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Lesotho Council of NGOs Statement on the Post 2015 Elections Environment – Press Release (21/05/15)

Background

The Democracy and Human Rights Commission (DHRC) of the Lesotho Council of Non-Governmental Organisation (LCN) in its quarterly sitting on the 6th May 2015 reflected on the state of democracy, human rights and governance in Lesotho post February 2015 National Assembly Elections. Democracy and Human Rights Commission is a platform within LCN where members share their programmes, interventions and advocate on issues beyond individuals organisations capabilities. DHRC deliberated on the issues that are in the public sphere and made some decisions on how civil society shall engage with them. In addition, a special Task Team has been formed to further investigate and develop a position of democracy and human rights civil society under LCN.

DHRC observed the following;

1. The 2015 National Assembly Elections been pronounced by national and international observers as credible and in addition as a reflection of the will of the Basotho nation as evidenced by non-contestation and rejection of the final results. DHRC noted the discontent of the Basotho Democratic National Party (BDNP) with regard to the seats allocation which has been referred to the courts of law. This is considered as an acceptable way of lodging a complaint within the perimeters of the law and DHRC urges all to use this constructive approach at all times to find solution to their concerns.
2. There has been popular concern over a number of issues related to the Post-election government formation processes. These included the number of days that should be taken after elections before establishment of government, the time taken before appointment and taking oath of Members of Cabinet, the time taken before opening of Parliament and the correctness of the government expenditure beyond the end of financial year without approval of Parliament. While DHRC have not found anything illegal or unconstitutional in all these matters, it was deeply concerned by the silence of the government in informing the general public about the situation. In addition, DHRC is of the feeling that where there is no official story teller, people begin to be confused by various statements as demonstrated by the various media platforms in Lesotho. In

fact it is part of transparency and good governance for the government to provide information to the citizens because that facilitates proper decision-making in a democratic dispensation.

3. DHRC appreciates that the Second Coalition Government produced a programme of action to inform its work at the beginning of its term. This is one of the components of building a productive coalition. DHRC members are currently reviewing the Second Coalition Government Programme of Action and will soon demonstrate how it would like to engage;
4. DHRC notes with greatest concern that power configurations at parliament, as they stand put Lesotho right at the similar situation of challenges that prevailed before 2015 National Assembly Elections. The perceived disconnect between government and opposition makes a lot of anticipated reforms vulnerable as stated in the Second Coalition Government. Some of the proposed constitutional reforms will require two third majority for them to be effected. It is on this basis that DHRC calls upon all political leaders to seriously consider a collaborative approach as opposed to naïve partisan tendencies and should rise to the occasion and work together as a matter of national duty;
5. DHRC noted that the SADC Facilitation Mission in Lesotho has been completed, though the issues of national security which formed part of the assignment are still areas of concern for Basotho. In its investigations, DHRC has realised that the Second Coalition Government is addressing the pre-election controversial military issues hastily and unilaterally thus jeopardising the peace and security of the country which necessitated the SADC Facilitation Mission to come to Lesotho. DHRC believes that it will be in the interest of Basotho and the Government of Lesotho to address these issues consultatively with relevant stakeholders.
6. DHRC is aware of the contestations within Judicial as one of the organs of state and have noted that these actions are effectively rendering the court of appeal non-functional, a reality that denies justice to the citizens. It is a serious concern not only to those individuals directly affected by this stand-off but the entire democracy which is based on the principle of checks and balances and separation of powers. DHRC believes that it would be prudent to those responsible to expedite the full functionality of the apparatus of justice in the Kingdom;
7. The protracted go-slow in the Lesotho Correctional Services (LCS) caused by the discontent over salary structure issues and the manner in which government responds to the prison wardens, borders on the denial of justice and human rights. Therefore, DHRC call upon the government to act responsibly and speedily in addressing the labour disputes of LCS staff.
8. DHRC has noted the recent developments in the Lesotho Mounted Police Service which may cause instability in the long run if not addressed by the government. These issues include the legitimacy of the incumbent in the position of Commissioner of Police. DHRC therefore calls upon the government to work harmoniously in resolving the perceived conflict before it can extend to the level which human rights will be violated.
9. The enthusiasm of media in facilitating public debate on various issues in particular governance is noted and the media is highly commended for this. However the loss of impartiality is still

disturbing. DHRC has realised that unless drastic measures are taken to divert the energy of media towards promoting and building peace, Basotho will soon up in arms against one another;

10. The cross-border violence (Lesotho – Republic of South Africa) has gone to the levels that it should be taken as a matter of emergency between the two countries. This calls for the similar stringent measures on the South African attacks to the foreigners living in that country and the dehumanising manner in which South African authorities treat Basotho who are found to be illegally residing in that country for various reasons. Therefore DHCR calls for both Governments to meet and resolve cross-border issues between the two countries.
11. Recent reports concerning the kidnappings of some military officers and threats imposed on leaders of opposition political parties by the Military Intelligence (MI) and the consequential court interdicts requested by the family members of the affected officers creates a sense of fearfulness among the populace. Further, the attempts and assassinations of prominent businessmen inflict the feeling of insecurity in the country and lack of government's capability to enforce the rule of law in the country. DHRC is convinced that this situation does not auger well with pillars of democracy, respect of human rights and rule of law as enshrined by the Constitution of Lesotho and espoused by the Coalition Government Agreement Programme of Action and thus calls strongest condemnation of these acts and it would be proper for government to pronounce itself on this matters.
12. DHRC recognises and appreciates the work done by external bodies such as SADC, African Union, Commonwealth and foreign diplomatic missions in supporting Basotho to adhere to the principles of democracy and human rights. Further, the DHRC acknowledges the role of media personnel, experts from institutions of higher learning, civil society and independent firms in advocating for reforms and respect of democracy and human rights values. DHRC therefore calls for all these sectors in one voice to condemn any action that derails the achievements made by the country towards achieving the democracy and human rights culture in Lesotho.

DHRC conclude that;

- ✓ Civil society shall review the Coalition Government Agreement with a purpose of identify points, issues and ways through which to work with government in their different forms, service delivery, capacity building and advocacy;
- ✓ Government should determine its official spokesperson to announce the government's position on various issues.
- ✓ DHRC commits to remain vigilant in the progress observance on the above issues and will continue to further its investigations.
- ✓ DHCR will also commit to alert the world about democracy and human rights violations that continue to take place in the country as to initiate government response.
- ✓ DHRC will again will continue to engage all the relevant stakeholders about the Lesotho situation in order to restore the sense of democracy of human rights respect.

Finally, DHCR will intensify efforts to educate Basotho on democracy and human rights that entails, demanding accountability from the elected representatives, participating in own government, respecting human rights and advocating for a responsible government.

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