

The NGO Web

Khokanyan'a Phiri

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Celebrating
20 years

of successful Civil Society movement

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About LCN

The Lesotho Council of Non-Governmental Organisations (LCN) is an umbrella organizations for NGOs in Lesotho. It was established in May 1990 with an objective of providing supportive services to the NGO Community. The Council implements this through networking and leadership training and development, information dissemination, capacity building, coordination, advocacy and representation when dealing with the government and the international community.

Vision

An effective and vibrant civil society within a democratic, peaceful and sustainable Lesotho.

Mission Statement

To stimulate, promote and build capacity within Lesotho NGOs so that, they are stable, democratic, transparent, skilled, empowered, sustainable and responsive to their beneficiaries needs and those of the voiceless and marginalized.

Structure of LCN:

The organization is led by a nine-member board of directors. There are officer positions (President, Vice-President, Treasure) and six positions for sectoral representatives associated with LCN Commissions. The board of directors and the Commissions are supported by a National Secretariat headed by the Executive Director who is also Ex-officio member to the board.

Commissions

The membership and sectoral engagement of LCN is clustered into 6 sector commissions based on mandates and programmatic orientation of members. The purpose of the commissions is to cluster organizations with a similar mandate together to facilitate programming and coordination.

Functions of the Commissions:

- Coordinate civil society advocacy and voice on issues that affect them
- Facilitate exchange of information, experiences and lessons between members
- Provide a linkage between the Secretariat and member NGOs to for effective participation
- Provide information and technical support to NGOs on relevant national policies, laws and international agreements.
- Promote partnerships between member NGOs and strategic partners to influence policy change and inform national policy

These commissions are:

Agriculture, Environment and Natural resources (AENRC)
 Democracy and Human Rights Commission (DHRC)
 Disaster Management and Humanitarian Relief (DMHR)
 Health and Social Development Commission (HSDC)
 Women and Children Commission (WCC)
 Economic Justice Commission (EJC)

LCN has developed 7 strategic focus areas covering both needs of its members and those areas for development in Lesotho where LCN can have a lasting impact.

They include:

- Strengthening Civil Society
- Environmental Protection and Stewardship
- Economic Justice and Social Development
- Governance and Accountability
- Empowering the Vulnerable and the Marginalised
- Responding to HIV and AIDS
- Harnessing Information Technology

LCN achieves these strategic focus areas within the following strategic functions:

- Evidence-based Advocacy
- Building Capacity
- Participatory Approach through Networking
- Resource Mobilization

Editorial



So we bring you this edition as we welcome another season! Time waits for no man indeed. We come to you with quiet mixed feelings due to recent happenings here in the Council. Just after we celebrated the installing of the new substantive Executive Director, Mrs. 'Mabulara Tšuene; then we lost one of our dearest, Ms Ntšitsa Mahloane. We were lost in slumberland due to the euphoria of Mrs. Tšuene's instatement when God called Ms. Mahloane. Ms. Mahloane was an asset that grew within the ranks in the Council that it was quiet difficult not to mention her name in the same sentence as 'LCN' nowadays. May her soul rest in peace indeed.

On the other hand Mrs. Tšuene has been the Programmes Director since 2008 and almost immediately started acting in the executive directorship post. And of course congratulations are inevitably in order while we wish her goodluck indeed. We hope these mixed feelings can translate into blessings that inspire us to continue with the good work entrusted upon us by members of this august Council.

Being the human rights and good governance proponents we put forward in this edition atleast two stories that engage the human rights perspective. They include the controversial 'Public Gatherings and Procession Act of 2010' which we unpack, and also how Lesotho fared in the Universal Period Review of the

UN where among others Lesotho was told to establishment the 'Human Rights Commission' which is long overdue. In the former, an interesting angle is brought up by one of the seasoned human rights lawyers on where the root problems lay as we witness a mushroom of quiet suspect laws in recent times. I implore you to read this one, this is poised to spark quiet some interesting debates. Ironically we also run with the 'Children Protection and Welfare Bill 2009' that is considered by some experts quoted in the story as one of the most consultative bills in our recent memory. This reflects that atleast all is not so much lost as most of us would like to believe. We therefore hope other laws that would follow would take a leaf out of the Children Protection and Welfare Bill 2009.

In the true culture of this publication, we further shape the news agenda by instigating another debate through the story that interrogates the validity of the commissions of inquiry. In our short democratic dispensation we have witnessed a burgeoning rate of commissions established to investigate what many would regard as clear criminal cases. Our intention with the story is not so much to test the credibility of the issues investigated but we look into the consequent benefit after the investigations have been completed by the commissions of inquiry. Thus, do commissions of inquiry really benefit the tax payer? Or are they just

to benefit the interests of the elite few in power? Do findings and recommendations get implemented in such a manner that advances the public interest of which they are purported to advance! Well you be the judge!

These are just some of the items you will feast your eyes on as you peruse the menu in this edition. Just like anything else in life, it has not really been a smooth sailing in this edition. The Sesotho articles continue to elude us but I will not relent in my call for articles, both Sesotho and English especially from comrades in the civil society organizations.

Folks its been such a pleasure getting a feedback from you about our previous edition. I was humbled by the support and allow me in the same token to be quiet gracious in admitting that the challenge to live up to the bill is still colossal upfront and therefore call upon our consolidated support for each other for the growth of this publication as we endeavour to better the lives of Basotho.

Tankiso Sephoso
Editor

Manpower woes lie in its structural setting!!

Writes Peshoane Tsikoane

Despite the recent government sudden change of heart about bursaries to tertiary level the root problems of National Manpower Development Secretariat (NMDS) are still as protruding as a sore thumb.

The Minister of Finance and Development Training (MFD) Dr. Timothy Thahane had earlier announced that government was cutting the number of students that had got NMDS scholarships due to the financial meltdown that affected economies of the world. Just recently Dr. Thahane reportedly announced in a combined press briefing with his education ministry counterpart Dr. 'Mamphono Khaketla that 'cabinet had ordered his ministry to raise about M22 million' to sponsor the rest of the remaining students admitted at National University of Lesotho (NUL).

Government reportedly parted ways with M195 million to about 10 000 students pursuing their studies at NUL while at least 600 had apparently would have been left out with no sponsorship had the government not rescinded its earlier decision that sparked much public outcry.

Many analysts have already submitted the arguments regarding poor service delivery at (NMDS) at various fora, but none of the arguments raised has ever challenged governance structures of the institution although this has so much bearing on poor service delivery at NMDS as a consequent of negligence of Ministry of Finance and Development Planning (MFDP).

Any institution cannot attain good governance unless it is consensus orientated; we have seen in the couple of months ago, when the MFDP through NMDS said that not all first year students will be sponsored in their respective institutions because of the financial constraints. Despite this decision being be so short notice, no

where does it appear that the public has been informed on whether the Council of Higher Education (CHE) or the institution has ever participated in the decision since they would be affected by this change, of which will require them to inform all prospective students to be aware of the new policy well in time. It was absolutely clear that the minister responsible, Dr. Tim Thahane had made this decision unilaterally without involving other stakeholders. The decision highlighted that NMDS is not transparent enough in the public eyes.

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When NMDS was established in 1978, it had governing council that had a responsibility to advise the minister on all matters relating to manpower training and development, and in particular but without prejudice to generally of the foregoing, its mandate was to recommend to the minister policies and procedures relating to manpower

training and development, this role as the National Manpower Development Council Act of 1978 further states includes the determination of conditions governing manpower training and development in both public and private sectors. These functions were to be carried out by making recommendation on manpower training requirements of Lesotho, and through selection committee the candidates for award bursaries. For quite number of years of this council's inexistence, it was only recently revived. However, it has never been heard making recommendation to NMDS on how it should award bursaries to prospective students, nor collect outstanding balances Transform NMDS into public enterprise.

In order to revitalise manpower to cherish principles of good governance such as rule of law, effective and efficient service delivery, equitable and inclusive, responsiveness, transparency and accountability, there must be a structural reform of NMDS Council. All sectors such as civil society organisation (CSOs), private sector must be represented. Once the department is transformed into public enterprise there must be two types of grants available, the first category should be given to students who demonstrate special talents and excel in their academic course to encourage students to continue hard work and demonstrate creativity that contributes in the economic development of the country. The rationale behind their exemption to be given first priority is nothing but commitment to plough back to the country as it is committed to sponsor their studies. According to loan bursary fund regulations Legal Notice no 20 of 1978; 'a student who has recorded an outstanding performance as decided...shall receive a remission of 10 percent of the notional cost of his bursary. The purpose of the section actually was a counter to loss of professionals who migrate to foreign countries after their studies.

Education is a right not a privilege. Therefore; it is quite necessary for manpower to have separate grants which every student can apply for the sponsorship. As it is, it is highly possible that resources might be very limited for every students, selection should be based on the merit and principle of first-come - first-serve basis. Students who apply for this grant will be expected to refund the bursary after completion of their studies as a common course. Interestingly we know that majority of students are not able to pay manpower on time due to the higher unemployment rate that has beset the country, since this is a national challenge to punish people who are not able to pay manpower after their studies. The government must devise alternatives of recovering the money not only by hunting but through creation of more job opportunities such as community projects; eventually recovery can be much faster than hunting.

The role of private sector

In the private sectors there is still a very little contribution in terms of providing scholarships for training and development of Lesotho and

also to offload the NMDS. Though Lesotho Bank used to provide scholarships for students in the finance and economic development subjects, it is only Letšeng Diamond Mine that is currently known to provide annual scholarships for students to further their studies in mining engineering. As for other sectors of the economy the attitude of reluctance is still a big challenge despite the fact that they make huge profits in this country. If one compares communication tariffs of mobile in Lesotho as an example they are far higher than in countries such as Republic of South Africa. Ironically these are same companies that operate in most of the SADC countries. The role of private sector must complement government efforts otherwise government should also raise tax to generate enough revenue that would be used for social programmes and scholarships.



