as part of 	<p>Ministry of Justice The Judiciary Ministry of Law</p>	<p>Administrative</p>	<p>Short Term</p>

	<p>court languages and printing Court Rules in Braille.</p> <ul style="list-style-type: none"> • Employ specialised staff, to deal with persons with disability. • Make court buildings and other infrastructure user friendly to persons with disabilities e.g by making wheelchair ramps and rails, office ushers etc. 			
2. MEDIUM TERM				
2.1 The oversight bodies of the	<ul style="list-style-type: none"> • Grant the PCA autonomy and independence. 	<ul style="list-style-type: none"> • Ministry of Police • Ministry of Law 	Legislative	Medium Term

<p>LMPS are part of the police.</p>	<ul style="list-style-type: none"> • Empower the PCA to conduct its own investigations. • Enact a statute establishing the PCA outside the police service. • Empower the PCA to operate as an external civilian control oversight mechanism. 			
<p>2.2 The courts lack updated supporting legislation to function.</p>	<ul style="list-style-type: none"> • Update various Acts establishing courts to support them in their operations. • Amend the laws governing the Judiciary to be in line with the current socio-economic situation. 	<p>Ministry of Justice Ministry of Law</p>	<p>Legislative</p>	<p>Medium Term</p>

<p>2.3 There is lack of financial autonomy of the Judiciary.</p>	<ul style="list-style-type: none"> • Adopt a clear policy on judicial funding. 	<p>Ministry of Justice Ministry of Law</p>	<p>Legislative</p>	<p>Medium Term</p>
<p>2.4 The High Court and specialised courts are centralised.</p>	<ul style="list-style-type: none"> • Decentralise the High Court, Labour court, Land Court and Commercial Court to cover the North, Central and Southern Regions of Lesotho. • Grant the Commercial Court criminal jurisdiction to hear commercial crimes. 	<p>Ministry of Justice Ministry of Law</p>	<p>Legislative</p>	<p>Medium Term</p>
<p>2.5 Local and Central Courts duplicate proceedings.</p>	<ul style="list-style-type: none"> • Combine both courts to form one court. Replace the Proclamation under 	<p>Ministry of Justice Ministry of Law</p>	<p>Legislative Administrative</p>	<p>Medium Term</p>

	which these courts were established.			
2.6 There are no Specialised Courts to deal with and enforce traditional matters	<ul style="list-style-type: none"> Establish traditional courts or tribunals which are empowered to deal with traditional matters. 	Ministry of Justice Ministry of Law	Legislative Administrative	Medium Term
2.7 The Legal Profession.	<ul style="list-style-type: none"> Unify the two professions (advocates and attorneys) Review and replace the current Legal Practitioners Act. Improve regulation of the legal profession. Institute refresher courses for members of the Law Society. Expedite introduction and adoption of the 	Ministry of Justice Ministry of Law Law Society	Legislative Administrative	Medium Term

		Ethics Code and the Code of Conduct for the members of the Society.			
2.8	Judicial Service Commission has no permanent office.	<ul style="list-style-type: none"> Establish a permanent Secretariat for the JSC for its daily operations. 	Ministry of Justice Ministry of Law	Legislative Administrative	Medium Term
2.9 2.10	<p>Lack of continuous in-service training of judicial officers.</p> <p>There is lack of accountability as far as judicial officers are concerned.</p>	<ul style="list-style-type: none"> Provide regular judicial training to strengthen the judiciary. Establish a Judicial Training Institute. Establish a Judicial Complaints Authority and Inspectorate. 	Ministry of Justice Ministry of Law	Legislative Administrative	Medium Term

<p>2.11 Judges remain in office for too long.</p>	<ul style="list-style-type: none"> • Restrict period of service of judges to 15 years or up to age 70. • Reserve the Office of Chief Justice for Lesotho Citizens. 	<p>Ministry of Justice Ministry of Law</p>	<p>Legislative</p>	<p>Medium Term</p>
<p>3. Long Term</p>				
<p>3. Human Rights Commission is not yet constituted.</p> <p>3.1 Lesotho is behind with its reporting obligations to international treaty bodies.</p>	<p>Strengthen the national human rights system and institutions for effective human rights promotion and protection by:</p> <ul style="list-style-type: none"> • Depoliticizing the appointment of the Human Rights Commissioners. • Establishing a national Human Rights Commission that is compliant with the 	<p>Ministry of Justice Ministry of Law Ministry of Foreign affairs and International Relations Civil Society Organisations</p>	<p>Constitutional Amendment</p>	<p>Long Term</p>

	<p>Paris Principles. See Annex 'A'</p> <ul style="list-style-type: none">• Strengthening Lesotho's capacity to engage with and reporting to international and regional human rights mechanisms, e.g. The Universal Periodic Review and Treaty Bodies.• Ensuring that appointment of Commissioners is done by the King acting in accordance with the advice of the Prime Minister after the Prime Minister has consulted the Judicial Service Commission.• Strengthening Lesotho's capacity to engage with and reporting to			
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	<p>international and regional human rights mechanisms</p> <ul style="list-style-type: none"> • Establishing an inter-ministerial mechanism for preparing reports and follow up action to recommendations. • Strengthening the capacity of the Human Rights Commission and civil society to prepare shadow reports and advocate for follow up to recommendations. 			
<p>3.2 There is no provision for guiding principles of the Judiciary in the Constitution.</p>	<ul style="list-style-type: none"> • Develop principles guiding the judiciary in the Constitution. See annex 'B' 	<p>Ministry of Justice Ministry of Law</p>	<p>Constitutional Amendment</p>	<p>Long Term</p>

<p>3.3 Provisions of the Constitution do not explicitly guarantee the independence of the Judiciary.</p>	<ul style="list-style-type: none"> • Develop a provision that sets out the principles that guarantee independence of the judiciary. See annex 'C' 	<p>Ministry of Justice Ministry of Law</p>	<p>Constitutional Amendment</p>	<p>Long Term</p>
<p>3.4 The present structure of the courts presents perennial problems.</p>	<ul style="list-style-type: none"> • Change the courts' structure to meet modern-day needs of Basotho. See Annex 'D' 	<p>Ministry of Justice Ministry of Law</p>	<p>Constitutional Amendment</p>	<p>Long Term</p>
<p>3.5 The Judicial Service Commission (JSC) is skewed in favour of the Executive.</p>	<ul style="list-style-type: none"> • Enact a revised Act that provides for the powers and functions of JSC. • Expand the JSC to be more representative by including the Law Society, academia and civil society (non-state actors) and two members of parliament. 	<p>Ministry of Justice Ministry of Law</p>	<p>Constitutional Amendment</p>	<p>Long Term</p>

<p>3.6 The office of the Ombudsman is politicized and ineffective.</p>	<ul style="list-style-type: none"> Amend the Constitution such that Ombudsman is appointed by the King on the recommendation of the Prime Minister after consultation with the Judicial Service Commission. Expand the functions of the Ombudsman to include remedial action. 	<p>Ministry of Justice Ministry of Law</p>	<p>Constitutional Amendment</p>	<p>Long Term</p>
<p>3.7 Lack of confidence in the Judicial System as Judges are appointed by the Politicians.</p>	<p>Depoliticise appointments of the President of the Court of Appeal, Judge President and the Chief Justice such that the President of the Court of Appeal, Judge President or Chief Justice shall be</p>	<p>Ministry of Justice Ministry of Law</p>	<p>Constitutional Amendment</p>	<p>Long Term</p>

appointed by the King after the following events:

- a) Interviews conducted by the JSC and submission of names to Prime Minister, who will advise the King on the appointment of the President of the Court of Appeal or the Chief Justice and Judge President, as the case may be.
- b) Ascertaining that
 - i) the Chief Justice is a person of 60 years or over and has a minimum of ten years' experience on the bench.

	<p>ii) that the Chief Justice/Judge has had a term of five years renewed once.</p> <p>iii) the Chief Justice shall be the head of the Judiciary and the courts.</p> <p>iv) Puisne Judges shall be appointed by the King on the advice of the JSC which shall have advertised the vacancies and conducted open interviews.</p> <p>v) the principles of Lartimer House, Cape Town in the appointment of judges are adopted.</p>			
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	vi) Judges retire at the age of 70 years.			
3.8 Impeachment of the Judicial officers is arbitrary.	<p>Regulate impeachment of the President of the Court of Appeal, Judge President and the Chief Justice through the following:</p> <ul style="list-style-type: none"> a) JSC sets up a tribunal following receipt of a complaint of misconduct; b) JSC considers the report, makes recommendations and forwards them 	<p>Ministry of Justice Ministry of Law</p>	<p>Constitutional Amendment</p>	<p>Long Term</p>

		to the Prime Minister; c) The Prime Minister advises the King on the recommendations of the JSC.			
3.9	The current Lesotho Constitution does not protect and/or promote rights of people with disabilities.	<ul style="list-style-type: none"> Review the Constitution to ensure that the interests of the people with disabilities are provided for. 	Ministry of Justice Ministry of Law	Constitutional Amendment	Long Term
3.10	The State is not doing enough to protect people with disabilities	<ul style="list-style-type: none"> Review the Bill of Rights, especially the discrimination clause, to specify disability as a 			

<p>from discrimination.</p> <p>3.11 People with disabilities are discriminated at their place of employment and during recruitment.</p> <p>3.12 There is no provision for sign language as official language in Lesotho.</p>	<p>prohibited ground of discrimination.</p> <ul style="list-style-type: none"> • Adopt an approach similar to Article 21 of the Ugandan Constitution of 1995. (Annexed and Marked E) • Domesticate the UN Convention on the Persons with Disabilities (CRPD) of which Lesotho is a state party. • Adopt sign language and braille as official languages. 			
<p>3.13 Discriminatory provisions of the</p>	<ul style="list-style-type: none"> • Amend the provision to be in line with international and 	<p>Ministry of Law</p>	<p>Constitutional Amendment Legislative</p>	<p>Long Term</p>

