



## **Statement of the Lesotho Council of NGOs on the Role of Security Agencies in a Democratic Dispensation**

**17 October 2023**

Lesotho Council of Non-Governmental Organization (LCN), an umbrella organization for Non-Governmental Organisations (NGOs) in Lesotho, established among others with an objective to defend Democracy and Human Rights, serving as a voice for the marginalised and the vulnerable on good governance, social and environmental justice, and advocacy and accountability of duty bearers in line with the Constitution of Lesotho and international human rights standards. Having observed the latest developments affecting governance in Lesotho pronounces itself as follows;

1. For Council and its members, democracy presupposes an active civil society that can primarily monitor the way states honour social contract to their citizenry and hold government accountable. Human rights are better promoted and protected in a democratic system. Accordingly, measures taken by government that undermine the Constitution which guarantees key elements of democracy, tends to undermine the protection and promotion of human rights and freedoms. Therefore, as civil society, the Council continues to exert pressure on state institutions, inclusive of security sector to observe the core values of democracy, constitutionalism and the rule of law and human rights. The Council reiterate that one of the fundamental components of democratic state is to provide security to its citizens with priority function to protect society and liberty of citizens. The role of civil society organisations is to defend human rights and deepen democratic practices through advocacy, aggregation of interests and check and balances. The link between society and security sector is imperative as it reaffirms that the individual is the primary focus and security must be undertaken with dual focus on efficacy and public accountability.
2. Lesotho has adopted and enshrines values of democracy in its Constitution and has undertaken measures to promote and protect them as the supreme law from which all authority is drawn from. She has ample space for interventions from other stakeholders in the upholding of democracy. This has been reflected through collaborative efforts taken by CSOs vouched to be mechanisms of public oversight and accountability. Lesotho is both a direct and representative democracy as stipulated in the Constitution in Section 20 which entails the right to participate in matters of governance. The elected

representatives are vested with powers as echoed in section (87(5) as amended) to pass a resolution of no confidence in the Government of Lesotho against the Prime Minister. The constitution further provides the roles of the security sector as maintenance of internal security, defence of Lesotho, and national and/or internal security. Where the security sector is seen to encroach upon sectors of non-concern, CSOs are justified to intervene based on their role as a mechanism of public oversight, to avert actions of human rights violations, threat to democracy, rule of law and security overreaching.

Therefore, the LCN

- (i) Finds the statement issued by the security agencies Commissioner of Police joined by the Commander of the Lesotho Defence Force and the Director General of the National Security Services on the day when Members of the National Assembly exercised its powers as endorsed by the Constitution to pass a resolution of no confidence on the current Prime Minister, in the Government of Lesotho as overreaching and borders not only being unconstitutional given the functions of the security agencies, but may also border on criminality. The statement threatens the very democratic ethos and principles the security agencies purport to protect.
- (ii) Acknowledges that while the action of MPs who support the motion of no confidence may be irritating to some people who strongly believe that doing so is the misuse of representative democracy, it is no business of the security sector to determine what, and how Parliament should transact its business while acting within the realm of its jurisdiction until challenged and awarded; Parliamentarians acting within the realm of their jurisdiction does not equate to any criminality for which the security institutions may need to be involved.
- (iii) Confirms that in the act of MPs there is no imminent harm, disorder and/or anything that threatens the security of the country. If there be any criminality, police have the constitutional obligation to investigate and arrest under several legislations including the Internal Security Act.
- (iv) Concludes that without any specific, incidence of criminality or threat thereof in the act or at least conduct of Members of Parliament and without any arrest the security sectors' statement instil fear, causes unnecessary anxiety amongst the citizens. It remains an overreach, meddling with politics,
- (v) Rebukes the assertion that Parliament ***shall not transact*** that which it is empowered by the Constitution to do so.
- (vi) Calls upon the leadership of security agencies to refrain from involving security in matters which once put this country in instability;
- (vii) Reminds the political leadership and in particular Members of Parliament that more than anything else, Basotho want them to have passed the reforms as early as last year and their prolonged delay in passing the reforms can only be defined as betrayal of the public trust.
- (viii) Further, the Council warns MPs that not passing reforms contributes to the apathy of the citizens in the public affairs.

The civil society organisations are ready to engage with the security agencies on the one hand and the MPs on the other to address these issues before they manifest and escalate further. The

CSOs call upon the Opposition and Government sides in Parliament to refrain from antagonistic, inflammatory, and confrontational conduct and utterances while they speedily resolve the impasse. Further, the Council calls upon public and supporters of these political groupings to apply restraint and avoid provocative statements in both conventional and social media and other outlets which may cause an unhealthy atmosphere to the democratic dispensation.

Founded in 1990

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

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