Students queing for sponsorship at manpower offices

Instead of complaining that some students cannot be sponsored because previous bursaries were not yet paid government must first indeed devise some remedy strategies to recover government funds lost through various programmes to sustain social and economic development. It is still a myth how many millions that have allegedly disappeared from government such as those alleged to have been embezzled under the block farming scheme are being recovered. Government must also provide a report on government revenues that come from among other things Lesotho Highlands Water Project (LHDA) or atleast make them available and accessible to the public. Surely there would not have been these somersaults about not sponsorship and later sponsorship if the CHE is allowed to properly devise and discharge its responsibility as prescribed by National Manpower Governing Council Act of 1978 effectively.

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On being gay and lesbian in a non-exposed Lesotho

Writes Judith Lebona



“One day I got sick and went to one of the very well known health service clinics in town and when I got there I was told by the nurse to go back home and bring my sexual partner. Be mindful that I came all the way from the south, when we got there (that is my boyfriend and I) I was told to stop wasting time and bring a woman I exclaimed that I sleep with this man he is my boyfriend of two years and I do not have a girlfriend...’. The nurse frowned with disgust and I felt bad about myself and the way I was sitting there in pain regretting coming to seek help. I felt terribly inhuman as the service provider just prescribed me an ointment and gave me painkillers and that was it. And of course I have never again set foot on that place; never!”, says a 23 year-old femme looking gay man schooling at one of the high schools around the skirts of Maseru City.

On the other hand Lebohang* who is 29 years old works at one of the textile industry factories painfully reveals that “I feel frustrated every time I have to go into public toilets in town. I remember one day when I was at the state library and I needed to use the bathroom. I could not go into the women’s bathrooms because the security guards chased me out and directed me to men’s bathrooms. I feel like unlike other girls I always have to explain that ‘I AM A WOMAN’. This is so frustrating”.

“I am never sure what to do when we go to funerals where traditionally a man has to remove his hat as a sign of respect and

where a woman has to keep hers on. This is saddening because I am intersex (a person who shows physical features of both sexes). Though my parents have chosen for me what they wished for when they planned to have a child I don’t feel like a woman. I feel and do what men do even though I have breasts of a woman. I also have that part of me that was suppressed and removed. Now I am a grown up and my testosterone are fully functioning hence my deep voice and beards,” he says with a painful shaky voice.

These are just some of the harrowing experiences gays and lesbians come to face every time of their life in the country. Being dominantly Christian society, most Basotho are very lethargic to homosexuality to the point of not just being intolerant but in some extreme cases to actually frustrate and discriminate against homosexual people. Homosexual people are in recent times faced with gross prejudices of variously crude forms; they include:

Physical violence: The physical violence of gay looking men has been in existence for ages. A man had to look all masculine and rough to be considered a real man. It is very much prevalent in the schools, homes and work places even today where feminine looking boys are poked at and provoked as ‘sissy boys’. As if being feminine is of lesser being than masculine which in essence perpetrate even all other forms of discrimination such as patriarchy. “Yes I may have a smaller voice and wear tight fitting pants and skinny jeans but I still am a man. The difference is that I am a man who is emo-

tionally and sexually attracted to other men.” retorts Lehlohonolo* who says in some quarters of the country being gay appears to be so abominable that sometimes he feels like cursed to be living in this kind of environment. Lehlohonolo is 25 years old and has been living openly for about 5 years to date.

Freedom of speech: In most circles be it social groups and or any other forums, before people can hear and listen to what a gay/lesbian person says people always think of such person as being gay first, unlike a human being ‘like us’ hence his/ her views are considered as could only come from a gay person. As a result it becomes difficult for members of gay and lesbian community to speak freely without necessarily perceived in some abnormal way. It becomes even more painfully unbearable when the pastors, priests and other leaders of the churches are hard at work to preach negatively towards homosexuality quoting Biblical verses for their own myopic interests. People have been prayed for, told that they are possessed with ‘unholy’ spirit as if they are part of being anti-Christ. Spirituality lives have weakened due to unwarranted expulsions from church community, and this writer can attest to that.

It also becomes difficult to access even public places, like toilets, bars without such stern and straight gazes that are so piercing like needle into the fragile heart. All these due to the physical identity, attire, behaviour, character that for some reason does not suite some way of life as some people do not find it ‘acceptable’. Still quiet baffling on why it is acceptable for others to bestow their moral and religious sentiments on others. Morality is subjective and the next person does not necessarily worship the same religion as that of the other person. And it is most appalling to try and use religious sentiments of others in interpreting rights of others, regardless of how important religion is.

Rejection: ‘hao ngoanak’a ’Na ha kea tsoala setabane’, ‘You are disgusting’ All these words and many others are silent killers to the gays and lesbians community. Most of the members of this rather large and integral part of the Basotho nation are often confronted with negative responses not only from the extended or outside community but rejection at its best from their very families and friends who spread rumours that would perpetrate hatred and to a larger extend change the way such a gay person is being viewed. When everybody walks on the streets comfortably and freely because they know that they are seen and appreciated for being who they are as citizens of this country, the LGBTI community members feel the exact opposite.

In his study, done earlier in 2010 ‘A cross-sectional Assessment of population Demographics, Sexual Practices, HIV Risk Status and Human Rights Contexts of Sexual Minorities in Lesotho’ Stefan Baral reveals that quantitatively indeed Men having Sex with Men (MSM) and Women having Sex with Women (WSW) activities do take place

in Lesotho.

The study reveals that of the (166/219) of WSW ranging from the ages 18–52 who participated in the study had a regular female partner while (52/198) had both male and female regular partners, (62/115) reported both male and female sexual in the previous 12 months.

The study further reflects that (172/229) reported having a regular male partner, (58/203) concurrent regular male and female partners while (71/173) both male and female sexual partners in the last year. Even more harrowing Baral’s study reports that only (40/100) reported wearing condoms with their last female partner and (39/286) reported safe sex with men as defined by wearing condoms with last partner.

Even more disturbing from the study report is that human rights abuses are inherently common with sexual minorities with (170/223) reported atleast one abuse including rape, (22/225) blackmail; black mail was associated with having disclosed sexual orientation to a health care worker or family member, (47/221) fear of seeking health care, (49/221) experience police discrimination, (36/219) verbal or physical harassment with (140/234) having been beaten.

The findings of this study therefore confirm that indeed not only do homosexuals experience human rights abuses, but that the evidence-based research reflects that they are denied care and protection in some quarters of the society such as health cares and police services respectively.

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Do Commissions of inquiries help our democracy or just serve the interest of the elite few?

Writes Sofonea Shale

The phenomenon of Commissions of Inquiry seem to be highly regarded by the government of Lesotho yet perceived differently by those outside the purview of control of the state machinery. The critical question is whether this concept and perhaps its application adds value to the political development in Lesotho. This article attempts this question by first looking at the circumstances under which the Public Inquires Act was promulgated and secondly the contribution made by several Commissions established since 1994. The response of both the government and others is critically engaged; on the basis of this analysis, the question is

responded to, head-on.

Why this Public Inquiries Act?

The circumstances under which the Public Inquiries Act of 1994 was promulgated were that of hostile, violent and suspicious political dynamics. The 1993 elections coming after 16 years of civilian and seven of military dictatorship was regarded by the main contenders as the continuation of the unresolved political conflict of the past. Although Basutoland Congress Party (BCP) and the Basotho National Party (BNP) have had time in the National Constituent Assembly to ventilate, their

hostility persisted well into the run up to elections even after. In an attempt to manage tensions and prepare political parties for the outcome of elections, engage them in building foundations for the future of the country that would be governed by democracy and how to maintain peace beyond elections, the Heads of Churches and the civil society organisations under the auspices of Lesotho Council of Organisations (LCN) organised a National Conference which big parties boycotted. The BCP and BNP were suspicious and viewed the conference as something that seeks to undermine the power of people by trying to pre-empt their voice. They also saw

it as an attempt to prescribe what the elected government should do. Honourable Ntsukunyane Mphanya... of the BCP was forthright to say that in Congo Brazzaville, the National Conference resolved itself into government, something which they do not want in Lesotho. Although the two parties sent representatives to the conference they have not taken the event that serious.

So the 1993 elections came when no serious political dialogue has occurred and no agreement was made on how the future of democratic Lesotho should look like. Politicians felt that everything starts and ends with elections. The political campaign of the traditional BCP and BNP renewed the scars, fears, animosity and the memories of the violent political history, though not in any material sense. When BCP won all constituencies in 1993, the new democracy experienced the uphill struggle. Besides the rejection of the results by BNP as riggery, serious and material realities were at hand; the party enjoying 74% of the voting population occupied 100% of the seats in parliament and was in power without opposition, suspicion between BCP now government and the military who was once up in arms against BCP military wing Lesotho Liberation Army (LLA) was eminent, unresolved dethronement of King Moshoeshoe II could not be wished away, active mobilization of the military and the civil service against the government by the BNP and the arrogance of the ruling party added salt to the bleeding wound.

Immediately after 1993 elections in recognition of a need for consensus on the new democracy the church and NGOs called for a National Dialogue but government did not find it necessary. Cross fire in the military, assassination of the Deputy Prime Minister Selometsi Baholo, abduction of some ministers by the junior military officials, several missions to Lesotho by Zimbabwe, Botswana, South Africa(SADC), Commonwealth, displacement of the BCP government by King Letsie III are but examples of the said hostility and roughness of Lesotho politics at the time. At the bottom of this was a failure of Basotho to

prepare for their transition from the painful past to the desired and cherished ideal democracy. Basotho went into democracy without having defined and agreed on their future society which all regardless of the position they hold after elections should uphold.

The Public Inquiries Act of 1994

The necessity of the Act was to allow independent and perhaps objective mind to guide Lesotho's new democracy into first establishing nature of various problems, politically mainly and secondly suggesting solutions. At the time this was found to be the most appropriate way given the divided political society Basotho were. But, has the Commissions of Inquiry phenomenon contributed to nurturing and enhancing Lesotho's democracy? The Commissions have largely provided deeper understanding of some of the challenges than politicians both in and outside government would do. The level of objectivity had relatively been satisfactory. The Public Inquiries Act empowers the Prime Minister to establish a commission on any matter connected with good government of Lesotho or is a matter of public concern.

