



National Reforms Authority
"Building the Lesotho We want"

ANNUAL REPORT

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FOREWORD

The road that the nation has treaded since the conception of the multisector reforms is a grand one. It affirms the popular Konrad Adenauer's adage that goes - 'Go the last mile and enjoy it.' It also affirms the Biblical quote that goes: 'If anyone compels you to go one mile, go with them two miles (Matthews 5;41).'

The reforms are a clear testimony of the determination for Basotho to tread a long journey in their quest to create a Lesotho that they want. They are prepared to go another mile in this journey.

The journey treaded so far has indeed not been a smooth sailing. It has been a grand journey punctuated with many episodes, some tolerable, and others not so impressive. That is the character of reforms, it is never easy as it involves tapping on the comfort zones of others. It involves going against the tide and even defying the status quo. It involves challenging conventional thinking and traditional ways of doing things. It is about defying established norms and directing people to a new way of doing things. From the outset, emphasis has been to uphold the principles of inclusivity and ownership by Basotho for the reform agenda to be meaningful.



Hon. Pelele Letsoela
Chairperson

Reforms are an exercise that requires going against one's own perceptions about what reality is, and embracing a new reality, which

will benefit the future generations. Reforms are about challenging belief systems on what works and what does not work and introducing new models, systems and processes which conform to the new environment which embraces everyone, not an individual or a group of individuals.

Therefore, reforms are a leadership exercise that requires one to wean himself or herself of the small cocoon in which one is entangled. It requires bravery, courage and con-

confidence as well as hope that the future will be bright. Without hope, reforms come to a naught. However, hope alone, cannot deliver results, but concerted effort to ensure that plans will yield positive results.

Given their futuristic character, reforms require strategic and bigger picture thinking. They require an optimistic attitude because they portend what will become instead of what is.

The ongoing reforms process did not come at a relaxed moment. It was a result of negotiations following nasty episodes of social, political and security challenges including intra and inter-party conflicts. They came as a result of lack of peace and stability, unity and reconciliation. They came because there was something that had gone wrong, which needed to be addressed. The hope that we cherish is that their ending must be positive because the principle of nature suggests that out of darkness comes light, out of hate comes love and out of despair comes confidence and expectation.

I wish to emphasise that collaboration, co-operation and timely as well as decisive action between Government, NRA and other stakeholders across all levels of our society, are important to ensure a coherent and integrated approach to implementing the reforms and delivering on the objectives and

targets set in the proposed legislation. The NRA remains committed to achieving the planned results.

I, therefore, call upon all stakeholders, sections of society and the Development Partners to rally behind the NRA towards delivering a reforms product which will satisfy the nation. I call upon all to pull their resources together, – technical, financial and technological towards achievement of the goals espoused in the reforms agenda.

On behalf of the NRA, I wish to sincerely thank the Government of Lesotho, the United Nations Development Programme (UNDP) and the European Union (EU) for their steadfast support to the NRA. I also wish to thank African Union and the Commonwealth Secretariat for providing experts under various sectors. I further want to thank Members of the NRA and the Secretariat Staff for their dedication to the process and hard work that they have displayed at all times. You built resilience in the face of the difficult terrain that you had to navigate and the complex and volatile reforms journey.

KHOTSO PULA NALA!

Chief Pelele Letsoela

Chairperson - National Reforms Authority

PREFACE



Adv. Mafiroane Motanyane
Chief Executive Officer

Lesotho's not-so-impressive post-colonial history has undeniably had negative implications on building a cohesive and integrated society. It is the past that has been fraught with episodes of perennial political, security and social conflict among various shades of our society. It is the past that has deprived Basotho of their pride as a nation and which the current and future generations are and will not be proud of.

Amidst all the above, there is a determination to change the tide for the better. With implementation of the current reforms process, the Basotho nation has demonstrated that it has reached a moment in history of turning the page and crossing rivers of despair and desperation, scaling the mountain of faith and hope,

and descending into the valleys of success and progress – “The Lesotho We Want”. As the Reforms Roadmap indicates, the reforms process is intended to “anchor a future Lesotho that is politically stable so that every Mosotho can freely attain their aspirations; a future where all our institutions and sectors are allowed and enabled to excel and are fully accountable under democratic norms, and are a source of national pride in the manner they serve the people; a future where the three arms of Government work collaboratively and synergistically; a future where people-centred development is the major pre-occupation of the Government of the day; a future where people live in a safe and just society and where human rights are fully guaranteed for all.”