<p>Constitution and enabling laws.</p>	<p>regional human rights instruments, considering the customs and traditions of Basotho.</p> <ul style="list-style-type: none"> Refer matters of national interest, such as female succession to Chieftainship to referendum 			
<p>3.14 Death penalty.</p>	<ul style="list-style-type: none"> Fully enforce and implement the Death penalty/sentence be in deserving cases. 	<p>Ministry of Justice Ministry of Law The Judiciary</p>	<p>Administrative</p>	<p>Long Term</p>
<p>3.15 The DCEO is not independent and its integrity is compromised.</p>	<ul style="list-style-type: none"> Provide for the establishment of the DCEO in the Constitution to 	<p>Ministry of Justice Ministry of Law</p>	<p>Constitutional Amendment and Legislative</p>	<p>Long Term</p>

	<p>safeguard its independence.</p> <ul style="list-style-type: none"> • Ensure that the appointment of the DCEO Director General is made by an independent body. • Legislate for the DCEO to report to Parliament. • Grant the DCEO authority to prosecute. 			
<p>3.16 There is no public interest provision in the Constitution.</p>	<ul style="list-style-type: none"> • Include a provision for public interest law to allow individuals and/or organizations to go to court on behalf of aggrieved parties. <p>SEE ANNEXED similar provision of SECTION 38 from the South African Constitution MARKED</p>	<ul style="list-style-type: none"> • Ministry of Justice • Ministry of Law 	<p>Constitutional Amendment</p>	<p>Long Term</p>

<p>3.17 There is no specific provision to oblige state:</p> <ul style="list-style-type: none"> • To promote Human Rights. • To assist and protect the victims of Human Rights. 	<ul style="list-style-type: none"> • Amend the Constitution to oblige the state to promote human rights. • Enact laws that provide for penalties for the violation of human and peoples' rights. • Enact laws that provide for the protection and compensation of victims of human rights violations. 	<p>Ministry of Law</p>	<p>Constitutional Amendment</p> <p>Legislative</p> <p>Legislative</p>	<p>Long Term</p>
<p>3.18 There are hurdles in enforcing human rights through the Courts.</p>	<ul style="list-style-type: none"> • Make laws that promote the intervention of civic bodies in the protection of human rights. • Make policies that promote the 	<p>Ministry of Justice Ministry of Law</p>	<p>Constitutional Amendment, Legislative and Administrative</p>	<p>Long Term</p>

	enforcement of human rights. (See 3.17 above)			
3.19 Economic, Social and Cultural rights (ESCRs) not justiciable.	<ul style="list-style-type: none"> Retain these rights as principles of state policy in the Constitution. 	none	None	Long Term
3.20 The Constitution lacks an introductory preamble, preface, foreword remarks and message stating its aims and objectives.	Overhaul the structural format of the Constitution to include an introductory preamble; a preface; foreword remarks and a message stating its aims and objectives.	Ministry of Law	Constitutional Amendment	Long Term
3.21 Office of the Director of Public Prosecutions is not independent.	<ul style="list-style-type: none"> Remove The Office of DPP from the Ministry of the Public Service, separate it from The Office of Attorney General such that it 	Ministry of Law	Constitutional Amendment	Long Term

	accounts directly to Parliament.			
3.22 Miscellaneous provisions.	<ul style="list-style-type: none"> • Establish a particularised sex offender’s registry to help the criminal justice system and policy making. • Legislate for matters of <i>Lebollo</i> and incidental matters be presided over by initiated judicial officers. 	Ministry of Justice Ministry of Law	Administrative Legislative	Long Term

The Paris Principles, 1993

The United Nations Paris Principles provide the international benchmarks against which **National Human Rights Institutions** (NHRIs) can be accredited by the Global Alliance of National Human Rights Institutions (GANHRI).

Adopted in 1993 by the United Nations General Assembly, the Paris Principles require NHRIs to:-

- Protect human rights, including by receiving, investigating and resolving complaints, mediating conflicts and monitoring activities; and
- Promote human rights, through education, outreach, the media, publications, training and capacity building, as well as advising and assisting the Government.

The Paris Principles set out six main criteria that NHRIs require to meet:

- Mandate and competence – a broad mandate, based on universal human rights norms and standards;
- Autonomy from Government
- Independence guaranteed by statute or Constitution;
- Pluralism
- Adequate resources; and

Adequate powers of investigation.

THE GUIDING PRINCIPLES OF THE JUDICIARY

(The spirit of the Constitution)

1. In exercising judicial power the courts of law shall be guided by the following fundamental principles:-

(a) Judicial authority is derived from the people and vests in and shall be exercised by the courts and tribunals established by or under this Constitution.

(b) Supremacy of the Constitution of Lesotho, rule of law and the separation of powers;

(c) Rectitude and integrity;

(d) Judicial independence and judicial accountability;

(e) Justice shall be done to all, impartially and without bias;

(f) Justice shall not be delayed;

(g) Sanctity of human rights and freedoms;

(h) Recognition of inherent dignity and worth of all human beings;

(i) Justice shall be administered without undue regard to procedural technicalities;

(j) Courtesy, decorum and civility;

(k) Purposive and benevolent interpretation of the Constitution and the laws;

(l) Compromise and reconciliation between parties shall be promoted at all times;

(m) Basotho values of humanity, peace, love and brotherhood;

(khotso khaitsele ea Moshoeshoe – moro khotla ha o okoloe mafura – Basotho chabana sa khomo – Toka ho sera le motsoalle.)

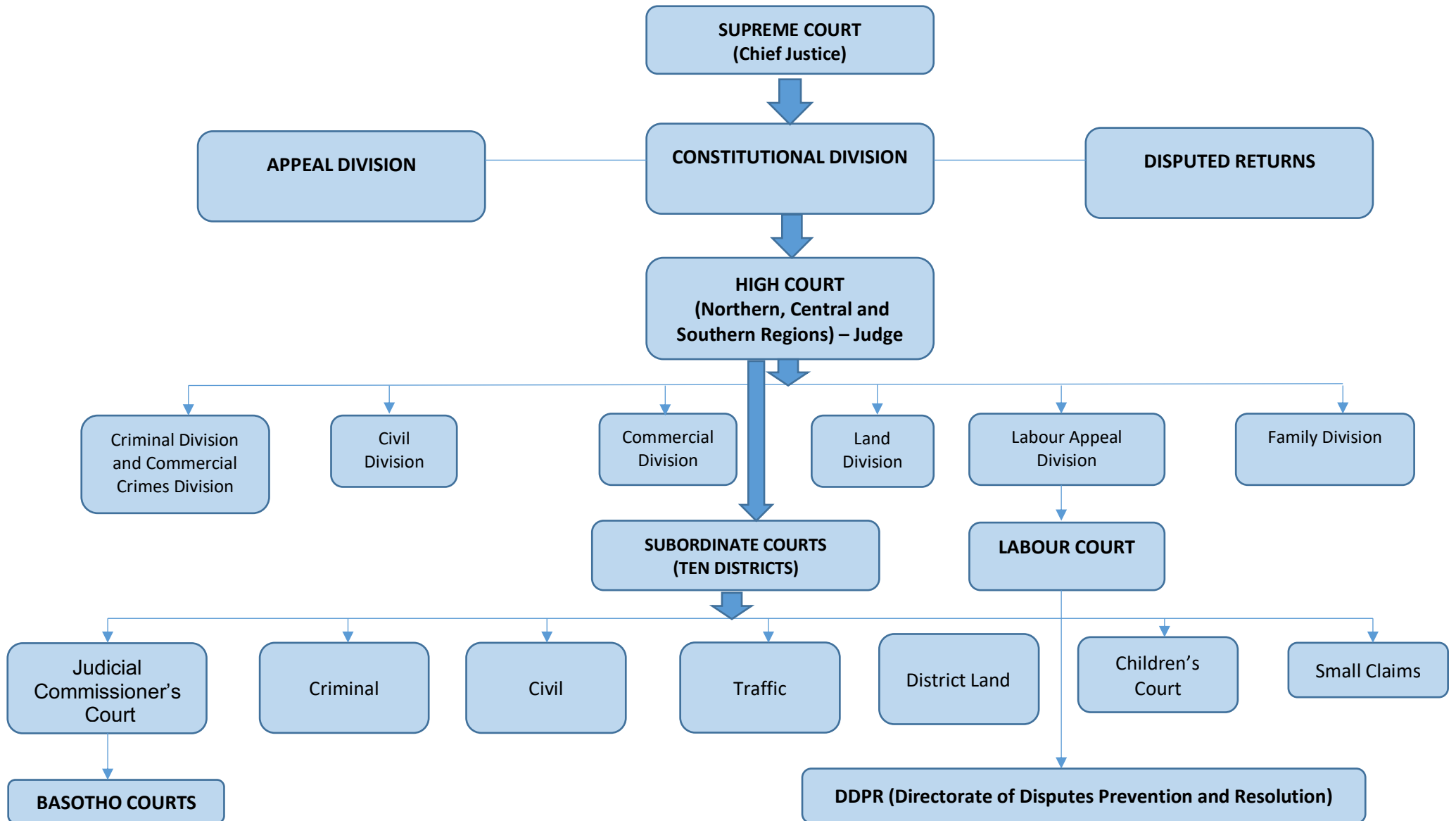
The list is not exhaustive

SECTION 118 (2) OF THE CONSTITUTION 1993, be replaced with a similar clause of Section 165 of the Constitution of South Africa 1996:

"Judicial Authority

- (1) The judicial authority of the Kingdom of Lesotho is vested in the courts;
- (2) The courts are independent and subject only to the Constitution and the law which they must apply impartially and without fear, favour or prejudice;
- (3) No person or organ of state may interfere with the functioning of the courts;
- (4) Organs of state, through legislative and other measures, must assist and protect the courts to ensure the independence, impartiality, dignity, accessibility and effectiveness of the courts;
- (5) An order or decision issued by a court binds all persons to whom it applies, and to organs of state to which it applies.