It is this centrality of the power to institution commission of inquiry and the monopoly bestowed on the prime minister that limits the potential of the practice to be regarded and used as one of the effective means of helping with reconciliation and nurturing democracy. In exercising his power in this regard, the prime minister cannot be advised; meaning that even if other sectors of society may see something warranting commission of enquiry, they may not advise the prime minister to do that at least by the provision of the law. In many occasions, Commissions have been taken to be weapons of government against the people particularly leadership of the opposition. This suspicion eroded to the present day, the necessary confidence and common approach to the issues of national importance. The Act further empowers the prime minister to table the

report of the commission in both houses of parliament as is or omit some of the contents. The Prime Minister need not table any portion of a report where in his opinion, the public interest in disclosure of that part of the report is outweighed by other considerations such as national security, privacy of an individual or the right of a person to a fair trial. This is another necessary evil of the Act. The opinion and public interest contemplated can be used by the prime minister to advance interests that may not be for the good. For example opinion is highly subjective and the same goes for public interest. In this country public interest has been used to advance political interests and ill treat others. Since they may be easily used to the ends ironical to what they are intended for, they attract a lot of suspicion. Without this limit, the report may yield into further troubles than solution. Given the sensitivity of some issues, it may be inappropriate to put everything on public. This is the challenge more so in the political society like Lesotho where suspicion is so central.

BUT HAVE COMMISSIONS SAID ANYTHING?

The Commission which included Bishop Reverend Paul Khoarai, Comrade Mokhafisi Kena, Advocate Tankiso Hlaoli and other internationals that looked into the 'internal conflict in the military' in 1994 made its recommendations which were not implemented. These recommendations

"Commissions have been taken to be weapons of government against the people particularly leadership of the opposition. This suspicion eroded to the present day,"

included the need to remove some of the senior officials from the military as their presence was not for the benefit of the nation. While the government intention to institute the commission could have been necessary, the hostility of party politics then made it hard to deal with some of the recommendations which would outright be regarded as confirmation of earlier suspicions. It was even difficult for government to present it in parliament. This led to the sparks between Mr. Sekoala Toloane Member of Parliament (MP) for Makhaleng and the Prime Minister Dr. Ntsu Mokhehle in parliament. The former lashed government for retaining the report as though was not a public property while the latter defended; eventually the report was given to parliament. In the same year King Moshoeshoe II wrote to the Prime Minister to reinstate him to His office because the act of the military government to dethrone him was injustice. The Prime Minister took the matter to parliament and MPs expressed themselves on the dethroned King whose son King Letsie III was on throne. The Prime Minister was blamed for recklessness in handling the matter and the expressions of MPs irritated many. In particular Mr. Monyo Zuma MP for Mashai

“While the government intention to institute the commission could have been necessary, the hostility of party politics then made it hard to deal with some of the recommendations which would outright be regarded as confirmation of earlier suspicions.”

referred to King Moshoeshoe II as a castrated bull which seeks to reclaim its vitality; something that has never happened and never will in future. It was under these circumstances that the Prime Minister established a commission to look into the circumstances under which King Moshoeshoe II was removed from throne, His ‘conduct’ in that office prior to the dethronement and make recommendations. On the 15 of August 1994, the BNP and other royalist groups had a demonstration calling on the King to dissolve government and two days later King Letsie III dissolved parliament and replaced BCP government with a Provisional Council. The Commission was overtaken by events and disbanded as the reinstatement of the King became part of settlement of the stalemate.

The Scotland Yard inquired on the circumstances surrounding the death of King Moshoeshoe II in 1995 and the general security of the King. This Commission made recommendations which government implemented. It recommended control of people entering the royal palace and the role of the military in protecting the royal palace among other recommendations.

Following the disputed verdict of the 1998 general elections, Commission of Langa was instituted to establish whether there has been forgery in the Lesotho elections or not. Although the Commission identified conditions under which elections could be rigged in Lesotho and none of those existed, it found it difficult to pronounce itself. Instead, the Commission recommended re-run, change of IEC and review of electoral model. The findings of this Commission, which people were very much interested in soon became a none-issue as Interim Political Authority (IPA) was formed. Although IPA could have been regarded as platform for political reconciliation and a platform for politicians to deliberate, the government found it necessary to establish Leone Commission to inquire into the events leading to political disturbances which occurred in Lesotho during the period between July and November 1998. The

Commission made several recommendations but little has been done. The Commission recommended establishment of a platform for political dialogue, Khotla as it put it. Phasing out unsuitable people in the military, review military recruitment procedure and base it solely on qualifications, democracy educational programme for National Security, Police liaison committee between security forces and parliament, no to blanket amnesty, include independent legal counsel in the Judiciary Service Commission. Although several names were recommended for action on the grounds of treason, Reverent Fatherr Anthony Monyau was the only civilian charged in a selective justice approach that could never be explained. Another Commission was established on the alleged escape of Phakiso Modise from prison. The recent commission on the attacks at the Makoanyane Barracks and the State House has not only exposed serious challenges in the military but made recommendations too. In 1999 a Land Policy Review Commission was formed. Although the highly contested Land Act 2010 is regarded as a direct descendant from this Commission there are several good recommendations of this report that were omitted when the law was formulated.

“Although the Commission identified conditions under which elections could be rigged in Lesotho and none of those existed, it found it difficult to pronounce itself.”

So?

The idea of Commissions of Inquiry is acceptable. It has however been applied in the hostile political environment where its potential could not be recognised fully. The objective of the findings of the Commissions are not well received by different parties because of the underlying suspicious politics. On the one hand opposition see the arrangement as the weapon in the hands of government to fix them politically while on the other the government can use its power to curtail the potential of the Commissions. It would be a good idea to review the Public Inquiries Act No.1 of 1994, make it open to the extent that other sector may request the Prime Minister to establish one where he/she does not think of it. The Prime Minister may not consider something a matter for inquiry yet be regarded as such by some sectors. Under

the notes on the clauses of the Act note 3 it is said for an example a matter such as the issue of Lesotho passports is clearly a matter that is connected with good government and is of public concern. This is the concern even in reality, but surely the Prime Minister does not see it in the light of an inquiry. So people should be free by law to advise him. Another review should be on the recommendations of the commissions. The law should provide that the Prime Minister should also table in parliament, the response on the recommendations. The Prime Minister may consider the recommendations as not helpful, but how is that shared with the taxpayers? How is that used to enrich dialogue in the political society that needs to be healed? In other words, the Prime Minister should be compelled to tell how he/she reacts to the recommendations and demonstrate how they would be used if he/she so decides.

In order for the idea of Commissions to serve the objective, there must be a deliberate reconciliation programme that does not only promote awareness politically but also solicit consensus among Basotho to build institutions of democracy and governance. These institutions should facilitate political dialogue and encourage leaders to look beyond their limited sectarian interests lest the Commissions of inquiries retain the unfavourable publicity of being regarded as only serving the interest of the elite few who are in power!



CELEBRATING

20 YEARS

OF SUCCESSFUL CIVIL SOCIETY MOVEMENT

UN tells Lesotho to establish Human Rights Commission

Writes 'Mabolae Mohasi



Ensuring freedom of the press is one of the fundamental rights UN told Lesotho to harness

Lesotho's establishment of Human Rights Commission (HRC) is long overdue, the country was told at the United Nations Human Rights Council (UNHRC) in Geneva, Switzerland in May this year. The country came under the spotlight when the Minister of Justice, Law, Human Rights, Constitutional Affairs and Correctional Services, Mrs Mpeo Mahase-Moiloa had difficulty in explaining convincingly on why Lesotho has still not established Human Rights Commission although she acknowledged that Lesotho has received funding from a number of partners to establish the Commission.

Mrs. Mahase-Moiloa was presenting the Lesotho 'National Report' under the four cycle review of Lesotho's performance on human

rights as required from member states under the newly formed Universal Periodic Review (UPR) of the United Nations.

The concern on the establishment of the HRC transpired during Lesotho's review that followed immediately after the presentation of the national report. Although the compilation of the national report was initially as much participatory as possible by involving as many stakeholders as possible that included Lesotho Council of Non-Governmental Organisations (LCN) but the final report the minister presented became almost the antithesis of the collective report stakeholders agreed on. A number of inputs made to the report were apparently ignored.

The presented report failed to address the

situation of human rights on the ground but rather focused more on the political developments and national initiatives such as the Vision 2020. The report was further slightly biased as it created an impression that in Lesotho the government is often the victim. Instead the presentation emphasized on challenges that face government which apparently make it difficult for the government to honour its reporting obligations under the treaty bodies. The minister cited lack of technical know-how and financial resources as some of these challenges. Her report further emphasized on the independence of the judiciary in the country, describing Lesotho as a 'shining star in the region' on judiciary.

LCN had also presented a report to United Nations Human Rights Council on behalf

of civil society in the country in November 2009 to offer an alternative view to the human rights perspective in Lesotho prior to the periodic review. The report focused on the following human rights areas which seem worrisome; Media freedom, Discrimination of women, Rights of children, Rights of prisoners, and Submission of state reports to treaty bodies.

The civil society report had also indicated that the absence of the Human Rights Commission in Lesotho immensely compromises the enjoyment of peoples' rights in the country. In the absence of this Commission as the report indicates, there is therefore no particular office that fully monitors respect of human rights in Lesotho such as use of force and physical assaults against detainees by police in order to extract confessions and the prohibition of torture of which all are unconstitutional as per Article 8 of the Constitution of the Lesotho. and The report had further called all forms of discrimination against women, whether customary or otherwise must to be abolished.

After her presentation in UN-UPR meeting the minister was further strongly urged to encourage her government to implement measures to ensure that the state owned media operates independently from government influence and interference. Local media advocacy group, Media Institute of Southern Africa (MISA) Lesotho Chapter has always advocated for state broadcaster to be transformed into a fully independent public broadcaster but government has so far not budged. Other recommendations include to enact the Children's' Protection and Welfare Act (that is so far going to be deliberated when the next session of Parliament reconvenes), act accordingly and promptly on cases of domestic violence and to finalise the reform of the penal code as rapidly as possible and improve the living conditions of prisoners.