The responsibility to change the tide for the better lies not only with the Government of the day, nor the current leadership, but it should be a shared commitment embraced across all levels of society and that echoes in the corridors of various fora and indeed that transcends generations.

At the centre of this responsibility is the need to create seamless momentum and resilience towards developing pathways for lasting peace, creating nation-building among Basotho and reconciling the conflict-torn Basotho nation. Even as the reforms process continues, the cardinal principles underpinning the process should be embraced and safeguarded.

National ownership, transparency and inclusivity should continue to guide all our efforts in the reforms front. Needless, to mention that inclusivity begets legitimacy.

The National Reforms Authority, which has been conferred with the mandate to safeguard the citizens voices by implementing reforms under Seven Thematic Areas (Constitution, Justice, Parliament, Security, Public, Economy and Media Sectors), embarked on a massive job of developing constitutional amendments in line with Plenary II Report since July 2021.

The exercise is complete and the Bill has been handed over to Government for onward transmission to Parliament. Throughout the constitutional development process, sector-based consultations were undertaken by the various NRA Thematic Committees to glean information that would help the Authority make informed decisions. To some extent, benchmarking was also undertaken to get best practices from other jurisdic-

tions. Lessons learnt have been fused into the thinking on constitutional issues.

The constitutional Bill has prioritised a number of issues including, among others; capacitating Public Institutions, providing stability in Government, Parliament and the Security Sector, Separation of powers between the three arms of Government, empowerment of women, youth and other marginalised groups, promotion of Human Rights and Fundamental Freedoms, addressing corruption, de-politicising the civil service and reduction of public expenditure.

In addition, the NRA has also developed a few Bills for enactment by Parliament into law as well as the Media Policy. This once in a lifetime opportunity should not be lost. We should all not rest until we achieve our goal – “The Lesotho We Want”.

KHOTSO PULA NALA

Mafiroane E. Motanyane (Adv)
NRA CHIEF EXECUTIVE OFFICER



GOVERNANCE STRUCTURE

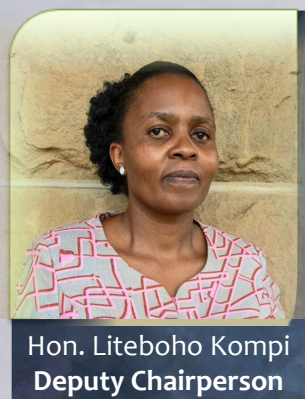
The NRA is a two (2) layered structure, comprising of 59 Members at the highest level which is supported by a technical Secretariat headed by the Chief Executive Officer. The highest structure is headed by the Chairperson and has a representation of 35 political parties that were registered by the Independent Electoral Commission in 2019, 18 non-governmental organizations, three representatives of Chiefs and three representative of Government.



National Reforms Authority
"Building the Lesotho We want"



Chief Pelele Letsoela
 Chairperson



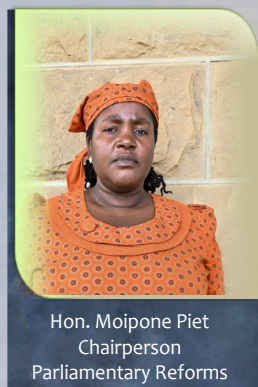
Hon. Liteboho Kompoti
 Deputy Chairperson



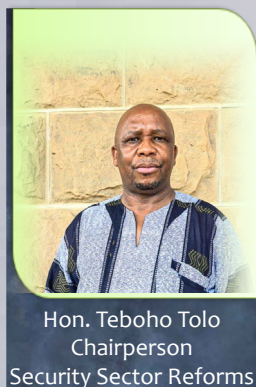
CHAIRPERSONS OF TECHNICAL COMMITTEES



Hon. Palesa Ntakatsane
 Chairperson
 Constitutional Reforms



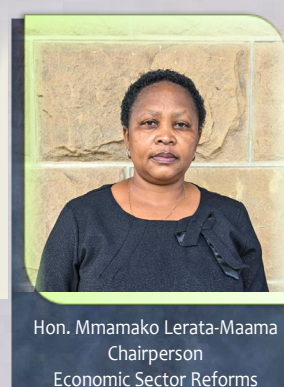
Hon. Moipone Piet
 Chairperson
 Parliamentary Reforms