Annexure 'D'



21. Equality and freedom from discrimination.

(1) All persons are equal before and under the law in all spheres of political, economic, social and cultural life and in every other respect and shall enjoy equal protection of the law.

(2) Without prejudice to clause (1) of this article, a person shall not be discriminated against on the ground of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or **disability**.

(3) For the purposes of this article, "discriminate" means to give different treatment to different persons attributable only or mainly to their respective descriptions by sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion or **disability**.

(4) Nothing in this article shall prevent Parliament from enacting laws that are necessary for—

(a) Implementing policies and programmes aimed at redressing social, economic, educational or other imbalance in society; or

(b) Making such provision as is required or authorised to be made under this Constitution; or

(c) Providing for any matter acceptable and demonstrably justified in a free and democratic society.

Affirmative action in favour of marginalised groups.

32 (1) Notwithstanding anything in this Constitution, the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history, tradition or custom, for the purpose of redressing imbalances which exist against them.

(2) Parliament shall make relevant laws, including laws for the establishment of an equal opportunities commission, for the purpose of giving full effect to clause (1) of this article

38. Enforcement of rights.

Anyone listed in this section has the right to approach a competent court, alleging that a right in the Bill of Rights has been infringed or threatened, and the court may grant appropriate relief, including a declaration of rights.

The persons who may approach a court are-

- (a) Anyone acting in their own interest;
- (b) anyone acting on behalf of another person who cannot act in their own name;
- (c) anyone acting as a member of, or in the interest of, a group or class of persons;
- (d) Anyone acting in the public interest; and
- (e) An association acting in the interest of its members.

<p>4. The Government Secretary is currently performing dual roles, as secretary to cabinet and as head of civil service.</p>	<ol style="list-style-type: none"> 1. Ensure that the Government Secretary remains secretary to cabinet as provided for in Section 97 of the Constitution. 2. Appoint an independent head of the civil service to lead, manage, coordinate, monitor, and evaluate the performance of the civil service as an independent arm of the public service. The incumbent must have access to the prime minister and report to cabinet. 	<p>Ministry of Public Services</p>	<p>Constitutional Amendment</p> <p>Constitutional Amendment</p>	<p>Short Term</p>
<p>5. Media access of crucial information from government.</p>	<ol style="list-style-type: none"> 1. Repeal Section 3 (2) I of the Public Service Act of 2005. 2. Repeal Section 4 of the official Secrets Act of 1967. 3. Repeal the Printing and publishing Act 10 of 1967. 	<p>Ministry of Public Services</p>	<p>Legislative</p> <p>Legislative</p> <p>Legislative</p>	<p>Medium</p>
<p>6. Inadequate capacity of educational institutions to deliver quality human resource.</p>	<ol style="list-style-type: none"> 1. Strengthen loan recovery mechanisms and increase investment in higher education. 2. Curriculum must be reviewed every five years to ensure compatibility with demands of the market. 	<p>Ministry of Public Services</p>	<p>Legislative</p> <p>Legislative</p>	<p>Medium</p>

	<ol style="list-style-type: none"> 3. Make National Youth Service compulsory for one year, to create a sense of nation patriotism and this must be development in nature. 		Legislative	
7. Parliament Loans.	<ol style="list-style-type: none"> 1. Compel Members of Parliament to pay interest on their loans. 2. Amend the relevant legislation to ensure that the PM and DPM only qualify for pension after five years in office. 3. Rationalise per diems and ministers entourage when travelling abroad. 	Ministry of Public Services	<p>Legislative</p> <p>Legislative</p> <p>Legislative</p>	Short
8. Endemic corruption in public institutions.	<ol style="list-style-type: none"> 1. Revamp and resource the DCEO to enable it to carry out its mandate, as well as establishing a tribunal and asset forfeiture unit for effective handling of cases. 2. Link all ministries to the Ministry of Home Affairs database so that all employees can be registered to minimise ghost employees. 	Ministry of Public Services	<p>Legislative</p> <p>Administrative</p>	Medium

	<ol style="list-style-type: none"> Institute merit-based appointment systems for the recruitment of Principal Secretaries. 		Legislative	
9. Delivery of a professional service to the public.	<ol style="list-style-type: none"> Compel all public service employees to attend induction courses and continuous training at LIPAM. Strengthen LIPAM to introduce specialised courses in order to produce career public officers with relevant skills and competencies, as well as training them to adapt in new roles. Construct modern and suitable physical infrastructural facilities for training. 	Ministry of Public Services	Legislative Administrative Administrative	Medium
10. Failure of the Public Service to meet the demands of the citizens.	<ol style="list-style-type: none"> Enforce performance management system. Establish a performance monitoring unit in the Prime Minister's office to monitor overall government performance. Amend the Public Service Act and give back the powers of disciplining and firing of the 	Ministry of Public Services	Legislative Legislative Legislative	Short

	public servants to the public service commission.			
11. Inadequate provision for protection and promotion of the Rights Of Vulnerable Groups.	<ol style="list-style-type: none"> 1. Introduce a disability parity policy setting a quota at 2% for people with disabilities and 35% for youth in the public service. 2. Make Government buildings easily accessible for people with disabilities. 	Ministry of Public Services	<p>Legislative</p> <p>Administrative</p>	Medium Term
12. Inadequate Fiscal Decentralisation and lack of capacity for stakeholders.	<ol style="list-style-type: none"> 1. Fully implement Decentralisation of public services to local councils. 2. Accelerate Decentralisation of services and supportive resources and strengthen oversight of local authorities. 3. Clarify the roles of chiefs and local government councillors in service provision. 	Ministry of Public Services	<p>Administrative</p> <p>Administrative</p> <p>Legislative</p>	Short Term
13. Anomalies in the salary structure of the Public Servants.	<ol style="list-style-type: none"> 1. Conduct structural and ministerial realignment to link functions with resources and reduce number of ministries to 15. 	Ministry of Public Services	Administrative	Long Term

	<ol style="list-style-type: none"> 2. Align the civil service salary structure with academic qualifications. 3. Create an independent Salaries and Remunerations Commission (SRC) to review and determine the fair and adequate salaries and other benefits for all public officers and statutory positions. 		<p>Administrative</p> <p>Legislative</p>	
14. Absence of a career Diplomatic Service.	<ol style="list-style-type: none"> 1. Establish a career diplomatic service and ensure that the foreign service is occupied by qualified career diplomats, appointed on permanent and pensionable terms. 2. Draft a bill on foreign service to provide for the management, administration, accountability, and functioning of a professional foreign service of the Kingdom of Lesotho. 	Ministry of Public Services	<p>Legislative Action</p> <p>Legislative Action</p>	Medium Term
15. Out-dated legal frameworks in the Public Service.	<ol style="list-style-type: none"> 1. Amend the Public Service Act to allow for public officers to retire at the age of 65 (constitutional /judicial). 2. Advertise Public Service vacancies as widely as possible, 	Ministry of Public Services	<p>Legislative</p> <p>Administrative</p>	Medium Term

	<p>to make the process more competitive.</p> <p>3. Ensure that Mahokela and village health workers get a monthly allowance.</p>		Legislative	
16. Poor quality of service.	<p>1. Establish an Independent Monitoring System for all Public Institutions.</p> <p>2. Establish a complaints authority and introduce a 24 Hour Toll Free number for lodging complaints.</p> <p>3. Institute a proper handover mechanism to ensure continuity in government projects and a smooth handover from one government to the next.</p>	Ministry of Public Services	<p>Legislative</p> <p>Legislative</p> <p>Legislative</p>	Medium Term
17. Endemic corruption in Public Sector Institutions.	<p>Empower/ capacitate the existing office of the Ombudsman</p> <p>Establish the office of the Public Protector.</p>	Ministry of Public Services	Constitutional Amendment	Medium Term
18. Overlapping mandates of Local Government authorities and chiefs.	<p>1. Ensure that heirs to the chieftaincy get adequate and relevant training before assumption of office.</p>	Ministry of Public Services	Administrative	Medium Term

Chapter 6

ECONOMIC REFORMS

ISSUE	DECISIONS/ RESOLUTIONS	IMPLEMENTING ENTITY	TYPE OF ACTION	TIME FRAME
1. National Planning Board.	Re-activate the National Planning Board (NPB).	Cabinet	Constitutional Amendment	Short Term
2. Lack of autonomy of the National Planning Board.	Elevate the National Planning Board to a National Planning Commission (NPC).	Cabinet	Constitutional Amendment	Short Term
3. Public Procurement.	Apply recommendations of a study on procurement and draft legislation which proposes centralisation, harmonisation, fairness and due edge to marginalised social groups.	Ministry of Finance	Legislative	Short Term
4. Public Assets Management (usage, maintenance, and disposal).	Establish a Public Assets Management Authority.	Cabinet	Legislative	Short Term

5. Non-compliance with rules and regulations on trade related matters.	Establish Task Team to monitor laws and regulations on trade related matters.	Ministry of Trade and Industry	Legislative	Short Term
6. Inadequate coordination between the Private and Public Sectors.	Institutionalise Public Private Dialogue to meet quarterly.	Cabinet	Legislative	Short Term
7. Absence of a construction industry policy.	Expedite formulation and adoption of construction industry policy.	Ministry of Public Works	Legislative	Short Term
8. Lack of an economic empowerment policy.	Formulate and adopt an economic empowerment policy to support locals.	Ministry of Trade and Industry	Legislative	Short Term
9. Absence of development finance institutions.	Establish development finance institutions.	Ministry of Finance	Legislative	Medium Term