In response to the suggestion of reforms to the independence of judiciary and ensuring harmonization of the country's legislature including customary practices with international obligations, the minister indicated Leso-

tho the government can only consider the UN recommendations after those of African Peer Review Mechanism (APRM). Ironically the APRM recommendations fall within the same lines of UPR's recommendations.

UPR is a newly introduced system under the United Nations Human Rights Council (UNHRC). Under this system, all the United Nations member states undergo a four cycle review of their performance on human rights. Created in April 2006, by the General Assembly Resolution 60/251, to replace the UN Commission on Human Rights. The United Nations Human Rights Council (HRC) is the world's principal multilateral organ that promotes and protects human rights.

The most innovative mechanism of the HRC is the Universal Periodic Review (UPR) that determines that all UN member-states will periodically undergo a review process (cycles of 4 years – 48 countries per year). The objective of the review is to determine the fulfillment by states of their international human rights obligations and commitments. It is considered the most innovative mechanism of the HRC given the universality of coverage and the intention to combat selectivity and double standards in responding human rights violations that existed in the former Commission on Human Rights.

Civil Society Organizations, NGOs, national human rights institutions and academics have an essential role to play in order to contribute to the success of the new UPR and the HRC in general. Increasing the participation of NGOs and academics from the global south, fostering the coordination of local, national, regional, and international NGOs' actions and their interaction with UN officials are critical factors to the effectiveness and legitimacy of civil society participation in the UN human rights system. In 2008, the first 48 countries were reviewed and until the end of 2011 all the 192 UN States will be considered by the UPR.

“The minister cited lack of technical know-how and financial resources as some of these challenges.”



Some of the media freedom activists at World Press Freedom Day

“The concern on the establishment of the HRC transpired during Lesotho's review that followed immediately after the presentation of the national report.”



Everyone deserves to be heard regardless of age



Children's Protection and Welfare Bill:

Giant step in harnessing children rights and welfare as the most consultative and inclusive bill!

Writes Selloane Mokuku

The mood was electric, discussions robust, apt for the long-awaited consultation on the 2010 Children's Protection and Welfare Bill by civil society with the Parliamentary Social Cluster Portfolio Committee. These discussions followed the first reading of the Bill in Parliament on the 5th May 2010 by the Minister of Health and Social Welfare; Dr. Mphu Ramatlapeng, who on the occasion of launching the Global Facts For Life publication on 7th April 2010 by former Executive Director of the United Nations Children's Fund (UNICEF) Ms Anne Veneman said this has been 'the most consultative Bill' that would be speedily enacted once it was presented in Parliament.

Consultations for the Bill involved communities and children at different levels of society who were engaged through research and focus group discussions.

The Executive Director of NGO Coalition on the Rights of a Child (NGOC) Mrs. Lineo Tsikoane considered the meeting with the Parliamentarians as 'a completion of a circle' because ironically she was a child when the review process started a decade ago, and now as an adult she was one of the key people making civil society submission on the said Bill.

Welcoming the civil society, the Social Cluster Chairperson Mr. Tahleho Mabetha said it was in order that the Parliament makes provision to listen to civil society.

"We are mandated by National Assembly

Standing Order number 76 to solicit opinions of the communities through public hearings,"he said

Mr. Sello Maphalla Member of Parliament (MP) reiterated the importance of the meeting by drawing from the Sesotho wisdom that Noka e tlatsoa ke linokana and that Hlahahlela le lla ka le leng. Loosely translated (its wiser to learn from one another).

In 2001, the Lesotho Law Reform Commission (LLRC) has set out to review the Child Protection Act (CPA) of 1980 and other child related legislation, under the Child Law Reform Project (CLRP). The main reason being to consolidate all child related legislation to harmonise them with regional and international standards, align them with emerging child protection and welfare issues such as rising incidents of children being raped and to respond to concerns raised by stakeholders. The process was supported by Save the Children Sweden (SCS, UNICEF and Save the Children UK (SCUK).

Some of the concerns raised during the session with the Social Cluster included the fact that the CPA gives the mandate of child protection and care to probation officers and excludes other role players such as social workers and communities. Moreover, categories of vulnerable children such as those affected or infected with HIV and AIDS were excluded. Thus casting doubt about the children's legislative framework's responsiveness towards the plight of Basotho children in

the 21st century.

CLRP comprised two main components, those being the review of legislation as well as the capacity building of stakeholders who would implement the reformed legislation. The former component relied on LLRC while the latter was handled by the Ministry of Justice, Human Rights and Correctional Services. Furthermore, the Child Law Reform Committee was formed to oversee the project activities. This committee was representative and inclusive. Apart from the relevant government departments such as the Department of Social Welfare (DSW), Probation Unit, Ministry of Education and Training, civil society was represented by NGOC because of its diverse membership towards child rights protection and welfare.

Six stages formed the core of the review process. Those included the formation of thematic groups, where issues critical to the CLRP were deliberated. Those included children without parental care, children with disabilities, child victims of violence and other forms of abuse and exploitation including sexually abused child labourers and children in conflict with the law. Research was also conducted on topics that were deliberated in the thematic groups. Research that looked into the gaps that exist in the CPA as well as the strengths and weaknesses of the DSW was carried out. Capacity building activities were also undertaken and those included study tours, workshops and round

table discussion on issues such as children's rights and investigation for child protection. Consultations with all relevant stakeholders at different levels became the bed rock of the review process. From the onset, participation of children was also seen as critical.

Child participation

There was also a Junior Child Law Reform Committee (JCLRC) that comprised child representatives from various organisations and schools. Other members came from Young Christian Student Movement (YCSM) and schools such as St Boniface High School in Leribe and Mopholosi High School in Quthing. The formation of this committee constituted an important standpoint towards implementation of the principle of child participation enshrined in the United Nations Convention on the Rights of the Child (UNCRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) which Lesotho has ratified in 1992 and 1999 respectively. Through their grouping, children employed varied strategies such as the use of theatre to give a voice of children in the review process.

With respect to children in need of care and protection, the Bill offers different categories of children such as those children who are at risk of being physically, psychologically or emotionally harmed. For children in contact and or in conflict with the law, the Bill recognises various reasons that may make children to be in contact or in conflict with the law, thus advocates for other ways of dealing with such children. Those include diversion programmes and restorative justice processes.

At a later stage, former LLRC Council Advocate Sakoane Sakoane was invited to a consideration meeting held on 19th May where he gave an overview of the Bill and provided a comparison between the tabled Bill and the 2005 draft Bill. Adv. Sakoane highlighted that when enacted, the CPW Bill 2010 would become the first law in the history of Lesotho to encompass participation of all stakeholders, including children themselves. Adding to that, it is imperative that the Bill should speak to government policies.

Mamthengu Tshabalala from the Probation Unit of the prisons department also gave a presentation and highlighted that the Bill advocates for restorative justice and diversion to be administered at all stages of the justice system. She further noted that in terms of Part XI section 78 (1) and (2) the Bill had increased the age of criminal responsibility and prosecution requirements from 7 years to 10 years and that 'No prosecution for a criminal offence may be instituted against a child between the ages of 10 and 14 until an inquiry magistrate is satisfied...' adding that the Bill also advocates for probation hostels and approved schools. A concern was raised by participants that unless a Correctional Service Bill passed, the future of children at the Juvenile Training Center (JTC) would remain gloom as JTC is run under the 1957 Prisons Act.

Masoabi Thosa from the Child and Gender Protection Unit (CGPU) of the police department also made a presentation and said the Bill makes clear guiding principles in Part II with regard to how police should handle children. She said these principles "require that in carrying out their duties, police should take into cognizance, the child evolving capacity, the best interests of the child and be non discriminatory".

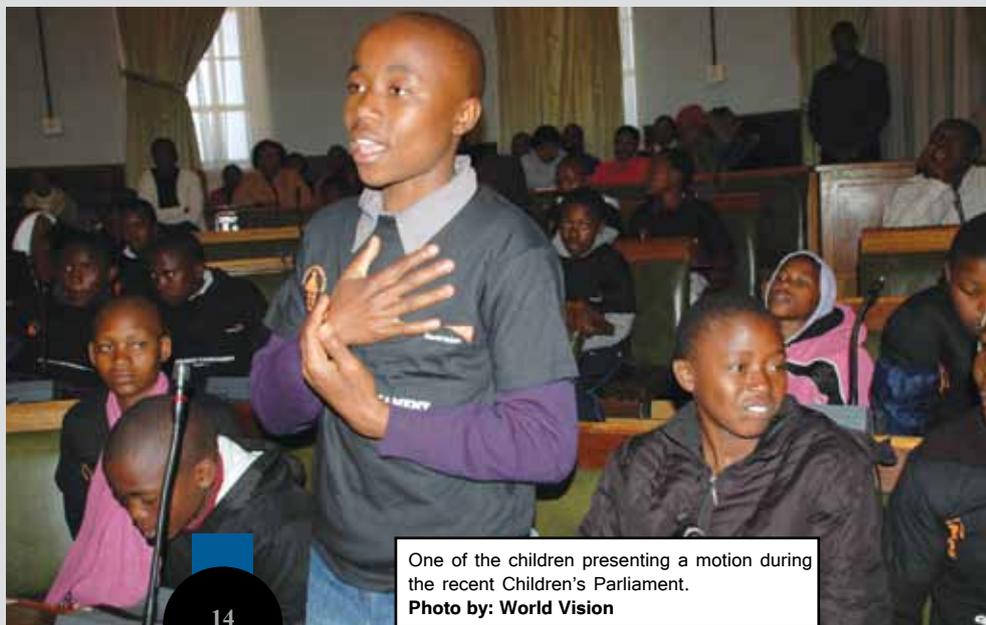
Former Junior CLRP committee member Lehloholo Mohola shared that children got involved in the CLRP during the preparations for the United Nations Special Session on Children (UNGASSoC) that was held in New York in 2002. He said getting involved

in CLRP was a huge responsibility as they had to remember at all times, that whatever they undertook as children, they were doing so on behalf of many children. Towards this end, Mohola said they even coined a slogan 'E Seng 'Na Feela/Not Just for Myself' as a constant reminder that they represented the views of Basotho children. He said one of the things they did was to perform an interactive theatre during the Morija Arts and Cultural Festival and engaged in conversations around the plight of Basotho children. He said issues emerging from the dialogue were put before the Senior CLRP committee for consideration and final inclusion in the Bill. He said looking at the Bill now, he was happy to share that the views of children have indeed been considered; making a specific reference to the concerns that children from JTC raised.