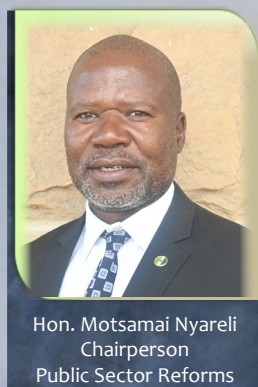
Hon. Teboho Tolo
 Chairperson
 Security Sector Reforms



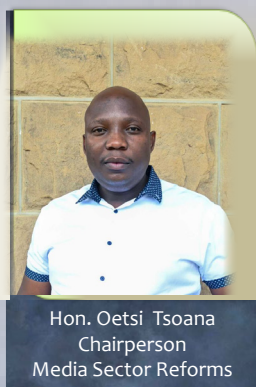
Hon. Liteboho Mahlakang
 Chairperson
 Justice Sector Reforms



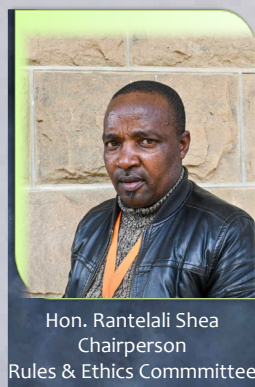
Hon. Mmamako Lerata-Maama
 Chairperson
 Economic Sector Reforms



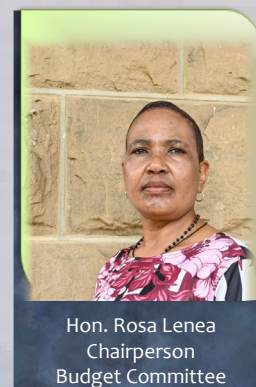
Hon. Motsamai Nyareli
 Chairperson
 Public Sector Reforms



Hon. Oetsi Tsoana
 Chairperson
 Media Sector Reforms



Hon. Rantelali Shea
 Chairperson
 Rules & Ethics Committee



Hon. Rosa Lenea
 Chairperson
 Budget Committee

SECRETARIAT



National Reforms Authority
"Building the Lesotho We want"



Adv. Maforoane Motanyane
Chief Executive Officer



Mr Tšiu Khathibe
Deputy Chief Executive Officer



Mr Murumba Werunga
Special Advisor
Parliamentary Reforms



Dr Norman Mlambo
Special Advisor
Security Sector Reforms



Dr Mothae Maruping
Special Advisor
Economic Sector Reforms



Mr Mzimkhulu Sithetho
Special Advisor
Media Sector Reforms



Mrs Mamolise Phakisi
Human Resource Manager



Mr Motlatsi Nkhasi
Public Relations Manager



Adv. Mpho Maema
Legal Manager



Mr Joel Moleme
Finance Manager

PROFILE OF THE NRA

Vision

“The Lesotho we want”:

“The transformation of the Kingdom of Lesotho into a just, prosperous and stable country marked by effective and people focussed institutions, national unity of purpose, rule of law, good governance and human rights”

Mission

“The Promotion of long term national stability, unity and reconciliation; The creation of professional, well-functioning and effective institutions for the efficient management of public affairs, Service delivery and development; Building a national consensus on and development and implementation of constitutional and other legal changes as needed”

Mandate

“The Lesotho we want”:

The NRA is mandated to coordinate, lead and manage the reforms process in the implementation of the resolutions and decisions of Plenary II

Focus Areas

Thematic Areas

- ◆ Constitutional reforms,
- ◆ Parliamentary reforms,
- ◆ Security reforms,
- ◆ Justice reforms,
- ◆ Public Service reforms,
- ◆ Economic reforms, and
- ◆ Media reforms
- ◆ Sustainable peace, national unity and reconciliation

1.0 Executive Summary

Introduction

Lesotho embarked on comprehensive national reforms with a view to creating a better Lesotho for all Basotho – “The Lesotho We Want”. The reforms are intended to promote long-term national stability, unity and reconciliation; creation of professional, well-functioning and effective institutions for the efficient management of public affairs, service delivery and development; and building a national consensus on and implementation of constitutional changes as needed. The reforms are implemented under seven thematic areas: - constitutional reforms, parliamentary reforms, security sector reforms, justice reforms, public service reforms, economic reforms and media sector reforms.