10. Unregulated flow of capital.	Tighten policy, laws and regulations on controls to stop illicit financial outflows.	Ministry of Finance	Legislative	Medium Term
11. Absence of a Climate Change mitigation structures.	Establish a Climate Change commission.	Cabinet	Legislative	Short Term
12. Absence of a transport services policy.	Formulate a comprehensive transport services policy that will ensure full participation of local transport service providers.	Ministry of Transport	Legislative	Short Term
13. Poor roads infrastructure.	Intensify extension of road network and allow private sector to undertake construction on private basis in selected areas.	Ministry of Public Works	Legislative	Medium Term
14. Non-participation of local people in extractive industries.	Develop framework ensuring shareholding of communities in commercial activities initiated in their respective areas through Community Land Trusts.	Ministry of Trade and Industry	Legislative	Short Term

<p>15. Outdated Small and Medium Sized Enterprises (SMMEs) policies.</p>	<p>Review Small and Medium Sized Enterprises Policy aimed at empowering local entrepreneurs.</p>	<p>Ministry of Small Business Development, Cooperatives, and Marketing</p>	<p>Legislative</p>	<p>Short Term</p>
<p>16. Exclusion of Basotho in the development of the cannabis industry.</p>	<p>Research ways and means of enabling "<i>matekoane</i>" growers to realise full potential of their produce.</p>	<p>NUL (Agriculture Faculty) Ministry of Health Ministry Trade and Industry Ministry of Agriculture and Food Security</p>	<p>Administrative</p>	<p>Short Term</p>
<p>17. Rampant mismanagement of land.</p>	<p>Fully implement Land Reform.</p>	<p>Land Administration Authority Ministry of Local Government</p>	<p>Administrative</p>	<p>Short Term</p>

18. Poor performance of officers responsible for trade in Lesotho's foreign missions.	Appoint competent trade <i>attaches'</i> to serve in Lesotho's missions abroad.	Ministry of Foreign Affairs and International Cooperation	Administrative	Short Term
19. Excessively expensive governance structures.	Undertake comprehensive Ministers and MPs' remuneration packages.	Cabinet, Parliament	Administrative	Short Term
20. Poor payment of local suppliers by government.	Introduce legislation that will force Government to pay suppliers within a specified period of time.	Ministry of Finance	Administrative	Short Term
21. Absence of a peace-building mechanism.	Establish a peace-building mechanism framework.	Cabinet	Legislative action	Short Term
22. Inadequate support for start-up and infant enterprises.	Afford meaningful incubation and incentives for Basotho owned infant industries.	Both Ministry of Trade and Industry and Ministry Small Business Dev Cooperatives, and Marketing	Administrative	Short Term

TABLE 1

ECONOMIC AND FINANCIAL MANAGEMENT POLICIES			
POLICY	BROAD OBJECTIVES AND MAIN TENETS	IMPLEMENTING ENTITY	TIME FRAME
Private sector-led growth strategy	Move growth drivers from government projects to private enterprise which is more sustainable and employment friendly.	Ministry of Trade and Industry	Medium term
Fiscal consolidation strategy	Maintain Macroeconomic stability - Initially, to reduce the wages bill and establish fiscal rules; maintain primary budget balance; institute public expenditure reviews; reduce tax expenditures; elaborate domestic resource mobilization strategy; and, digitalization of revenue administration	Ministry of Finance	Short – Medium term
Agriculture Transformation Policy	Seek food security, commercialization, technological transformation, research and development; access value chains to support youth and women agri-prenueres	Ministry of Agriculture and Food Security	Medium to Long term
Industrialization policy	To add value to primary output from agriculture and natural resources	Ministry of Trade and Industry	Medium to long term

Employment Policy	To grow manpower supply so as to match market demand	Ministry of Labour and Employment	Medium term
Trade Policy	Export diversification (product lines and markets), sharpen promotion and competition strategies aligning with international best practice	Ministry of Trade and Industry	Medium term
Youth Policy	Economic empowerment: Entrepreneurship, training, apprenticeship, supported enterprise start-ups	Ministry of Gender, Youth, Sport and Recreation	Medium term
Women and Gender	Enable active participation and foster economic empowerment	Ministry of Gender, Youth, Sport and Recreation	Short – Medium term
Environment Policy	Effective environmental protection, conservation and active pursuit of sustainability under sdgs	Ministry of Tourism, Culture and Environment	Medium term
Review Investment Code	Review and update investment code based on international best practices	Ministry of Trade and Industry	Short Term
Decentralisation Policy	Urgent attention to the changing demographics – rural to urban migration	Ministry of Local Government and Chieftainship	Medium Term
Construction Industry Policy	Regulate and professionalise construction industry	Ministry of Public Works	Short Term

TABLE 2

Institutions to be Established or Reinvigorated			
No.	State Institution	Implementing Entity	Time Frame
1.	Economic Advisory Council	Cabinet Office	Short Term
2.	National Planning Board switched Commission	Cabinet Office	Short Term
3.	Council of Scientific, Technology and Innovation for Development	Ministry of Communication, Science and Technology	Medium Term
4.	National Public Enterprise Authority	Ministry of Trade and Industry	Short Term
5.	National Manpower Secretariat to be moved to Ministry of Labour and Employment	Ministry of Labour and Employment	Short Term
6.	Project Management Authority	Envisaged National Planning Commission	Short Term
7.	Pubic Assets Management Authority	Ministry of Finance	Short Term
8.	Establish Precious Stones and Marketing Agency	Ministry of Mining	Medium Term
9.	Establish Export Promotion Agency	Ministry of Trade and Industry	Short Term
10.	Establish Climate Change Commission	Ministry of Energy	Medium Term
11.	Establish Electricity Generation Corporation	Ministry of Energy	Medium Term
12.	Institutionalise Public Private Dialogue	Cabinet	Short Term

TABLE 3

INSTITUTIONS IN SUPPORT OF PRIVATE SECTOR TO BE ESTABLISHED OR REINVIGORATED			
No.	Institution	Implementing Entity	Time Frame
1.	Capacitate Enterprises Development Corporation	Ministry of Small Business Development, Cooperatives, and Marketing/ BEDCO	Short Term
2.	Expedite establishment and operationalization of the Bureau of Standards	Ministry of Trade and Industry	Short Term
3.	Establish Productivity Center	Ministry of Labour and Employment	Medium Term
4.	Establish Competition Commission	Ministry of Trade and Industry	Short Term
5.	Establish Incubation Centers	Ministry of Trade and Industry	Short Term
6.	Strengthen One Stop Business Facilitation Center in all ten districts	Ministry of Trade and Industry	Short Term
7.	Institutionalise Lesotho Diaspora Forum	Ministry of Foreign Affairs and International Cooperation	Short Term

Chapter 7

MEDIA REFORMS

ISSUE	RECOMMENDATION	IMPLEMENTING ENTITY	TYPE OF ACTION	TIME FRAME
1. State-controlled media.	Transform the Lesotho National Broadcasting Services from state broadcaster into an independent public broadcaster.	Ministry of Communications, Science & Technology	Legislative	Short-Term
2. Government's political influence over state-owned agencies.	Grant institutional and operational autonomy to the Lesotho Communications Authority (LCA) by law.	Ministry of Communications, Science & Technology	Legislative	Short-Term
3. High licensing fees for the broadcasting sector in Lesotho.	Explore the German subsidy model for support to private media houses.	Ministry of Communications, Science & Technology	Legislative	Short-Term
4. Poor capacity of media practitioners to perform their fiduciary roles effectively.	<ul style="list-style-type: none"> a. Adopt the Media Policy. b. Implement the Broadcasting Code. c. Provide state-sponsored training for media practitioners and owners to professionalise the industry. 	Ministry of Communications, Science & Technology	Legislative Administrative	Short-Term

	d. Enact relevant legislation to support the media industry.			
5. Media regulation.	Expedite i) adoption of the Media Policy, ii) formulation of a cyber policy iii) and enactment of a cyber bill	Ministry of Communications, Science & Technology	Legislative	Short-Term
6. Media and the national development agenda.	Develop regulatory structures such as a media council and media ombudsman which ensure that media practitioners, media owners and editors tow the line of supporting a democratic consolidation agenda by operating within the confines of set out principles.	Ministry of Communications, Science & Technology	Legislative	Medium-Term
7. Protection of citizens' rights in the media.	a. Include a media freedom clause in the Constitution. b. Develop an Ethics and Code of Conduct framework.	Ministry of Communications, Science & Technology	Constitutional Amendment	Long-Term
8. Protection of media freedom in the Constitution.	Amend section 14 of the Constitution of Lesotho in conformity with best practice.	Ministry of Communications, Science & Technology	Constitutional Amendment	Long-Term

9. Media and freedom of expression.	Enact laws and regulations operationalising exceptional circumstances under which freedom of expression and media freedoms can be set aside or restricted.	Ministry of Communications, Science & Technology	Legislative	Long-Term
10. Legal framework and freedom of expression.	Repeal all laws and regulations that defeat the right to expression and to media freedoms.	Ministry of Communications, Science & Technology	Legislative	Medium-Term
11. Media freedom and international practice	Ratify and domesticate international instruments providing for freedom of expression and of media freedom.	Ministry of Communications, Science & Technology	Administrative	Long-Term
12. Media and promotion of diversity of society.	Develop an information paper proposing a policy enabling the mainstreaming of the marginalized voices in the media sector through quotas and affirmative action for women and persons with disabilities in terms of position of higher decision-making, in the allocation of content and programming, and regulate media ownership to curb dominance by connected elites.	Ministry of Communications, Science & Technology	Legislative	Long-Term