In light of this and other impassioned participants interventions and responses, views expressed during this meeting were formulated in a submission paper that was presented to the Parliamentary Social Cluster Portfolio Committee on June 3rd 2010.

The parliamentarians would continue with broader societal consultations as per National Assembly Standing Order No. 76 and 54 respectively, during parliament with the aim of debating the Bill when the parliament opens in August 2010.

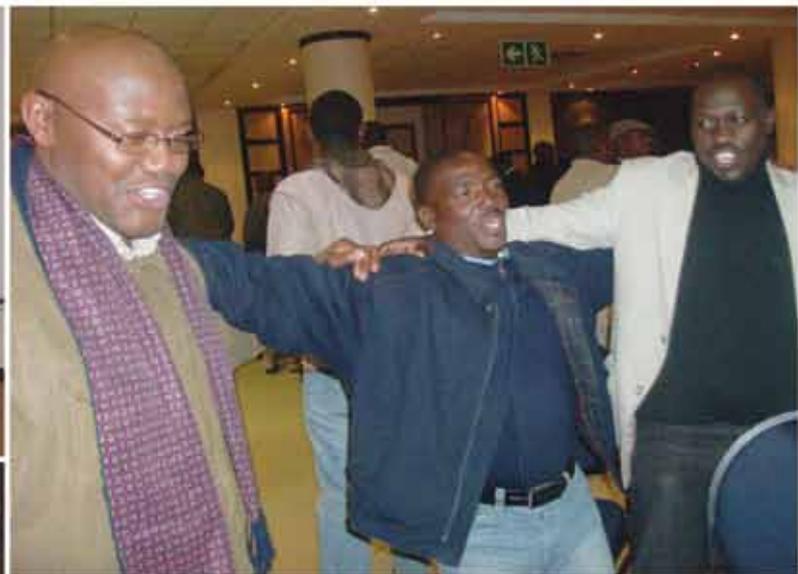
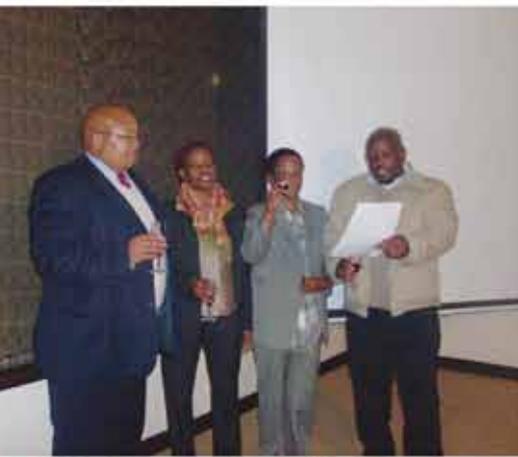
Once enacted, the Bill will repeal Children's Protection Act No. 6 of 1980 and Adoption of Children Proclamation of 1952.



One of the children presenting a motion during the recent Children's Parliament.
Photo by: World Vision



LCN Laureate Global Fund Rollout





nches ound 8 Grant



Mission
An effective and vibrant
within a democratic
and sustainable



LCN MILESTONES SUMMARY

...details from previous edition

1990-1992

- Stakeholders meet and agree to establish LCN.
- Interim NGO Coalition Committee elected to prepare funding proposal and draft constitution for LCN
- Inaugural conference for LCN launched



1992-1994

- LCN plays pivotal role in the National Drought Emergency Relief Programme, 23,485 metric tones of food distributed to 362,370 beneficiaries.
- LCN spearheads the LHDA/NGOs Liason Committee to monitor development impact of Lesotho Highlands Water Project (LHWP) on affected communities
- LCN and CCL mobilizes for reform to democratic Rule after announcement of the dissolution of Parliament and Government



LCN MILESTONES SUMMARY

...details from previous edition

1994-1996

LCN leads peace rally and delivers petition during crisis that turned two military camps against each other.

LCN initiates urgent national conference following the assassination of the Deputy Prime Minister Mr. Selometsi Baholo.

LCN takes part in facilitation and formation of National Dialogue on Peace, Stability and Development.

LCN becomes chair of Southern African Development Council of NGOs (SADC-Council of NGOs).

LCN facilitates for convening of a forum where every sector of the society is represented to discuss and resolve issues pertaining to the purported controversial Education Bill (1995).



LCN Milestones in the years 1997-2000

Writes Tankiso Sephoso

Continues from previous edition

1997-2000 Board:

- | | |
|------------------|---|
| 1. L. Mokhothu | President |
| 2. M. J. Lebona | Vice-President |
| 3. O.T Sefako | Treasure |
| 4. F.S. Tšukulu | Democracy and Human Rights Commissioner |
| 5. MOR. L. Theko | Economic and Social & Political Commissioner |
| 6. Mrs M. Kimane | Business and Commerce Commissioner |
| 7. P. Salae | Natural Resources Commissioner |
| 8. M. Nkuatsana | Human Resources Development Commissioner |
| 9. M. Moroke | Disaster and Humanitarian Relief Commissioner |

We published the first installment of our reminiscing of the yesteryears since the 'the birth of this giant' Lesotho Council of Non-Governmental Organisations (LCN) in our previous edition and promised you more in our subsequent edition! And we still continue to augment that.

This board's (LCN board in power during the years 1997-2000) term was characterized by two major turning points in this country's political history. The formation of the current ruling Lesotho Congress for Democracy (LCD) and the bitter election aftermaths that characterized the 1998 national general elections.

In 1997, the LCN engaged in mediating in a 'Constitutional Crisis' that was engendered by the breaking away of a faction of the elected Basotho Congress Party (BCP) government. Led by the then Prime Minister, Dr. Ntsu Mokhehle, the faction formed a new political party while still in government, the LCD. When Dr. Mokhehle formed LCD, he took 40 of the BCP's 64 members of parliament (BCP having lost one seat through a by-election) with him. Thus the LCD was able to secure a parliamentary majority and retain its hold on government. The ensuing contestation between the BCP and the LCD polarised the country political edifice and led to a major crisis.

At the heart of the 'crisis' was whether a party which has not contested elections can legitimately be in government without going through constitutional parliamentary processes. There was no formal crossing over which could have been recorded in a hanzard. In addition the purported 'cross-over' was not overseen by the Speaker in the usual manner.

The contention was felt even within civil society circles. Some felt fresh election was needed others felt there was no need for alarm as far as the constitution is concerned.

LCN therefore made a ground breaking contribution in this political debate by organizing a National Constitutional Conference on the 14-15 July 1997. Constitutional Law expert Dr. Nqosa Mahao Mr. Kelebone Maope in his capacity as former Attorney General who oversaw development of the Constitution, Advocate Thabang Khauoe, political scientist Dr. John Dzimba, Theologian Reverent Gabriel Tlaba O.M.I, among the panelists in the open dialogue. This platform provided a healthy environment for debate.

Infact, in this meeting where the 118 delegates from 76 organizations, including the Lesotho Chamber of Commerce and Industry, labour movement, media personnel and the church leaders participated, resolved that the move to form another party while in government by then Prime Minister, Dr. Ntsu Mokhehle was "politically and morally reprehensive and hence necessitates the holding of general elections...mindful of the complexity of the constitutional questions raised by the formation of the LCD government, and that this sets a precedent that we do not want to see recurring in the future..."

The LCN has always intensified its democracy-centered activities. The Council also played an important role in the resolving of the 1998 political impasse after the May 27th, general elections which resulted with the country reeling under the destruction estimated at the staggering M160 million and rendered about 4000 people unemployed as observed by Santho (1998) in his 'Lesotho: Lessons and Challenges after a SADC Intervention, 1998' report. And Gross Domestic Product (GDP) decline estimated at about 10 per cent during 1998 alone as reflected in Budget Speech 1999/2000. The reconstruction and rehabilitation programme following the conflict had further been estimated at R300 million.

Led by LCN, the formation of the Lesotho Network for Conflict Management (LNCM) became a crucial part of galvanized support from religious denominations and other non-state actors in an effort to find a solution to the 1998 crisis. This network further supported the Interim Political Authority (IPA) and facilitated talks between the different actors, including parliamentarians which focused on the

establishment of a National Peace Accord (NPA) for Lesotho. The NPA had called on all parties to pledge themselves to support the implementation of the recommendations of the agreements signed between the Government of Lesotho and IPA. On 3 December 1999 the Government of Lesotho and the Interim Political Authority (IPA) signed a historic agreement whose purpose was to consolidate the country's young democracy, ensure a free and fair electoral contest and commit parties to peaceful conflict resolution.

The proposed NPA is further described by the LCN 2nd President and civil society stalwart Mr. Santho as "... an unprecedented social contract, demanding a peaceful purpose from any single person in the land, backed up by structures to make it work. It required negotiation between all the parties and its core provisions were to bring about an end to violence, foster an inclusive multi-party democracy and social and economic reconstruction, with all signatories monitoring each other."

The NPA had proffered two basic aims: to create peace in Lesotho and help in the development of its people and reconstruction of society by accepting the principles of freedom of conscience and belief, freedom of speech and expression, freedom of association, freedom of movement, peaceful assembly and peaceful political activity and that all leaders who would sign the agreement were committed to a multi-party democracy for Lesotho, where all the people have the right to vote for their leaders and to hold them responsible for what they do.