The reforms are implemented by the National Reforms Authority (NRA), which was established under the NRA Act No. 4 of 2019. It is mandated to coordinate, lead and manage the reforms process in the implementation of the resolutions and decisions of Plenary II, within a period of 12 to 18 months.

The NRA is a two (2) layered structure, comprising of 59 Members at the highest level which is supported by a technical Secretariat headed by the Chief Executive Officer. The highest structure is headed by the Chairperson and has a representation of 35 political parties that were registered by the Independent Electoral Commission in 2019, 18 non-governmental organizations, three representatives of Chiefs and three representative of Government.

The Secretariat is supported by experts (Special Advisors) who provide technical advice under the seven thematic areas on the implementation of the Reforms. NRA reports to both Houses of Parliament. The mandate of the NRA is three-pronged; constitutional and legal reforms, reform of public institutions and recommending mechanism for peace, national unity and reconciliation, including embarking on transitional justice.

Implementation Strategies

The Constitution is the foundation for every piece of legislation in Lesotho. As a result, NRA decided to prioritise constitutional amendments. This strategy ensures that enabling legislation including Acts of Parliament, Policies, Codes of Conduct and Good Practice, and other instruments will fall in place easily.

Strides Made Constitutional Bill

An omnibus constitutional Bill has been finalised. It contains almost 90 amendment proposals.

Outstanding work

Referendum issues under consideration

- Redesignation of the positions of Chiefs of Thaba Tšoeu and Kueneng as Principal Chiefs
- Reclaiming Lesotho's Conquered Territory
- Review of sections 52 and 53 of the Constitution to allow the College of Chiefs to recommend removal of the King from office to Parliament
- Resuscitation of the position of the Paramount Chief
- Dividing Matsieng into two wards
- Referring female succession to Chieftainship to referendum
- Powers of the King under (Section 91(3))
- Establishing an Electoral Court
- Amendment of Section 85 of the Constitution of Lesotho

Acts of Parliament

Government referred four Draft Bills which have impact on the reforms to the NRA in February, 2021 for the Authority to work on them in line with Plenary II Resolutions. They were: the Referendum Bill, Human Rights Commission Bill, Independent Electoral Commission Bill and the Directorate of Corruption and Economic Offences Bill. The Drafts were finalised in April, 2021.

The Referendum Bill is currently in the Senate for consideration. While the other three Bills are complete, the NRA has to await the outcome of the Parliamentary process on the omnibus Bill before they could be submitted to Parliament.

Policies

The NRA developed a Media Policy in April, 2021 and was adopted by Parliament. The purpose of the Policy is to guide media players – media proprietors and owners, editors and senior managers, as well as practitioners. It governs their conduct, behaviour and practice so that they toe nationally and internationally accepted norms and standards of ethical practice.

A National Code of Conduct, Behaviour & Practice for the media sector has been developed by the NRA. It is under consideration by Parliament. It governs the conduct, behaviour and practice of media players so that they follow nationally and internationally accepted norms and standards of ethical journalism practice.

Peace and Transitional Justice Mandate

In pursuance of its mandate on Peace, NRA convened a National Stakeholders Forum on Sustainable Peace, National Unity, Healing and Reconciliation from 21 to 23 July, 2021. The Forum was attended by National Leaders as well as representatives of Civil Society, Victims, Academia, Students, Youth, Women, People Living with Disability and others. The objectives of the Forum were, among others, to discuss and agree on issues and approaches to achieve sustainable peace, national unity, healing and reconciliation, as well as make inputs on the peace architecture that is suitable for Lesotho. A road map for implementation of this mandate has been developed.