13. Poor state of investigative journalism in Lesotho.	<ul style="list-style-type: none"> a. Provide continuous training on investigation journalism. b. Develop legal framework which protects whistle blowers. c. Merge this issue with Capacity of media practitioners to perform their fiduciary roles effectively. 	Ministry of Communications, Science & Technology	Administrative	Long-Term
14. Media and cultural pluralism of society.	Develop an information paper proposing a policy which will dictate equitable coverage of all issues.	Ministry of Communications, Science & Technology	Administrative	Short-Term
15. Access to public information.	Expedite enactment of the Access and Receipt of Information Bill.	Ministry of Communications, Science & Technology	Legislative	Short-Term
16. Social media and access to government-held information.	Develop a legal framework which protects communication and media users against cyber crime.	Ministry of Communications, Science & Technology	Legislative	Long-Term
17. Media and advertising	Enact a law that governs advertising standards and procedures.	Ministry of Communications, Science & Technology	Legislative	Medium-Term

18. Media and social cohesion within society	Develop legal framework which provides for quotas in terms of coverage of national issues.	Ministry of Communications, Science & Technology	Legislative	Medium-Term
19. Library, information and archiving systems.	Enact a law that creates a comprehensive information archiving system.	Ministry of Communications, Science & Technology	Legislative	Short-Term
20. Governance on the internet and the social media platforms.	Develop a legal framework which ensures governance on the internet and also regulates social media platforms is promulgated to promote accountability of users.	Ministry of Communications, Science & Technology	Legislative	Short-Term

CONCLUSION

There cannot be a better way of providing legitimacy for a reform process than ensuring direct participation of the citizenry. In Lesotho, direct participation of the citizenry in public affairs is provided for through Section 20 of the Constitution. This report has resulted from deliberations at the Multi-stakeholder National Plenary II held at the 'Manthabiseng Convention Centre from the 25th to the 27th November 2019. It has been divided into seven chapters in line with the same number of sectors that have been earmarked for reform. These chapters as follows:

- Chapter 1: Constitutional Reforms
- Chapter 2: Parliamentary Reforms
- Chapter 3: Security Sector Reforms
- Chapter 4: Justice Sector Reforms
- Chapter 5: Public Service Reforms
- Chapter 6: Economic Reforms
- Chapter 7: Media Reforms

Generally the reform options provided in this report vary in nature and time required to implement them. Some options are administrative while others are legislative. The former will need to be implemented by various government ministries and the latter by Parliament. To be successfully implemented, some options require moderate modification, while others call for a drastic overhaul of the status quo. While some reform options require a short period, some can only be implemented over a long period.

ANNEX I: MULTI-STAKEHOLDER NATIONAL DIALOGUE PROGRAMME



Multi-stakeholder National Dialogue Programme

25th – 27th November, 2019

'Manthabiseng Convention Centre

Theme: *The Lesotho We Want: Dialogue and Reforms for National Transformation*

DAY ONE – 25TH NOVEMBER, 2019

Session I

OFFICIAL OPENING

Time	Activity	Responsibility	Facilitator
07:00 - 08:30	Arrival of delegates and registration	All	NDPC
08:30 – 09:00	Arrival of Dignitaries	Protocol	NDPC/GS

09:00 - 09:15	Opening Prayer by the Christian Council of Lesotho (C.C.L)	CCL	GS
09:15 - 09:30	The Reforms Process: An Overview	NDPC Chairperson	GS
09:30 – 09:45	An Overview on the Reforms Programme by the SADC Facilitator	H.E. Rt. DCJ. Dikgang Moseneke	GS
09:45 – 10:00	Remarks by The Rt. Hon The Prime Minister	Rt. Hon. Motsoahae Thomas Thabane	GS
	Plenary Moderator: SADC Facilitation Team		
	Session II		
10:00 – 10:30	Motivation	Calvin Motebang	
10:30 – 10:50	Lessons on Peace and Reconciliation- The German Experience	H.E. Martin Schafer- German Ambassador to Lesotho	
10:50 – 10:55	Brief on thematic break away sessions	NDPC	SADC
10:55 – 11:25	TEA BREAK		
12:00 – 17:00	BREAKAWAY SESSIONS: SEEKING THE BEST OPTION FOR THE MAJORITY OF THE PEOPLE		

	Break away sessions			
	PARLIAMENTARY REFORMS	MEDIA REFORMS	CONSTITUTIONAL REFORMS	JUSTICE SECTOR REFORMS
	AUDITORIUM ('MANTHABISENG)	PHUTHIATSANA ('MANTHABISENG)	MACHACHE HALL ('MANTHABISENG)	MOJALEFA LEPHOLE VICTORY HALL

11:30 – 11:35	Introducing the objective of the sessions by the moderator: The best option for the majority.	Introducing the objective of the sessions by the moderator: The best option for the majority.	Introducing the objective of the sessions by the moderator: The best option for the majority.	Introducing the objective of the sessions by the moderator: The best option for the majority.
11:35 – 13:00	<p>Moderator: SADC/NDPC</p> <p>Presenters:</p> <ol style="list-style-type: none"> NDPC – Overview of the process and highlights The Expert – Presentation of the report A member of the NLF Sub-Committee – gaps identified in the report <p>Rapporteur: Mr. Matlamukele Matete</p> <p>Overseers: (NDPC): Mrs. Rosa Lenea Mr. Sam Letima</p>	<p>Moderator: SADC/NDPC</p> <p>Presenters:</p> <ol style="list-style-type: none"> NDPC – Overview of the process and highlights The Expert – Presentation of the report A member of the NLF Sub-Committee – gaps identified in the report <p>Moderator: Mr. Tsebo Mats’asa</p> <p>Rapporteur: Overseers: (NDPC): Mr. Boitumelo Koloji Mr. Sekonyela Mapetja</p>	<p>Moderator: SADC/NDPC</p> <p>Presenters:</p> <ol style="list-style-type: none"> NDPC – Overview of the process and highlights The Expert – Presentation of the report A member of the NLF Sub-Committee – gaps identified in the report <p>Rapporteur: Overseers: (NDPC): Dr. Tlohang Letsie Mrs. Mamello Morrison</p>	<p>Moderator: SADC/NDPC</p> <p>Presenters:</p> <ol style="list-style-type: none"> NDPC – Overview of the process and highlights The Expert – Presentation of the report A member of the NLF Sub-Committee – gaps identified in the report NLF Sub-Committee – gaps identified in the report <p>Rapporteur: Overseers: (NDPC): Morena ‘Mikea Molapo Mr. Tieang Sefali</p>
13:00 – 14:00	LUNCH			
14:00 – 16:00	Parliamentary Reforms continues	Media Reforms continues	Judiciary Reforms continues	Constitutional Reforms continues
16:00 – 16:15	HEALTH BREAK			

16:15-17:00	Finalisation of proposed decisions and recommendations.	Finalisation of proposed decisions and recommendations.	Finalisation of proposed decisions and recommendations.	Finalisation of proposed decisions and recommendations.
	ECONOMIC REFORMS SECHABA HALL (VICTORIA HOTEL)	PUBLIC SERVICE REFORMS MACHABENG HALL (VICTORIA)	SECURITY SECTOR REFORMS MINISTRY OF HEALTH (AUDITORIUM)	
08:30-08:35	Introducing the objective of the session by the moderator: The best option for the majority.	Introducing the objective of the session by the moderator: The best option for the majority.	Introducing the objective of the session by the moderator: The best option for the majority.	
08:35-10:30	Moderator: SADC/NDPC Presenters: 4. NDPC – Overview of the process and highlights	Moderator: SADC/NDPC Presenters: 1. NDPC – Overview of the process and highlights 2. The Expert – Presentation of the report 3. A member of the NLF Sub-Committee – gaps identified in the report	Moderator: SADC/NDPC Presenters: 1. NDPC – Overview of the process and highlights 2. The Expert – Presentation of the report 3. A member of the NLF Sub-Committee –	

	<p>5. The Expert – Presentation of the report</p> <p>6. A member of the NLF Sub-Committee – gaps identified in the report</p> <p>Rapporteur:</p> <p>Overseers: (NDPC): Mr. Thabo Qhesi Mr. Chaka Ntsane</p>	<p>Rapporteur:</p> <p>Overseers: (NDPC): Ms. Lebohang Ramohlanka Mr. Thabiso Mothibeli</p>	<p>gaps identified in the report</p> <p>Rapporteur:</p> <p>Overseers: (NDPC): Mrs. 'Majoalane Thafeng Ms. Liteboho Kompfi</p>	
13:00 – 14:00	LUNCH			
14:00 – 16:00	Economic Sector Reforms continues	Public Service Reforms continues	Security Sector Reforms continues	Constitutional Reforms continues
16:00 – 16:15	HEALTH BREAK			
16:15-17:00	Finalisation of proposed decisions and recommendations.	Finalisation of proposed decisions and recommendations.	Finalisation of proposed decisions and recommendations.	Finalisation of proposed decisions and recommendations.
END OF DAY ONE				

DAY TWO – 26TH NOVEMBER, 2019			
'MANTHABISENG CONVENTION CENTRE (AUDITORIUM)			
07:00 – 08:15	Arrival	All	NDPC
08:15 - 08:25	Prayer	CCL	MC
08:30 - 10:00	Presentation on Constitutional Reforms Discussions and FINAL decisions	ALL	NDPC
10:00 – 11:00	Presentation on Parliamentary Reforms Discussions and FINAL decisions	ALL	NDPC
11:00 – 11:30	TEA		
11:30 – 12:30	Discussions on Parliamentary Reforms – Continuation	ALL	NDPC
12:30 – 13:30	Presentation on Security Sector Reform Discussions and FINAL decisions	ALL	NDPC
13:30 – 14:30	LUNCH		
14:30 – 15:30	Presentation on Justice Sector Reforms Discussions and FINAL decisions	ALL	NDPC
15:30 – 16:00	HEALTH BREAK		NDPC
16:00 – 16:30	Justice Sector Reforms – Continuation	ALL	NDPC