LCN was at it again in the year 2000 to offer much needed input when the government introduced 'The Education for All 2000 Initiative (EFA 2000 Initiative)'. The group of Non-Government Organisation (NGOs) working on matters of children access to education suggested and further submitted the identified categories of children in dire need to benefit from the noble initiative. The identified children included those left out of the education system for various reasons such as disabilities, students who became pregnant, unwed mothers, children with HIV/AIDS, herd boys, children in detention and children who are household helpers.

Among all these notably contributions in the national political agenda LCN through the Democracy and Human Rights Commission (DHRC) was and continues to be involved in a programme of voter education and in assisting the Independent Electoral Commission (IEC). By sensitising the public to the importance of participatory democracy, this encouraged prospective voters to register for the election. These voter education programmes were done from 1993

up until 2007 National General Elections.

However, in terms of scale, the 2001 voter education campaign is still considered to have out-matched the previous exercises because in addition to the voter education campaign, the leadership of the DHRC also organised public forums during which politicians answered questions from members of the public.

We continue with LCN's milestones in the next edition...

This article was further assisted by following articles:

S. Santho (1998) Lesotho: Lessons and Challenges after a SADC Intervention, Published in Monograph No 50, Franco-South African Dialogue Sustainable Security in Africa

K. Naidoo, Participatory Government, Civic Engagement and Conflict Resolution in the Southern African Development Community

Report by Commonwealth Observer Group, 23rd May 1998

Akokpari J. (2002) The Role of Leadership in the Lesotho Council of NGOs and the Congress of Lesotho Trade Unions, DPMF Policy Brief Series, No. 8

Work for Justice, 1998. Lesotho Highlands Water Project Revisited.

Special thanks to the following people for their input:

Mr. Sello Nchafatso	Founding Executive Director for LCN
Mr. Lira Theko	Current President of LCN Board of Directors
Mr. Sofonea Shale	Civil Society stalwart and Development for Peace (DPE) Coordinator
Mr. Seabata Motsamai	Former Executive Director to LCN and current ActionAid Country Coordinator

"The Peace Accord had proffered two basic aims: to create peace in Lesotho and help in the development of its people and reconstruction of society by accepting the principles of freedom of conscience and belief, freedom of speech and expression, freedom of association, freedom of movement, peaceful assembly and peaceful political activity..."

Public Meetings and Processions Act; travesty to democracy

Writes Advocate Hoolo 'Nyane

The enactment this year, by the Parliament of Lesotho, of the Public Meetings and Processions Act 2010 has left many with mixed reactions as to the trajectory our constitutional democracy is taking. In this ambivalent state of affairs, there are protagonists and antagonists. Some see the law as credit to our democracy because it introduces the necessary limitations on the political rights to assembly, demonstration and many more. In fact, they justify the law in terms of the parlance of our Constitution in that it is justifiable in an open and democratic society. On the other hand, there is an equally powerful movement completely averse to this 'overregulation'. They argue that this law introduces a regression in the growth of human rights in Lesotho in fact, it relapses the country back to the dark and malignant decades between 1970s and 1990s. This was the era when human rights, particularly political rights, were clamped by the regimes of the day solely to quell political plurality.

This law was mooted in 2009 with a view to

scrap from the statutory books its predecessor, the Public Meetings and Processions Act of 1993. The 1993 Law was one of the very first laws that were passed by the democratically elected parliament after a deafening two full decades (1970–1990) democratic sabbatical. This is the era in which we came to know of those regrettable pieces of legislation such as the Internal Security Act of 1984 which were fearsome instruments in the hands of the regime of the day to crash and clamp down political opposition.

In the same era, there was quiet a barage of laws that sprang that shrank political activity to the extent that it may actually be not unsafe to argue that current political stagnation is directly attributable to those two decades which could be characterized as 'lost decades' in the consolidation of democracy in this beautiful Kingdom. This was the period whereby political parties were banned through Order No. 4 of 1986.. All these laws that were passed between 1970 and 1990 were intended to suppress, if not to kill, political

rights in the country. That is why political meetings, assemblies, demonstrations, associations were a taboo in this country. To undertake these activities, in terms of those laws, one had to 'seek permission' from the authorities to stage that activity. Hence, most people resorted to hold those meetings without the permission which resulted in the stream of political prosecutions. The 1993 Public Meetings and Processions Act removed this requirement for application before one can stage a political assembly or demonstration. It introduced a principle of notice.

This principle simply required a person who intends to stage a political activity to notice the 'authorities'. This left the 'authorities' with very small margin to abuse their powers. Of course there were still some instances where they, particularly the police, were empowered to interfere with the venue and the route of such political activities. And indeed sometimes the police would give a venue or route in a manner that is tantamount to refusal of such activity. For instance, one could be giv-



LCD supporters chanting party slogans at a rally in Hololo

en route for a procession which is complete hidden from public scene and be told to leave the crowd in that hidden place and submit the petition with one or two people. These were those margins of abuse which posed a serious threat to human rights in a democratic dispensation. But at least a ray of hope dawned with the advent of democracy in 1993 when people were saved from the harrowing hands of their political opponents.

The newly enacted law regrettably seems to shatter this hope. It appears to take the state of human rights in Lesotho back to those dark decades of political deprivation. The Act re-empowers the government of the day to approve the applications to stage political activities such as the assemblies and demonstrations. Reference is deliberately made to the government of the day whilst the Act uses the words 'police and headman' in the urban and rural areas respectively, because when the state uses these kinds of machinations it reflects signs of being undemocratic.

Flimsy guises and hibernations are usually used by the government that acts of repression. This is respectfully unbecoming and cannot be used anymore in this day and age to fool political observers because the police are empowered by these kinds of legislations and by political appointments to be an easy-to-use weapon on the hand of the state. By empowering the police to approve or disapprove a political activity seems to bare the ulterior motive of effectively saying one politician must seek permission from the other to politick.

The Act comes under the pretext that it strengthens internal security; another guise of authoritarian states. The nature of authoritarian states is that they normally mistake public security with state security. Over the ages, particularly the era of post-independence in Africa, strong one-party states used this shenaniganism to entrench themselves into power. They would claim that every political repression they do is done to advance public security while in fact they were talking about state security. The public would be left prey to the most egregious acts of



ABC supporters in party regalia just before by-elections (Hololo) at a rally

criminality while all the energy is amassed to protect the 'state'. It should be emphasized that while protection of the state may be as important to the citizen as the protection of the public, it should be remembered that political entrenchment of the people in state offices is something completely different. In most cases weak states would try to regain strength by suppressing political opposition using filthy tactics masquerading as noble acts intended at promoting internal security.

A Human Rights Perspective

Human Rights is one concept in human discourse which is very nebulous and malleable. It is very vulnerable to abuse by the slightest act of repression. Since its ascendancy in the post World War II, the notion of human rights has been more located in politics than in any other human activity despite the fact that the concept is not necessary political. Lesotho has never been immune from this worldwide trend. The rights which have acquired primacy in the constitutional discourse in Lesotho are political rights; right to vote, right to political association, right to elect the government of your choice et cetera. They have even formed the basis of politics in many

“... All these laws that were passed between 1970 and 1990 were intended to suppress, if not to kill, political rights in the country. That is why political meetings, assemblies, demonstrations, associations were a taboo in this country.”

countries including Lesotho.

Freedom of assembly over years has been the most powerful of all political rights because it embodies other rights such as freedom of expression, conscience, association and many more. That is why it has become a target for political repression. An attack on the freedom of assembly is clearly tantamount to attack on all political rights because assemblies are used by people to express their feelings about political developments and rally others to share their sentiments.



Hopes were quiet high just before the by-elections, as thongs did not want to miss out

Political conscience is shared to others mainly through assemblies. The same goes with political organizations they are formed and strengthened through assemblies. That is why in the dark apartheid days in South Africa the surest means of killing political activities in that country was to pass those laws as draconian as The Suppression of Communism Act of 1950, Public Safety Act of 1953, Criminal Law Amendment Act of 1953, Riotous Assemblies Act of 1956 and others which struck directly at the heart of political rights. The purpose of these laws, particularly the Suppression of Communism Act, was to empower the Minister of Justice to prohibit a gathering or an assembly where in his opinion he had the reason to believe that the political conscience of communism would be advanced by such gathering. All these laws were veiled with the glory of promoting public

security.

The problem with political rights is that they are sometimes perceived to being in order to replace the government of the day or in some way weaken the power of the incumbent. In that course, they are bound to collide with the government's quest to stay in power to eternity. It should be remembered that despite governments being formed through a political process, they are in themselves political entities.

Thus, that power play between those in power and those out of power requires a very close monitoring in order to protect political rights. The tendency has been that those in power, in their bid to entrench themselves in power, tremble on the sacred terrain of human rights. In the like manner, those seeking to affirm their political rights would go overboard and threaten public security. We have observed this scenario in Lesotho during the political commotion of 1998. The key responsibility for those engaged on this political chessboard is to do one minimum thing to respect the human rights. The regrettable reality has been that those in government normally find it very difficult to resist the temptation of using state machinery at their disposal to beat others on the political chessboard. The post independence Lesotho has been unfortunately marred by this propensity.

Almost all the successive governments in Lesotho have not been able to defeat this temptation. It may again not be unsafe to attribute the current polarity and political acrimony in Lesotho to this tendency.

Advocate Hae Phoofole a distinctive Human Rights Lawyer further argues that while the law is a clear indictment to the Lesotho's democracy, he feels the root problem lays with the caliber and quality of Parliamentarians who make this kind of law. Adv. Phoofole says most Members of Parliamentarians (MPs) make and vote for laws they do not even understand. And this may not be entirely up to their doing as they are hampered by their level of education as he adds. "Perhaps its time we revise the criteria of the level of education for MPs. Making laws intended to govern the country needs a broader understanding not only of the language of the subject matter but also of the overall consequences of such law and I doubt the current level of education for some MPs" he tells NGO Web.

Two options he says could be explored in trying to circumvent the challenge of Parliamentarians passing laws that seem to go against the order of both human rights and the Constitution.

The purpose of these laws, particularly the Suppression of Communism Act, was to empower the Minister of Justice to prohibit a gathering or an assembly where in his opinion he had the reason to believe that the political conscience of communism would be advanced by such gathering.