Objectives of the Forum were to:

- Discuss and agree on issues and approaches to achieve sustainable peace, unity, national healing and reconciliation as well as make inputs on the peace architecture that is suitable for Lesotho;
- Discuss and agree on the Transitional Justice Mechanism that is suitable for the Lesotho context, in line with Plenary II Decisions and to agree on the period and crimes to be covered as well as identify who the victims are;
- Re-invigorate and increase collaboration and communication among key Stakeholders in the implementation of the Reforms;
- Engender consensus among Basotho on National Reconciliation and afford victims a platform for engagement that will promote healing and reconciliation;

Recommendations of the Forum:

- NRA should draft the Implementation Plan for the establishment of an appropriate Transitional Justice Mechanism as per the recommendations of the Forum.
- NRA should facilitate constant dialogue and engagement with stakeholders on a variety of reform issues in order to create a culture of peaceful dialogue. If not, the reforms will end up just like an academic exercise with no tangible results.
- NRA should fully implement the Resolutions of Plenary II in line with the NRA Act, particularly decisions on establishing the Transitional Justice Mechanisms and peacebuilding,
- NRA should embark on shuttle diplomacy among various stakeholders to get a glimpse of their thinking about various aspects of the reforms agenda;
- NRA should organize the Victims Conference in partnership with relevant organisations in pursuance of its

- mandate on peace under the Act;
- NRA should implement the recommendations made at the Forum so that it keeps the momentum created at the Forum.
 - NRA should draft proposals for resource mobilization to assist with financial sustainability of the various reform processes.
 - NRA should clarify the relationship if any between the National Peace and Stability Bill 2021 and the Transitional Justice process, to remove the current confusion that was expressed by many participants at the Forum.

National Consultative Forum for development of a Road map for a National Security and Policy and Strategy

- The Roadmap for development of the National Security Policy and Strategy has been developed;
- The proposed Roadmap has benefitted from all key stakeholders;

Development of NRA Website

- NRA engaged a local company to develop a dynamic website on which all reforms information and work done even prior to the establishment of NRA will be archived and easily accessed from anywhere in the World;
- The website is complete and will be launched 29 March, 2022;
- The website will be used even by the successor of the NRA as it will be operational for an initial period of one year.

Challenges in the implementation of the reforms

NRA started from zero. It had no staff and offices to operate from. There were no tools of trade including legislation enabling it to function. It had to develop systems and mechanisms for im-

plementation, as well as rules of the game on its own. Other challenges include inadequate funding which does not allow other crucial activities such as physical benchmarking. Highly qualified expertise was not easy to recruit due to the low salary levels offered by the Authority.

Funding

The implementation process is co-funded by the Government of Lesotho and the European Union and UNDP.

Conclusion

- There is a need to ensure that the process continues until it reaches its target – “The Lesotho We Want”
- The process must continue to be as inclusive and as transparent as possible even beyond the NRA in order to ensure its integrity.

1. Background

Ever since Lesotho obtained independence from Britain in 1966, political stability and peace have been elusive. Security challenges, including unconstitutional changes of Government have been a common phenomenon in the mountain Kingdom. In recent times, the instability experienced since the election of the first Coalition Government in 2012, underlined the need for Lesotho to urgently change course.

The Commonwealth appointed Dr. Prasad in 2013 to undertake scoping of the reforms and produced a report entitled: ‘Sustaining Coalition Governments in the Kingdom of Lesotho’ recommended a number of reforms to the public service, parliamentary processes, coalition formation and operation for the coalition government of Lesotho; 2014 New Zealand study tour - “Governance in Lesotho – repositioning for success”; 2015 Coalition Government self dubbed –”Reformist Government”;

2017 Political Parties pledge on reforms

In particular, the events leading to the appointment of the SADC Facilitator for Lesotho in 2014 and the establishment of the SADC Observer Mission in Lesotho (SOMILES), deployment of the SADC Preventive Mission in Lesotho (SAPMIL), appointment of the SADC Oversight Committee, three Coalition Governments in a space of five years from 2012 to 2017, further put impetus to the need for reforms in Lesotho.

2. Towards Reforms

Following assumption of power in April 2015, the second coalition Government, through “The Coalition Agreement for Stability and Reform”, pledged to be a “reformist government.” It pledged to undertake comprehensive constitutional, institutional and sector reforms, including a review of the laws governing elections and Parliament, to address the new reality of coalition politics and ensure political stability. Despite the efforts of the second Coalition Government and a strong push by SADC, the reforms did not get underway.