16:30 – 18:00	Public Service Reforms Discussions and FINAL decisions	NDPC	SADC
END OF DAY TWO			
DAY THREE – 27th NOVEMBER, 2019			
07:00 - 08:15	Arrival and Registration	All	NDPC
08:15 - 08:30	Prayer	CCL	
08:30 – 09:30	Presentation on Economic Sector Reforms Discussions and FINAL decisions	ALL	NDPC
09:30 – 10:30	Presentation on Media Reforms Discussions and FINAL decisions	ALL	NDPC
10:30 – 10:40	WAY FORWARD Pledge for support?? Communiqué etc.	SADC ALL STAKEHOLDERS	SADC
10:40 – 11:00	TEA BREAK		
END OF DAY THREE			

	CLOSING CEREMONY		
	PROGRAMME DIRECTOR: Government Secretary		
11:00 – 11:10	National Dialogue Planning Committee (NDPC) Vote of Thanks – Mr. Thabiso Mothibeli		
11:10 – 11:20	Message of Support by the European Union Ambassador		
11:20 – 11:30	Message of Support by the UNDP Resident Coordinator		
11:30 – 11:40	Remarks by Rt. Deputy Chief Justice Dikgang Moseneke		
11:40 – 11:50	Remarks by the Chairperson of the SADC Organ on Politics, Defence and Security Cooperation, His Excellency Emmerson Mnangagwa		
11:50 – 12:00	Remarks by SADC Chairperson, His Excellency Matamela Cyril Ramaphosa		
12:00 – 12:10	Remarks by the SADC Chairperson, His Excellency John Pombe Magufuli		
12:10 – 12:20	Entertainment/Song		
12:20 – 12:40	Keynote Address by His Majesty the King		
12:45 – 12:50	National Anthem		
12:50 – 13:00	Group photo		
13:00 – 14:00	LUNCH		
END OF PLENARY II			

**ANNEX II: THE REMARKS BY THE OFFICIAL LEADER OF
OPPOSITION IN PARLIAMENT, HON. MATHIBELI
MOKHOTHU MP**

Your Majesty King Letsie III

Your Excellency, President Cyril Ramaphosa

The Right Honourable the Prime Minister

President of the Senate

Speaker of the National Assembly

President of the Court of Appeal

Deputy Prime Minister and Ministers of His Majesty's Cabinet

Acting Chief Justice

Former Prime Minister, Ntate Pakalitha Mosisili and

Our two Former Deputy Prime Ministers here present

Excellencies Heads of Diplomatic Mission and International Organisations

Retired Deputy Chief Justice Dikgang Moseneke and all members of the
Facilitation Team

Members of the SADC Secretariat Team here present

Ladies and gentlemen

Ha ke its'alo, ha e mpe ebe ke le hlomphile bohle bo-Ntate le bo-Mme, molemong oa nako.

It was only on the 23th of August, 2018, during what was to be known as the Second National Leaders' Forum (NLF) that the leadership of this country met to discuss in

earnest, the way forward for instituting overarching national reforms. It was during that forum that the leaders resolved to establish a multi-stakeholder National Dialogue Planning Committee, now popularly known as the NDPC, to serve as the leadership's executive arm in the implementation of the first phase of the reforms process.

I have to admit that, at that time, some of us had no idea how the process was going to unfold. All we all knew and were quick to agree upon, was the need for gazettelement of both the membership of the committee and the various components of the reforms programme, hence the birth of the National Reforms Dialogue Act No. 6 of 2018.

Now, twelve months down the line, we are here, at this historic milestone, where we have in our hands, a clear mandate from the people, on what we need to do to achieve lasting peace and prosperity in the Kingdom. It is most heartening to look around and note that, as we celebrate this auspicious moment, we do so in the august company of our brothers and sisters, friends and colleagues from the SADC region.

Excellencies, your presence here today is a clear indication of the importance that you attach to attainment of true peace and stability in our country and will not go unnoticed. This noble and most honourable gesture dictates that we renew and reaffirm our commitment to carrying the momentum through to the establishment of the National Reforms Authority and ultimately legislation of the wishes of the people into law, policy and day to day practice and procedure, as the case may be.

Ho uena Ntate Ramaphosa, e le uena mokena-lipakeng e moholo oa SADC, re lakatsa hore rea leboha. Re leboha ha u ile ua re fa Moemeli ea hloahloa, oa boemo ba Ntate Moseneke. Ha le bua moo le leng bang, kea tšepa u tla u qoqela hantle hore na Basotho ke batho ba joang. O ithutile rona hantle, oa re tseba, joalo feela kaha le rona re ithutile eena.

On behalf of the Opposition in Parliament, I wish to express our sincere appreciation and gratitude to SADC leadership and membership for the patience and support extended during the trials and tribulations we faced on our road to this point. Needless to say, there is still a long way to go towards full implementation of the proposed

reforms. We however wish to pledge full commitment and support to the process **regardless of which side of the Speaker's chair we will be sitting** in the next few days.

The Reforms process, according to me, remains a process of introspection. Introspection on the ideals of who we are as a nation. We must remain true to the ideals of our Founding Father. We must be inhabited by the spirit of Moshoeshoe I, as our Founding Father.

The problems that confront us as a nation must teach us one thing; that we are sailing across the ocean and we are in a sinking ship. We are in a forest together; a forest that is on fire. It is up to us to act together or we shall perish together.

We, today's Leadership, have the responsibility and an obligation to deliver safely, to future generations, a Lesotho that is a sovereign state, that has freedom, that has strong institutions of governance, that is peaceful and stable, that has a stable, prosperous national economy, that has a patriotic, disciplined, responsive, corruption free and apolitical public service, that is hired and promoted on merit; a Lesotho that will be united, caring and God fearing; a Lesotho that is safe and secure for all who live in it. We owe this to ourselves and to future generations.

In conclusion, I wish to thank all the Leadership of this country, the UNDP the EU, the United States and all development partners and organisations that have stood side by side with us on this difficult and demanding journey.

Last but not least, I wish to thank and congratulate the NDPC for the commendable work they have done in executing their mandate as expressed in the National Dialogue Act, 2018. We know it was not easy, but you did it.

Congratulations Team NDPC!!

Bahlomphehi ba ka, Bo-Ntate le Bo-'M'e kea leboha.

Molimo o boloke Motlotlehi Rabasotho.

Molimo o boloke boetapele bohle ba sechaba.

Molimo o boloke Lesotho le Basotho.

KHOTSO PULA NALA

ANNEX III: REMARKS BY HIS EXCELLENCY, PRESIDENT CYRIL RAMAPHOSA, SADC FACILITATOR

Let me start off by associating myself with the standard protocol of the Kingdom of Lesotho which has been ably observed by the speakers before me. For the sake of time, let me pay my respects to:

Your Majesty King Letsie III

Right Honourable Dr. Motsoahae Thomas Thabane, Prime Minister of the Kingdom of Lesotho

Representatives of the Government of the Kingdom of Lesotho

Representatives of SADC, both Summit Organ;

Executive Secretary of SADC;

Members of the Official Opposition and Political Parties;

Religious Leaders and Members of the Faith Groupings;

Traditional Leaders;

Representatives of Civil Society;

Distinguished International Partners present;

Ladies and Gentlemen;

It is a great honour for me to be part of this long-awaited final Plenary of the Multi-Stakeholder National Dialogue on national reforms. Allow me at this moment to express my gratitude and appreciation to all of you; irrespective of your political and other affiliations for having reached this stage of the reforms process.

I would also like to extend my appreciation and thanks to our International Partners, in particular, the United Nations Development Programme and the European Union Delegation Office in Maseru for accompanying us throughout this journey.

I also applaud the Facilitation Team led by Retired Deputy Chief Justice Moseneke, who despite his busy schedule, made time to engage with all of you in order to forge a way forward on how we could work together towards the "Lesotho We Want".

The SADC Summit Heads of State and Government which took place in the United Republic of Tanzania in August 2019; applauded the Government of the Kingdom of Lesotho and all relevant stakeholders for demonstrating commitment to the national reforms and progress achieved thus far.

The Summit was impressed with progress made in the facilitation process and deemed it appropriate for the Facilitator to take the process to its logical conclusion. In this regard, the Facilitator is expected to give a report to the next Summit which is scheduled to take place in Maputo, the Republic of Mozambique in August 2020.

Bo Mme le Bo Ntate

To all of us, this Second Multi-Stakeholder National Dialogue Plenary is important in many ways. It is a critical milestone in forging a political consensus on the multi-sectoral national reforms and reconciliation in the Kingdom of Lesotho. Indeed, this marks a historical moment in the Kingdom of Lesotho.

The Plenary provided the opportunity for all Basotho to dialogue, engage, and reach consensus on all identified areas of reforms, including constitutional, parliamentary, judiciary, security, public service, media and economic sectors. The choice of the seven thematic areas targeted for reforms ably captures the significant interplay between the political, social, and economic determinants impacting on stability.

The past fifty years' experience of Lesotho's independence has made Basotho to understand how difficult it is to achieve the socio-economic development and prosperity without political stability and vice versa.

The success of this Multi-Stakeholder National Dialogue Plenary further demonstrates the commitment of Basotho on achieving their chosen path of the "Lesotho We Want." Thus far, you have demonstrated that no obstacles and difficulties you encounter along the way will succeed in reversing the gains you have already made.

Most of you would agree with me that the journey to reach this stage has not been an easy one. It involved putting aside political differences, sacrifices, patience, tolerance, and the spirit of give and take which this august house demonstrated. This coming together is a testimony of that cooperation and commitment to the common good and destiny for the Kingdom of Lesotho.

At this juncture, I am certain that Basotho and the outside world are watching with keen interest and disbelief, while others are wondering as to whether this is happening indeed.

