



House No. 544
Hoohlo Extension
Maseru

Private Bag A445
Maseru 100, Lesotho
Southern Africa
Telephone (+266) 22317205
22325798
Fax (+266) 22310412
E-mail: admin@lcn.org.ls
Website: www.lcn.org.ls

PRESS RELEASE

Maseru – March 21, 2014: Civil Society Organisations under the auspices of the Lesotho Council of NGOs (LCN) Democracy and Human Rights Commission wish to make the following pronouncement to Basotho regarding the prevailing diversity of political views in the country about the incumbency of Prime Minister.

Lesotho uses the Westminster form of government where the Head of Executive/Government derives legitimacy from the confidence in the National Assembly. This concept is captured in the Constitution of Lesotho Section 87 (2) The King shall appoint as Prime Minister the member of the National Assembly who appears to the Council of State to be the leader of the political party or coalition of political parties that will command the support of a majority of the members of the National Assembly. The underlying meaning is that the Premier can only legitimately hold office so long as that confidence sustains.

The CSOs have learnt of the recent development namely;

- The Vote of No Confidence on the Prime Minister
- Adjournment of the Business before the National Assembly;
- Prorogation of Parliament

It has been observed that Basotho have reacted to these issues with keen interest. The political interest and anxiety over these issues demonstrate that Basotho are eager to be active participants in shaping and informing the manner in which these issues are handled. The Commission finds itself duty bound to guide such involvement of the public so that it remains highly active, interactive, informed yet peaceful and mature.

ISSUES OF CONTENTION

There are three issues that characterise this political enthusiasm;

(i) **Vote of No Confidence**

The Constitution of Lesotho provides that Prime Minister could be removed from the position of Head of Government by the passage of the motion of no confidence in the National Assembly. The Constitution further provides guideline that any member of National Assembly may propose a motion of no confidence on the Prime Minister. It also provides that such a motion should indicate the name of the alternative Prime Minister. Although the Standing Order No. 111 provides that the motion of no confidence may include reasons for the desire to remove the Prime Minister, this is not a necessity either of the Standing Order or the Constitution.

Therefore the Commission believes that the mooted motion in parliament is wholly in line with the provisions of the Constitution. In the event that the motion is passed by parliament, the Constitution provides that the sitting Prime Minister should within three days either resign from the Premiership or advise the King to dissolve Parliament. Acting on the advice of the Council of State, the King may refuse the advice of the Prime Minister on dissolution. This means that there are two possible outcomes from the passage of motion of no confidence

- (i) removal of the Prime Minister and replacement by the one who commands majority of the National Assembly or
- (ii) Dissolution of parliament and the subsequent elections within the time stipulated by the Constitution after dissolution which is 90 days;

(ii) **Prorogation**

The Constitution provides that acting on the advice of the Prime Minister, the King may at any time prorogue parliament. Prorogation refers to the closure of parliament for a period not more than 12 months (Constitution, Section (1) and (4)). When parliament is prorogued, all the business line up before it lapses and may be introduced in the next session. It would be opened by His Majesty and that would mark the beginning of the next session. Ordinarily prorogation is used as a monitoring measure to have time to reflect on the work done for a certain period;

(iii) **Adjournment of Debate on the Business of the House**

The Standing Orders provide that a member who wishes to rise on the matter to be deliberated by the House as a matter of urgency and public importance shall hand in a written notification to the Speaker. However for this to happen, the Speaker should first be satisfied that indeed the matter is definite, urgent and of public importance. In the event that the permission is not granted by the House, 15 members who support the request shall rise and if that happens the Speaker shall treat the matter as having got the approval of the House (Standing Order # 29).

In this way, the issue may be discussed. The parliamentary proceedings of the 20th March 2014 in particular the ruling of the Speaker was within the provisions of the Standing Orders and therefore orderly.

The Commission would like to call upon Basotho to remain cool and allow democratic dynamics within the constitutional framework to take their course. In order to entrench the culture of democracy, Basotho particularly those holding different political views and affiliated to the different political formations should engage and interact yet apply high level of political tolerance.

As political parties continue to exercise their democratic right to solicit support, canvass their view points, they should be mindful that their members irrespective of positions they hold, have full rights to hold political views and opinion which they should be allowed to express and advance within the legal channels.

In their active and enthusiastic role in the coverage and reporting of the current situation, the media is advised to remain factual, responsible, cautious and refrain from sensationalism.

The Commission urges the government on the one hand and political parties on the other to ensure that the Constitution and other laws of Lesotho should be observed and protected. Basotho should be reminded that their ability to deliver peaceful elections in 2012 and the peaceful transfer of power is a huge achievement that cannot be reversed by any standards.

For more information, please contact

Mr Seabata Motsamane

6211388

Or Tsepiso Mncina

Mobile: 62001984/58753536

Info@lcn.org.ls,

www.lcn.org.ls

Founded in 1990

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

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