In preparation for the 2017 general elections, the majority of the twenty-six Political Parties that took part in that poll signed “The Reforms Pledge”. The pledge affirmed the commitment of parties across Lesotho’s political spectrum, in and outside Parliament, to prioritize reforms after the elections. Following its inauguration, the then “4X4” Coalition Government prioritised reforms. One of the core objectives of the 4X4 Coalition Government, as listed in “The Coalition Agreement for National Unity, Reconciliation, Peace and Stability”, was to undertake constitutional, political, security and administrative reforms through an independent and inclusive reform process.

3. Specific tasks undertaken to kick-start the process

- In August 2017, the 4x4 Coalition Government set the reforms in motion by appointing a team of government officials to draw up a programme for the reforms implementation;
- The said team in partnership with the expertise provided by the UNDP, developed a Roadmap for the reforms, which is known as “**The Lesotho We Want**”. This Roadmap was adopted by Cabinet on 30 November, 2017;
- The Roadmap was subsequently endorsed by SADC in its 2018 Summit of Heads of State and Government;
- The Roadmap established certain structures including the three tier National Dialogue platform and the National Dialogue Planning Committee (NDPC) to facilitate the dialogue process;
- In addition to setting aside money from the Consolidated Fund to finance the implementation of the Roadmap, Government mobilised funding from Development Partners, notably from the United Nations and the European Union;
- NDPC was formed in August 2018 and Plenary I Dialogue was held at the end of November, 2018;
- In an effort to promote consensus, several rounds of the National Leaders Forum were held;
- District and Diaspora Consultations were held between April and June, 2019;
- Plenary II Dialogue was held at the end of November,

2019, and produced the Plenary II Report which continues to be the basis for the mandate of the National Reforms Authority (NRA);

- The NRA Act was promulgated in November, 2019.

Approach to the current reforms process

The watershed national reforms currently underway since, 2017 have been participatory and engaging in nature. The multi-sectoral and multi-stakeholder reforms seek to create a Lesotho that Basotho want. The reforms are intended to create a just, peaceful and stable country.

The reforms were couched on a number of underlying principles, such as inclusivity. In this regard, Basotho had a voice through public input on the content of programmes and policies - either directly or through legitimate intermediate institutions that represent their interests. Transparency and accountability formed an integral part of the reforms with emphasis on information about the processes of the reforms made accessible to those concerned. The reforms are further couched on the principles of national dialogue and consensus-building, hence the multi-stakeholder national dialogue process championed by NDPC.

The initial stages of the reforms were intended to create mutual understanding about the reform agenda among various stakeholders. The NDPC organized two National Plenary Meetings which were intended to obtain feedback from various stakeholders on the reforms, create dialogue on the reforms and to marshal a way forward. The NDPC further organized sector breakaway sessions which were also platforms for dialogue on the various sectors' issues. They also organized national leadership forums which brought together, representatives from various sectors of society to rally them to own the reforms.

The NDPC further obtained views from various sectors of society - economic sectors, non-governmental organisations, women organisations, youth, the financial sector, media sector, the diaspora as well as the judiciary. The culmination of the NDPC process was the Plenary II, which consolidated views from the aforementioned sectors. Plenary II made resolutions on the consolidated issues, which created a framework for implementation of reforms by the National Reforms Authority (NRA).

Introduction

The National Reforms Authority Structure

The National Reforms Authority (NRA) was established pursuant to the National Reforms Authority Act No. 4 of 2019. It comprises of fifty-nine (59) members, covering a wide spectrum of sectors of society as follows: representatives of Political Parties - (35), Civil Society - (18), Government - (3) and Chiefs - (3). This is an independent body that reports and is subservient to Parliament.

The mandate of the NRA is three-pronged; propose constitutional and legal reforms, reform public institutions and also recommend mechanism for peace, national unity, healing and reconciliation, including transitional justice. The Authority was inaugurated on the 06th February, 2020.

The Authority is supported by a Secretariat headed by the Chief Executive Officer. With financial support from the United Nations Development Programme (UNDP) and the European Union (EU), the process of establishment of the NRA Secretariat began in April, 2020 with the recruitment of a consultancy company (IDM) that advised and provided technical assistance to the Authority in relation to the recruitment process. Due to the COVID-19 Pandemic, the contract with IDM was signed on 24th June, 2020 and expired on 31st July, 2020 but was eventually extended to 30th September, 2020 at no additional costs to the client.