LCD popularity among the elders was conspicuous in most of the rallies.

Firstly there must be some level of academic background adopted as a requirement for potential Parliamentarians. Adv. Phoofole suggests that perhaps tertiary level could be a start, "secondly since the electorate would always reserve their right to their preferred candidate nomatter their educational level, technical advisors have to be accorded to each Member of Parliament (MP) so that before the MP engages with the counterparts in Parliament, the MP will have unpacked every inch of the law with the technical advisor who will have advised him/her accordingly".

Advocate Phoofole further adds that when MPs promulgate laws they fully comprehend after much well informed scrutiny this will have an added advantage of having less cases that challenge laws considered unconstitutional and boarder on the Bill of Human Rights. "In countries such as the United States where Members of Congress have their own technical advisors there are less cases that challenge the constitutionality of laws, hence the smooth administration of justice", says veteran human rights lawyer.

It therefore becomes apparent the enactment of this law in Lesotho is one step back to the dark days of totalitarianism between 1970 and 1993. This Act is substantially akin to the barrage of laws passed by the apartheid government in South Africa mainly in the 1950s. The law is a clear suppression of political rights and suppression of political rights is the surest recipe for social unrest.

Additional reporting by Tankiso Sephoso

Our People



Mrs. 'Mabulara Tsuene

The new Executive Director
as of 1st July 2010.

Mrs. Tsuene had been the programmes
director at LCN since 2008.



Ms. Ntsitsa Mahloane

who passed on:
she will be soulely missed at LCN

Ms. Ntsitsa had joined LCN since 2006
where she climbed the ladder from Admin.
officer to Finance officer.

Matelile Tajane e aha moliko oa khase (biogas digester)

Ka 'Matebello Motsamai



E mong oa bahahi ba moliko oa khase o hlalosea sechaba hore na moliko o sebetsa joang.

Leha sepheo sa moliko ona oa khase ene ele ho phehela batho ba tiileng lithupelong, moliko o boetse o etselitsoe hore sechaba se o bone se o tsebe, 'me babe ba iketsetse ona hae, ele hore ba khahlametse litšenyehelo tsa ho pheha, le ho thusa bosieo ba libeso metseng.

Mokhatlo oa Tajane Matelile o tsamaisoa ke litho tsa boto tse khethoang 'mokeng oa selemo le selemo oa mokhatlo.

Mokhatlo o qalile ka 1995 Ha Qaba Matelile ele teko ea ho bona hore na morero oa mofuta ona o ka atleha (pilot area). Ka 1997 oa eba Matelile Ha Seeiso 'me oa ngolisoa ka molao. Matelile-Tajane e sebetsa le mekhatlo ea likolobe, lipalami tsa lipere, balemi ba masimong, barui ba likhomo tsa lebese, barui ba likhutsoane, likolo tsa mathomo le tse phahameng. Sepheo sa Matelile-Tajane ke ho thusa Sechaba ho tsoa bofumeng ka ho thusa ka lithupelo le ho etsa merero e phelang, 'me e tla thusa ho tsoa bofumeng.

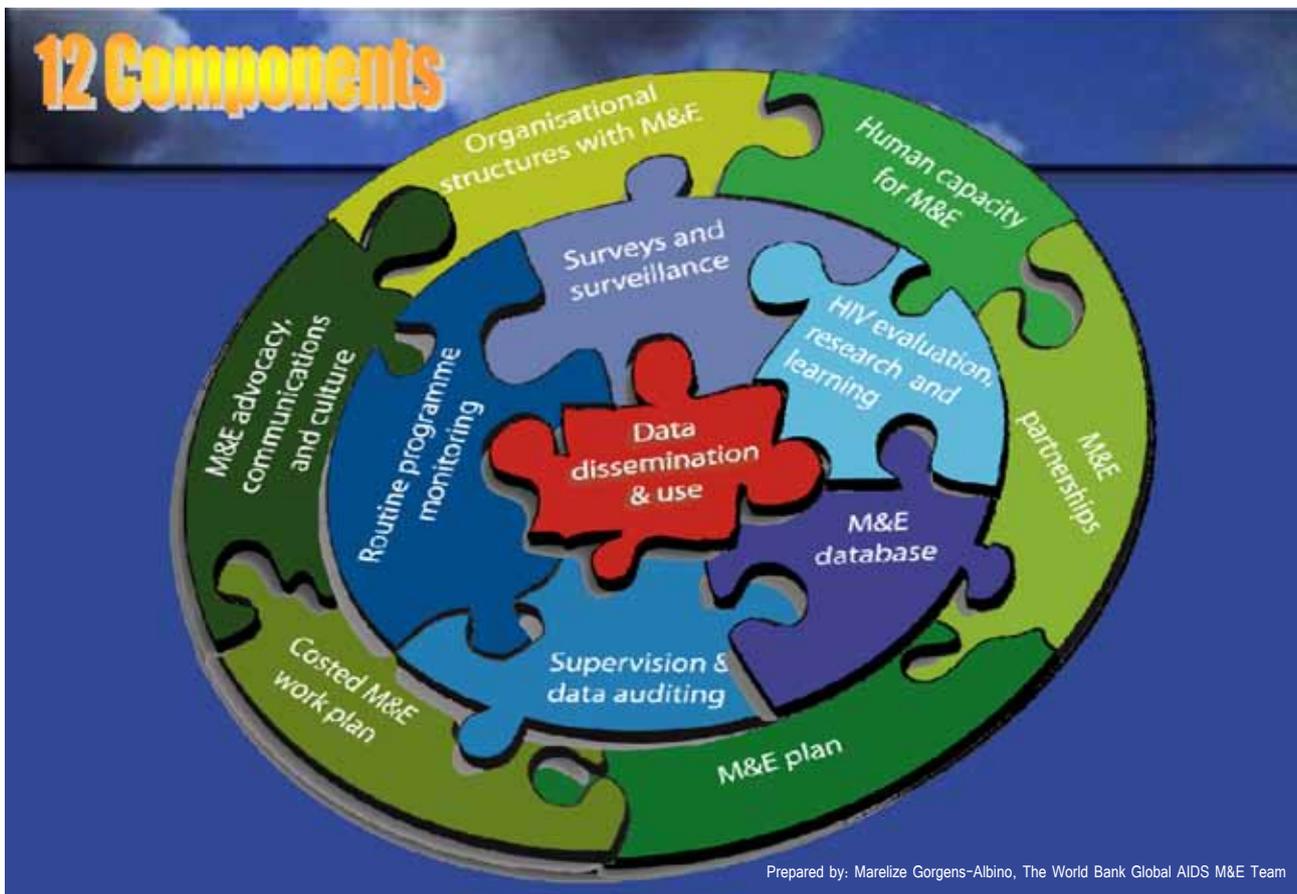
Mokhatlo oa Matelile Tajane o ahile moliko oa khase (Biogas plant) ka thuso ho tsoa ho Global Environment Facility (GEF) ea Mokhatlo oa Machaba a Kopaneng Lesotho (UNDP) tlasa mattole a manyane (Small Grant Programme).



Sechaba se mametse ka hloko



Leifo leo khase e tsoang teng kamora ho fehloa



12 Components of a Functional M&E system

Writes Refiloe Mpholo

In the last issue of NGO Web we discussed Results Based Management (RBM) which we explained as a broad management strategy aimed at changing the way institutions operate, by improving performance, programmatic focus and delivery. For RBM to happen there is a need to have a functional M&E system. In 2004 most United Nations (UN) countries agreed on the Three Ones which were endorsed in Washington as management principles to consider when planning for HIV response.

- **One** agreed HIV/AIDS Action Framework that provides the basis for coordinating the work of all partners
- **One** National AIDS Coordinating Authority, with a broad based multi-sector mandate
- **One** agreed country level Monitoring and Evaluation System

It is against this that Global AIDS Monitoring and Evaluation Team (GAMET), under the World Bank further developed the twelve components of a functional M&E system that its sole rationale is to assist nongovernmental organizations and governments to strengthen their M&E systems. Even though this may seem to be for HIV and AIDS, this is developed in such a way that it can well fit almost every situation in systems where excellent results and informed decisions are a priority. Like a puzzle this components are designed in such a way that they form a whole; a whole which is then called a functional M&E system.

Organisational structures with M&E

For the national HIV M&E system to function effectively, a variety of organisa-

tions need to work together at different levels. Ideally, the system should be coordinated by one organisation, such as the national AIDS coordinating authority (NAC) or its equivalent. The NAC should have a dedicated M&E unit with the mandate and authority to coordinate M&E activities and to request data from all relevant partners; it should also have sufficient independence to report openly on M&E data. Additional M&E staff are required at the national level, including HIV M&E focal points at the Ministry of Health (MOH) and other line ministries, as well as at sub-national governmental levels and in organisations or facilities providing HIV services. Deliberate efforts should be made to mainstream HIV into already existing structures for planning and coordination of health and development programmes at the sub-national level. In addition to human resources,

there is also a need for financial resources, as well as basic infrastructure, equipment and supplies.

Human Capacity for M&E



Not only is it necessary to have dedicated and adequate numbers of M&E staff, it is essential for this staff to have the right skills for the work. Human capacity building should focus on all levels; have measurable performance objectives; include a capacity building plan with clearly defined outputs; and include ways to track progress over time. M&E human capacity building requires a wide range of activities, including formal training, in-service training, mentorship, coaching and internships. M&E capacity building should focus not only on the technical aspects of M&E, but also address skills in leadership, financial management, facilitation, supervision, advocacy and communication.

M&E Partnerships



It is important that all stakeholders in HIV M&E work together. Several countries have been successful in establishing and maintaining M&E partnerships through a national M&E Technical Working Group that meets regularly and includes all relevant stakeholders, including all organisations responsible for M&E activities listed in the costed national HIV M&E work plan.

Other examples of M&E partnerships include conducting joint planning with key M&E stakeholders; and conducting joint M&E activities with representatives from different organizations.