I encourage you to maintain the brotherhood and sisterhood spirit that prevailed during your engagements in the various National Leaders Forums whose achievements led to this august ceremony today.

Bo Mme le Bo Ntate,

We have convened here because of the hard work performed by the numerous leaders' forums which ultimately gave birth to the National Dialogue Planning Committee (NDPC). Accordingly, the NDPC played a critical administrative role for the convening of subsequent First Plenary and the Second one which is concluding its work today.

The reforms process needed dedicated and committed people to deliver such excellent outcomes. The team was tasked with the responsibility to listen and solicit the concerns, opinions and views of all Basotho about the future of their Kingdom. This happened throughout the length and breadth of the Kingdom, covering all the districts, involving all the sectors, as well as Basotho in the diaspora.

I therefore wish to commend the NDPC for the dedication, commitment and hard work to the reforms up to this point.

The role played by the Non-Governmental Organisations in assisting the NDPC to conduct the in-district and diaspora consultations should also be acknowledged and appreciated. In the same vein, the work done by both the local and international experts' cannot be underestimated.

We should also recognise the role played by experts and the Lesotho Council of Non-Governmental Organisations for putting together all reports that formed the basis of your discussions in the last two days of this Plenary.

Bo Mme le Bo Ntate

I am delighted to know that you have agreed on the National Reforms Authority as the body that would ensure the implementations of the reforms beyond the Second Plenary. It is of great importance that all stakeholders rally behind the National Reforms Authority in executing its mandate.

In this regard, I wish to express our gratitude and appreciation to His Majesty King Letsie III for giving Royal Assent to the National Reforms Authority Bill in order to operationalise the mechanism of implementing the resolutions and decisions of the Second Plenary.

In conclusion, I wish to reassure you of my continued commitment in accompanying you in your quest to finding a lasting solution to your challenges. This I will do in line with the mandate accorded to me by the SADC Heads of State and Government as the SADC Facilitator to the Kingdom of Lesotho.

I encourage all Basotho to remain resolute in ensuring that the foundation laid today for peace, stability and development in the Kingdom is jealously guarded. As the people of the region, we know that when this Kingdom rises, the whole of the region and Africa will also rise.

Basotho have spoken and now is the time for both the National Reforms Authority and Parliament to finally deliver on their aspirations which have been eloquently articulated throughout this National Dialogue Process.

Lastly, I would like to wish you a Happy Christmas and prosperous New Year.

Khotso! Pula! Nala!

ANNEX IV: REMARKS BY THE RIGHT HONOURABLE THE PRIME MINISTER DR. MOTSOAHAE THOMAS THABANE

Your Majesty King Letsie III

Your Excellency President Cyril Ramaphosa, President of the Republic of South Africa and the SADC Facilitator to Lesotho

Honourable President of Senate

Honourable Speaker of the National Assembly

Her Ladyship the Acting Chief Justice

Honourable Deputy Prime Minister and our Government Coalition Partners

Honourable Members of Parliament and Principal Chiefs

Your Lordship Retired Deputy Chief Justice Dikgang Moseneke, Head of the SADC Facilitation Team and the Facilitation

Representative of the SADC Executive Secretary, Mr. Kabanga

Heads of Diplomatic Missions and International Organisations

All Invited Distinguished Guests

Members of the Media

Ladies and Gentlemen

It is with a deep sense of humility and gratitude that I stand before you today to deliver brief remarks at this landmark occasion. The National Reforms terrain has been long, arduous and certainly not without challenges. The journey which began in 2012 is only coming to fruition seven years later. Uncertainties and suspicious clouded the genesis of this reforms process. We had to climb mountains and cross the rivers of despair to come this far.

You will recall that following the 2017 National Elections, His Majesty's Government resolved to prioritise National Reforms that are transparent and inclusive. We did so with a view to changing our political and security trajectory. We may wish to recall that the political landscape in Lesotho has historically been characterized by varying turbulence, with some Parliaments not being able to finish their five year constitutional terms. Relations among Politicians and our Political Parties have been rocky while security challenges had become part of us. All these factors underlined the need for

Lesotho to urgently change course.

Today, the conclusion of our National Dialogue process had dawned upon us. Over the past two days we have had intense and yet fruitful discussions on what options are available to give effect to what Basotho have said they want. I am delighted about the significant progress that we have made. The long meetings that we have held over the past year and the attendant sacrifices that we have made have not been in vain. As we leave this hall, we shall do so with joy and confidence that the National Reforms Authority has a clear mandate to turn the desires of Basotho into reality.

Excellencies,
Ladies and Gentlemen,

On the 25th November, 2018 His Majesty King Letsie III stood on this very spot and charged the first plenary to undertake this reforms journey with sincerity, mindful of the duty bestowed upon its participants to contribute to a Lesotho that Basotho would indeed be proud of. It is, therefore, befitting to recognise all the efforts and inputs made by different stakeholders, from the ordinary Mosotho in the village through participation in the public engagements, to the tireless efforts made by the organisations and individuals who made the whole process feasible.

Your Majesty, you will be happy to hear that Your subjects have been consulted both in Lesotho and in the diaspora. Although best efforts were made to reach Basotho wherever they were, some still courageously travelled long distances, while some endured harsh weather conditions to participate in the public consultations. Various expertise was engaged to work on the submissions in order to capture the essence of the numerous submissions. Thus, Final decisions have been taken in this Second Plenary based on those inputs.

We are a nation founded on Peace and unity. Our Great Founder, King Moshoeshoe I, built Lesotho on a foundation of consensus, peace and diplomacy. Even as we move forward with implementation of the reforms, let us do so with brotherly and sisterly love and with understanding and compassion. We owe it to our Country, People and Leaders, to unify Basotho and lead this country to prosperity. As we do so, let us take inspiration in the Devine Book which says **"Ntlo e itoantsang e fetoha lesupi"** – which is translated **"A house that is divided cannot stand"**.

Sechaba sa Heso,

Leeto lena leo re le tsamaileng ho fihlela mona la Lipuisano tsa Thlopho – Bocha, le re hopotsa ka `nete le ka tieo hore **"lehlahahela le lla ka le leng"**, **etsoe Mosotho o ee a re "bohlale ha bo ahele ntloana-`ngoe"**. Re le Basotho re qalile leeto lena re qaqolohane ka maikutlo haholo, empa ka mamello le mamellano, ekasitana le kutloelano bohloko, mafapha ohle a kene lipuisanong ka boitebalo ho fihlela mothating ona oo Basotho kaofela ba fihletseng tumellano le chebelo-pele `moho ka tlhopho bocha ea Naha ea habo bona.

Ntumelleng, lebitsong la `Muso oa Lesotho la lebitsong laka, hore ke le lebohe bohle

ho tsoa botebong ba pelo eaka ka mosebetsi o khabane oo le o fihletseng. Ke leboha NDPC, Lekhotla la Mekhatlo e Ikemetseng, Lekhotla la Likereke Lesotho, le bohle ba etelletseng pele likarolo tse fapakaneng tsa Lipuisano tsena tsa Sechaba. Marena a Sehloho `moho le Marena ohle a libaka a entse mosebetsi o moholo ho atlehisa morero ona oa Tlhopho Bocha ka ho mema lipitso le ho ts'ehetsa lenane lena ka mekhoha e meng e mengata. Kea le leboha bana ba Moshoeshoe. Ke tumelo eaka e felletseng hore Morena Molimo O tla re hauhela re fumane Khotso ea moshoelella le boiketlo `moho le kholo ea moruo.

Ho ee ho thoe Moprofeta ha a bokoe ha habo, empa ntumelleng letsatsing la kajeno ke fetole taba eo ka ho thoholetsa le ho ananela ts'ebetso e khabane ea Bahlanka ba Sechaba (Government Technical Team) ba ileng ba ts'epeloa ho thusa `Muso le Naha ho tlosa leoto litabeng tsena tsa Tlhopho-Bocha. Ba sebelitse lihora tse sa tloaelehang ka lisebelisoa tsa bona boholo ba nako, molemong oa hore Naha ea rona e tlohe seretseng seo e leng ka hare ho sona. Banna ba Basali ba heso mofufutso oa lona ha o na ho tsoela boeeng joalo ka oa ntja.

Ekaba phoso e kholo ha nkake ka leboha Komitjana e ileng ea thehoa ke tulo ea Baetapele ba Naha (National Leaders Forum Sub-Committee) ho atametsa litlaleho tsa litsibi haufi le rona. Ruri ke hloletsoe ke bokhabane le boitelo boo banna le basali bana ba Basotho ba sebelitseng ka bona ka nako e khuts'oanyane ba bile ba hloka lisebelisoa tse phethahetseng. Ba ile ba tela mofuthu oa malapa a bona, ba sebetsa bosiu le mots'eare ka boithaopo, empa ka makhethe a hlollang. Ha ke na mantsoe a lekanenga teboho ho lona. Ke ipiletsa ho bohle ba amehang hore ha teboho ea rona e se be e ts'oanang le mats'elisoa a se nang phofo.

We are also deeply grateful to SADC and our Development Partners, in particular the UNDP and the European Union, for their gracious financial and technical support without which we could not have reached where we are today. We pledge our full cooperation with these Partners in the road ahead.

**Excellencies, Distinguished Guests,
Ladies and Gentlemen,**

It is now my singular honour and privilege to request you to stand up as I humbly invite His Majesty King Letsie III to deliver His keynote address.