The recruitment of the Chief Executive Officer was done on 28th September, 2020 while that of the Deputy Chief Executive Officer was done on 06 October, 2020. Following their assumption of office, the Chief Executive Officer and the Deputy Chief Executive Officer concentrated on setting-up of office including recruitment of Technical Committees' Special Advisors/ Experts and other Members of the Secretariat Staff.

The secretariat complement includes one security sector expert provided by the AU, one Anti-Corruption and Ethics Expert, one Parliamentary Reforms Expert and one legislative drafter provided by the Commonwealth.

Guiding Principles for the Reforms

The process is anchored on the following key principles:

The Facilitative Role of Government: The Government facilitates and offers strategic leadership and support to the reforms;

National Ownership by all Basotho: The reforms will succeed if they are fully owned by Basotho through a consultative process;

Inclusivity and participation: The reforms involve the full diversity of Basotho without discrimination of political, social or other status. All Basotho have a voice through public input on the content of programmes and policies - either directly or through legitimate intermediate institutions that represent their interests.

Transparency and Accountability: Information about the processes of the reforms is made accessible to the nation, and information is provided to render the processes of the reforms understandable and monitorable.

Dialogue and consensus building: The reform process is guided by the culture of consultations and consensus building and by established international standards of democratic participation.

Objectives of the reforms:

- Promotion of stakeholder consensus on the reforms and long-term national unity and reconciliation;
- Reform and re-organization of the security establishments to ensure fitness for purpose and responsiveness to the country's needs;
- Reform and creation of an effective, efficient, professional and results-oriented civil service for enhanced service delivery and development;
- Review and reform of the justice sector to ensure greater justice, rule of law and protection of human rights;
- Review and reform of critical institutions such as parliament and relevant legislation, including that pertaining to elections and representation, to ensure enhanced institutional independence and stability of politics
- Generate consensus on an inclusive mechanism to undertake a review of the Constitution to ensure its alignment to the needs of present-day Lesotho.

Purpose of the Reforms

The purpose is to anchor a future Lesotho that is politically stable so that every Mosotho can freely attain their aspirations; a future where all our institutions and sectors are allowed and enabled to excel and are fully accountable under democratic norms,

- A source of national pride in the manner they serve the people;
- A future where the three arms of Government work collaboratively and in synergy;
- A future where people-centred development is the major preoccupation of the government of the day;
- A future where people live in a safe and just society and where human rights are fully guaranteed for all.

Thematic areas

In order to achieve the above objectives, reforms are being implemented under the following seven thematic areas:

- ◆ Constitutional reforms,
- ◆ Parliamentary reforms,
- ◆ Security reforms,
- ◆ Justice reforms,
- ◆ Public Service reforms,
- ◆ Economic reforms, and
- ◆ Media reforms
- ◆ Sustainable peace, national unity and reconciliation



Reforms Sectors

1 Constitutional Reforms

Lesotho has had various constitutional crises since independence. The spike of constitutional cases instituted in the Courts of Law in recent times speak to this reality. Some of the constitutional problems that the Country has had to contend with include the inherent conflicts in the principles of the constitutional design that include the ceremonial Head of State, a functional Head of the National Executive and the discretionary powers that are only exercisable by the King on the advice of either the Prime Minister or the Council of State. These strains in the constitutional design at the level of the executive is symptomatic of a general institutional dysfunction that does not deliver to the Basotho what they desire and want from their Government. Moreover, certain aspects of the constitutional arrangements are not appropriately designed to manage new challenges, including, in particular, those that have resulted from the new MMP electoral system.

NRA proposal under this sector seek to provide a practical and achievable roadmap. It recognizes that the reform agenda, in its entirety, is substantial and that not all outcomes can be achieved at the same time. NRA was motivated by the following objectives in crafting proposals under this sector:

Objective 1: Measures to enhance political stability including those to bring parliamentary practice into line with MMP system (particularly relating to representation, political parties and government formation.