M&E Plan



The M&E mandate should be clearly defined in the National HIV Policy and other relevant policy documents. A wide variety of stakeholders should participate in the development and regular updating of the national M&E plan, including sub-national authorities and representatives from civil society. The objectives of the national M&E plan should be explicitly linked to the HIV National Strategic Plan to ensure that relevant data are collected to measure the progress in the country's HIV response. Because the national M&E plan is the basis for the implementation of a functional national HIV M&E system, it should describe how all 12 components of the M&E system will be implemented over time. The national M&E plan should describe a 3-5 year implementation strategy, indicate resource requirement estimates and outline a strategy for resource mobilization. The national M&E plan, and specifically the national indicators, should adhere to explicit global and national technical standards and agreed best practices. The M&E plan should also adhere to national laws; for example, the National Statistical Act may specify that the National Bureau of Statistics is responsible for all data collection in the country, which needs to be reflected in the flow of data within the M&E system. In addition to the national multi-sectoral M&E plan, different sectors, development partners and sub-national entities involved in the HIV response may develop their own M&E plans that detail how each will collect and report HIV data to contribute to the one national HIV M&E System. The national M&E plan should be reviewed and updated regularly to make adjustments in data collection needs associated with revisions of the National Strategic Plan, and to strengthen M&E system performance based on periodic M&E assessments.

Costed M&E Work Plan



For the national HIV M&E plan to be operationalised, an annual costed national M&E work plan needs to be developed that describes the priority M&E activities for the year with defined responsibilities for implementation, costs for each activity, identified funding, and a clear timeline for delivery of outputs. This work plan enables the NAC and the national M&E TWG to ensure that financial and human resources are mobilized and allows for monitoring progress towards implementation of one national HIV M&E system. The costed national M&E work plan should reflect agreement on who will implement and finance each activity. The costed national M&E work plan is not the NAC work plan for M&E; rather, it is a joint work plan that integrates the HIV M&E activities of all relevant stakeholders.

It allows all stakeholders to plan and work together in a harmonized way; this is why it must be developed with input and agreement from all key stakeholders. M&E work plans may also be developed at the sub-national and service delivery levels to guide M&E implementation linked to the national HIV M&E system. The annual M&E work planning cycle should be closely linked to the overall budgeting cycle for HIV to ensure that funding can be secured for implementation of the plan.

M&E advocacy Communications and Culture



It is important to demystify M&E, create a supportive M&E culture, and reduce any negative connotations of M&E.

A communication and advocacy strategy for M&E can help to achieve these objectives. The strategy needs to be multi-dimensional, with tailored messages for different audiences, including the general public. One important message that will help to rally public support is that the national M&E system is not for government purposes alone; it is useful to all stakeholders in the HIV response. M&E fosters transparency, but also requires a transparent environment to function effectively. Obtaining political support for transparency and accountability related to the HIV response is an important component of the communication and advocacy strategy. One way to gain political support is to identify an 'M&E champion', a high level official who can promote M&E among his/her peers, to help foster an understanding about the importance of investing in quality data for policy formulation and programme decision-making. The communication and advocacy strategy for HIV M&E should be part of the country's national HIV communication strategy to ensure that M&E is being mainstreamed into all National AIDS Commission functions.

Routine Programme Monitoring



The NAC and sub-national authorities need a routine system to track the demand for and supply of HIV services. Standardized data from all providers, including facility and community-based HIV service providers, should be collected on a routine basis. To guide decision-making at all levels, the data needs of different stakeholders should be determined and routine data made available in a timely fashion. Standardized data include inputs (resources, such as staff, funds, materials, facilities, supplies), activities (interventions and services, such as training, antiretroviral treatment) and outputs

(immediate results, such as number of staff trained, number of clients treated). Routine data on facility-based HIV services: If a functioning health information system exists that routinely collects data on HIV services at health and other facilities, there is no need to establish another data management system. The national M&E unit should ensure that the data from facilities are captured in the national M&E system on a timely basis to allow for their inclusion in routine reports and other information products.

Routine data on community-based HIV services: Establishing routine data collection and reporting from community-based HIV services is challenging, but they provide essential information needed by the NAC and sub-national government levels to coordinate HIV service delivery and monitor the HIV response comprehensively. Data should be obtained from all organisations providing community-based HIV services, such as those funded directly by the government as well as those funded through other sources (e.g., by development partners). Sectoral databases may already exist that include data relevant to HIV programmes (e.g., social service information for orphans and vulnerable children). It is important to identify all existing data sources and to establish appropriate links.

Surveys and Surveillance



Biological and behavioural surveillance and surveys are essential to determine the drivers and the spread of the HIV epidemic in each country. HIV surveillance and HIV surveys may focus on the general population, most-at-risk populations or both.

Countries may wish to conduct some surveys that include: a survey capturing knowledge and attitudes of the general population; a school survey on HIV

education and students' knowledge; a work place survey on HIV policies and services; a survey of the quality of HIV services delivered at health facilities; a survey on the availability of condoms or other HIV prevention commodities; an AIDS impact mitigation survey. The need for surveys, as well as, the specific focus and content of each survey should be considered within the context of each country's epidemic. Protocols and data collection tools should be based on international standards for surveys, such as the Demographic and Health Survey, the AIDS Indicator Survey, and the Multiple Cluster Indicator Survey. Adherence to standards is important to obtain high-quality data and to ensure that results from repeated surveys can be compared over time within a given country, as well as across countries. Where appropriate, surveillance and survey protocols should include data collection to support the construction of the standardized national indicators defined in the national M&E plan. This can help prevent the need for additional data collection efforts and additional costs.

M&E database



An information system consists of the infrastructure (hardware), a database (software), and skilled individuals to use the databases to capture, verify, transfer, analyse, and share data. Clear roles and responsibilities need to be established at national, sub-national, and service-delivery levels to ensure an appropriate and timely data flow between the different levels.

A national HIV database is not a prerequisite for a functional national HIV M&E system. However, an electronic data management system allows for the information to be captured in a way that facilitates data verification, data sharing, and

data use. Where there are existing databases, such as a functioning health information system, it is important to build on these rather than establish a parallel system. If no database exists, there are several available software packages that may be considered as a starting point. Countries that are not at a stage of developing an electronic national database should have a mechanism for the systematic archiving of data and reports to allow easy data access and use.

A national HIV database may include the following types of recent as well as historical data:

- Up-to-date registration information or a contact list of organizations involved in HIV programmes and M&E.
- Data on all national standardized HIV indicators specified in the national M&E plan.
- Data from various HIV-related data sources, including:
 - Data from surveys and surveillance.
 - Routine facility-based programme data.
 - Routine community-based programme data.
 - Data on available resources.
 - Information on supervision visits.
 - Inventory of HIV research and researchers.
 - Information on HIV capacity building activities.
 - Information on HIV M&E advocacy and communication activities.
 - Inventory of NAC documents, including all HIV-related information products.

Ideally, the information system would have a web-enabled interface to allow the general public to access data. In addition to the national HIV database, different stakeholders may have their own databases. Relevant data from these databases should be linked with the national HIV database and/or transferred; existing standard

exchange formats should be used to facilitate data transfer between different databases.

Supervision & data auditing



Supportive supervision refers to overseeing and directing the performance of others and transferring the knowledge, attitudes, and skills that are essential for successful M&E of HIV activities. It offers an opportunity to take stock of the work that has been done; critically reflect on it; provide feedback to local staff; and where appropriate, provide specific guidance to make improvements.

Data auditing is the process of verifying the completeness and accuracy of reported aggregate HIV programme data. This typically requires field visits to organisations that reported the data in order to check these data against client or other individual records. For sound decision-making, it is important to be confident about data quality. Regular data quality checks and provision of feedback are important mechanisms to improve or sustain data quality. Guidelines for supportive supervision are useful in order to communicate expectations and standardize procedures. Supportive supervision should be conducted with a sample of HIV service delivery organisations (i.e., not all providers), and can also be used as a mechanism to strengthen local M&E capacity. Data auditing requires that indicator protocols are in place, as well as protocols for data quality audits. It may be cost- and time-effective to combine supportive M&E supervision with financial and/or programme implementation supervision.

HIV Evaluation, research



Evaluation and research are essential but often neglected components of a comprehensive HIV M&E system. Appropriate use of evaluation/research data ensures that the planning of the HIV response is based on the best available evidence and guides ongoing programme improvement. Establishing a national process for identifying evaluation/research gaps relevant to the National Strategic Plan and for coordinating evaluation/research partners helps ensure that evaluation/research studies are relevant to the country's needs and provide actionable results; that evaluation/research efforts are coordinated to avoid duplication of effort; and that study results are shared and available for use in decision-making.

As a first step, it is important to take stock of what is already happening at national research institutions and other relevant organizations and to invite these key stakeholders to become part of the national process.

A national process may focus on:

- Governance structures for evaluation and research, including requirements for registration of studies and local dissemination of study findings;
- Ethical approval procedures and standards;
- A prioritized agenda of biomedical, social sciences, and programme operations research; and,
- Mechanisms for the use of evaluation and research findings

Data dissemination & use



The most important reason for conducting M&E is to provide the data needed for guiding policy formulation and programme operations. A detailed data use plan should be included in the national M&E plan; this plan should link data needs and data collection efforts with specific information products for different audiences, as well as a timetable for dissemination. It should also include activities to encourage data use, such as workshops to discuss the implications of M&E data for programme planning and improvement.

A functional M&E system collates and presents the data in a way that facilitates data use at all levels, including the general public and beneficiaries of HIV services. Evidence of data use includes:

- The National Strategic Plan explicitly references the most up-to-date data on drivers of the HIV epidemic;
- HIV reports include accurate references to available M&E data; and,
- HIV service implementers refer to M&E data in their HIV programming.

There are a range of strategies to promote data dissemination and use, including: ensuring ownership of data; ensuring dissemination of good quality data in a timely manner; determining appropriate information products for different users; allocating sufficient

resources for data dissemination; and, providing assistance for data use.

Adopted from Global HIV M&E Information and Global AIDS Monitoring and Evaluation Team





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