**Your Majesty ntate ke ea u mema u buoe le sechaba sa
hau se mametse ntate!**

ANNEX V: SPEECH OF HIS MAJESTY KING LETSIE III

HIS MAJESTY'S SPEECH AT THE CLOSING CEREMONY OF THE SECOND MULTI-STAKEHOLDER NATIONAL DIALOGUE PLENARY AT 'MANTHABISENG CONVENTION CENTRE, MASERU ON 27TH NOVEMBER, 2019

The Right Honourable the Prime Minister, Dr. Motsoahae Thomas Thabane,

His Excellency President Cyril Ramaphosa, President of the Republic of South Africa and SADC Facilitator to Lesotho,

Honourable President of Senate,

Honourable Speaker of the National Assembly, Her Ladyship the

Acting Chief Justice,

Retired Deputy Chief Justice, Ntate Dikgang Moseneke - Head of the SADC Facilitation Support Team,

Honourable Deputy Prime Minister, Honourable Ministers and Deputy Ministers,

Representative of the SADC Executive Secretary,

Excellencies Heads of Diplomatic Mission and International Organisations,

Honourable Senators and Principal Chiefs,

Honourable Members of the National Assembly, Baruti Ba

Moshoeshoe,

All Invited Distinguished Guests, Members

of the Media,

Ladies and Gentlemen,

Sechaba sa Thesele,

It is with great joy that we are all gathered here today, exactly one year after the first Multi-Stakeholder National Dialogue Plenary, to celebrate an important milestone of our National Dialogue Reforms Process. Today's historic event marks yet another significant achievement in our collective efforts towards building a new Lesotho that we will all be proud of.

Over the past year, Basotho from all walks of life participated with enthusiasm in this dialogue exercise. They came together motivated by a strong sense of patriotism to offer ideas and views that could help to build the **Lesotho that We Want and Deserve**. Basotho, both in Lesotho and in the diaspora, spoke with a clear and loud voice on their aspirations and desires for the **Lesotho they Want**. Therefore, the right thing to do now and in the days ahead, would be for those who have been entrusted with the responsibility to implement the reforms, to faithfully translate those views and aspirations into reality. Let me remind you of a popular Latin idiom that says "**Vox Populi Vox Dei**", which means "**the voice of the People is the voice of God**."

This day or this event will hopefully go down in the annals of history as the day or event that opened a new path leading to lasting peace, stability, freedom and prosperity for every Mosotho. Through this event, and subsequent processes that will follow, we are demonstrating our determination to recapture or regain our reputation as a Nation of peace. And in so doing, I hope we will stand together, shoulder to shoulder to build a country that will be the envy of the world – a Lesotho that future generations will be proud to call their home.

Excellencies,

Ladies and Gentlemen,

When we began this journey two years ago, divisions and differences among us as a Nation were very glaring because of deeply entrenched political polarization. The security situation in Lesotho was precarious, causing some of our country men to

flee their homes and seek refuge across the border. Many had little hope that meaningful progress would be made. I would be dishonest if I said all of those problems have now gone away, because they haven't. But, we should all take a moment to thank the Almighty for the laudable strides that have been made so far despite these well-known and well documented challenges. If it were not for His Grace, we would not be

where we are today. I would also like to take this opportunity to thank the entire Basotho Nation and its Leadership for their patience, commitment and resolve to stay the course.

The support and leadership that the Government has provided to the dialogue process is worth special commendation. It is common knowledge that through the help of the Southern African Development Community (SADC) and with the cooperation and active role of the Government, some Leaders who had sought refuge in other countries for political reasons returned home in due time and took part in the Reforms Process. As we move forward, I wish to assure you of my Government's full commitment to ensure that all Basotho who still remain outside the country for security and or political reasons, return home to take part in building a new Nation and country.

My sincere gratitude also goes to SADC for their unwavering support to us during those times of trial and tribulation. The commitment that our fellow SADC Leaders demonstrated towards a peaceful and secure Lesotho, has not gone unrecognized. Many SADC Countries have not only contributed financially to our course, but have also contributed sacrificially by deployment of military and civilian personnel to help calm the situation in Lesotho. At this juncture, allow me to recall, with sadness, that during the deployment of the SAPMIL contingent, two precious lives of SADC soldiers were lost in the line of duty while in our country. To the families and countries of the said personnel, we wish to take this opportunity to offer our deepest condolences.

In the same vein, I wish to thank President Cyril Ramaphosa and the SADC Facilitation Support Team, under the leadership of Retired Deputy Chief Justice Moseneke, for their continued engagement in Lesotho. In the true brotherly spirit, consistent with the principle of good neighbourliness, you dedicated and committed your time and resources to the Lesotho National Reforms Process. We wish to assure you that your efforts have not been in vain. This engagement has no doubt led to the deepening of friendship, respect and love between our two countries and people.

It would be remiss of me not to thank our Development Partners, particularly the United Nations and the European Union, for their financial support to our Reforms Process. In particular, we commend them for acknowledging that the Reforms belong to Basotho and that it is Basotho who have to decide on the kind of “**Lesotho They Want**”, and they did this honourable act by agreeing to support us without any conditions. It is our sincere wish that the cooperation and friendship between the United Nations, the European Union and Lesotho will continue to flourish.

Equally, we are grateful to the National Dialogue Planning Committee (NDPC) for diligently guiding the National Dialogue Process. Yes we know that mistakes may have happened along the way, but your commitment and dedication to the task has been beyond reproach. As you go back to your previous duties and occupations please draw comfort from the knowledge that the Nation owes you a huge debt of gratitude.

The Government Technical Team, under the leadership of the office of the Government Secretary, also did a sterling job. Let us not forget that this team was formed at the very conceptual stage of this process. It is this Team that gave birth to all the reforms processes and structures that we have today. Despite many challenges in the execution of their duties in the reforms, these Public Officials remained onboard. Their sacrifices and dedication to contributing to a new Lesotho shall remain indelibly printed in our hearts.

Sechaba Sa Heso,

Ha re ne re simolla leeto lena, tšepo ea hore mosebetsi ona o tla atleha e ne e fokola. Empa letsatsing lena re hetla morao ka thabo ha re bona tema eo re e khathileng. Ke ne ke ipiletse ho lona le baetapele ba lona qalong ea mosebetsi ona hore re hopoleng litaba tse ling tsa Morena Moshoeshoe I, Mothehi oa Sechaba sa rona, moo a neng a re **“O ka nketsang ha e ahe motse, motse ho ahoa oa morapeli Thesele”**. Hape ka le kopa hore mosebetsing ona oa bohlokoahali le hloke boikhabo, `me le tsebe hore Sechaba le Naha li tla pele ho lintho tsohle.

Likatlheho tseo le li fihletseng ho fihlela mona, ke letsóao la hore likopo tseo tsaka li ile tsa ananeloa, `me ke mona `moka ona oa Bobeli oa Lipuisanao tsena tsa Tlhopho Bocha o atlehile. Ketlong lena ke kholisehile hore bohle re ikemiselitse ho fetoha le hona ho khutlisa seriti sa rona etsoe re ne se re fetohile sesomo le sets’ehisa ka hare ho Hloahloa ena ea Afrika e ka Boroa.

Pina ea rona ea Sechaba ena le mantsoe a reng:

“Lesotho Fatše la bo Ntata Rona, hara mafatše le letle ke lona,
Ke moo re hlahileng, ke moo re holileng, re ea le rata,
Molimo a ku boloke Lesotho, O felise lintoa le matšoenyeho,
Oho Fatše lena, la Bo Ntata rona, le be le khotso”,

E se eka ha re ntse re tsoela pele ka leeto lena la Tlhopho Bocha re ka utloisisa e le kannete moelelo le botebo ba pina ena eo e leng thapelo ea rona Basotho. Ke ts’epo eaka e kholo hore ha mantsoe a pina ena a ka thopothela lipelong le likellelong tsa rona, re ka tlohela litloaelo le mekhoa ea rona ea ho phelisana ka litoants’oano le likhang tse sa hlokahaleng.

Ntumelleng ho pheta lifela baheso ka ho le hopotsa hore Tlhopho-Bocha ka bo eona ha se makhona tsohle a tlo re hlolela liqholotso tsa rona tsohle. Re ka ba le melao

e metle e fetang melao eohle lefatšeng, empa ha feela re sa fetole lipelo tsa rona le likelello tsa rona, ha fela re sa fetole le litloaelo tsa rona tse soto, re tla lula re hamela letang teng. Ka hona, Tlhopho-Bocha e tlameha ho qala lipelong tsa rona ka bomong re le batho. Kaofela ha re kopeng Morena Molimo A re thuse, A kenye lipelong tsa rona moea oa lerato la Naha, lerato la Sechaba sa Basotho le moea oa kutloelano bohloko.

Bahlomphehi baka,

Bo 'Me le bo Ntate,

Ha ke phetela polelo eaka, ke lakatsa ho leboha 'Muso oa Lesotho ka tsela e khethehileng ka boikitlaetso ba ona mosebetsing ona, le hona ho tšehetsa mosebetsi ona ka lichelete. Ke leboha le Baetapele bohle ba Sechaba ho kenyelletsa le Makhotla a bohanyetsi ka Paramenteng. Bohle Basotho ba kentseng letsoho tšebetsong ena ke ea le leboha. Ke leboha hape SADC le Naha ea Afrika Boroa, ka President Cyril Ramaphosa le letsoho la hae le letona, Moahloli Dikgang Moseneke, Mokhatlo oa Machaba a Kopaneng (UN), le Mokhatlo oa Linaha tsa Europe (European Union), ka tšehetso ea bona. Re leboha hape Lekhotla la Tsamaiso ea Lipuisano tsa Naha (NDPC), le Bahlanka ba Sechaba (Government Technical Team), ekasitana le Mekhatlo e ikemetseng ka boitelo ba bona tšebetsong ena.

Bo 'Me le bo Ntate,

Sechaba sa Heso,

Allow me, therefore, **Excellencies, Ladies and Gentlemen**, to conclude and to officially declare this Multi-Stakeholder National Dialogue Plenary II officially closed.

Molimo O boloke Lesotho le Basotho.

KHOTSO! PULA! NALA!