Objective 2: Strengthen Parliament by enhancing its autonomy and its ability to fulfil its legislative, monitoring and oversight functions. Medium-term measures (12 – 24 months) has three objectives.

Objective 3: Interim measures to enhance the independence of the Judiciary to enable it to better protect democracy, rule of law and Human Rights..

Objective 4: Enhance ability of institutions intended to protect democracy and promote accountability by government. Such institutions include IEC, DCEO, Auditor-General, the Ombudsman and the Human Rights Commission.

2 Parliamentary Reforms

Parliamentary reforms are intended to promote respect and safeguard the supremacy and sovereignty of Parliament as one of the three arms of the State .

Objectives

- ◆ To create a foundation that will be a bedrock of sustainable democratic practice in Lesotho.
- ◆ To empower Parliament as a custodian of values and principles of democracy to fulfil its constitutional mandate of legislation, oversight and representation.



3. Security Reforms

The need for security sector reform has come to occupy a prominent place in national debates. Reviewing and reforming our national security agencies is seen by many Basotho as key to the achievement of lasting peace, democracy and a stable political, security and social environment.

Some of the immediate challenges affecting the Security Agencies identified in some reports, such as the SOMILES Report of 2015, include the following:

- Overlapping of mandates and functions of the different Security Sector Agencies;
- Relations among the different Security Agencies;
- Relations between the civilian leadership and the leadership of the Security Agencies;
- Appointment of the leadership of the Security Agencies; and
- Issues of synergy and complementarity among the different Security Agencies.

Key Objectives and actions

The proposed process of reforms is centred on three key objectives:
Objective 1: Development and implementation of a common and inclusive national security policy and strategy.

Objective 2: Implementation of immediate measures for enhanced professionalism, coordination, information sharing and transparency in the security sector



4. Public Sector Reforms

The overall objective of the proposed public service reforms in Lesotho is the creation, and retention of an effective, motivated, professional, innovative, results-oriented and people-focused public service which is aligned to the country's developmental aspirations. To achieve this objective, the proposed changes will be pursued and implemented according to the short term, medium term and long-term specific objectives.

Objectives

- To review and strengthen the Public Service Commission so that it is an autonomous and can perform its duties diligently with minimized influence.
- To Conduct special designed Leadership training course including change management skills for leaders and

- managers in Public Service to strengthen capacities and make them effective change managers/agents
- To strengthen the leadership and monitoring functions of the Office of the Government Secretary and that of the Director-General for better performance in overseeing, coordinating and monitoring all reforms implementations.

5. Justice Reforms

The Justice Sector Reform is intended to develop a holistic sector-wide reform framework for strengthening the rule of law, justice and human rights. The reforms in this thematic area are aimed at implementing innovative strategies to increase equal access to justice for all especially marginalised and vulnerable groups.

Objectives

- To develop a holistic sector-wide reform framework for strengthening the rule of law, justice and human rights
- To implement innovative strategies to increase equal access to justice for all especially marginalised and vulnerable groups
- To facilitate the identification of and consensus on issues relating to the rule of law, justice and human rights for consideration through the constitutional making/review process.
- To mainstream human rights standards and principles within the national reform and development processes.
 - To consolidate past gains and expand justice and legal empowerment reforms



6. Economic Reforms

In this thematic area the recommendations of the stakeholders at various consultative fora were intended to achieve the following objective:

Objectives

- Ensuring genuine meritocracy, credible accountability structures and processes, transparency, functional institutions, effective oversight and checks and balances in government and all public institutions.
- Stakeholders want tight controls in place in government and state-owned enterprises operations and their meticulous implementation.
- To ensure that public financial expenditure is expected to prioritize developmental and social welfare activities.
- To address lapses in the procurement in government and in state owned institutions. which is fragmented, lacking uniformity, full of loopholes that allow corruption.
- The consequence being payments above standard market prices for mediocre results. The system calls for immediate radical reform. It is to be replaced by a credible, centralized system with harmonized standards that meet exemplary norms.

7. Media Reforms

Media Sector Reforms are intended to enhance institutional, professional and legal capacities of the media sector and to play an advocacy, lobbying, monitoring and checks-and-balance roles with regards to the reform process generally and the various media, information and communications fields specifically.

Objectives

- To ensure fair, consistent and robust regulation of public and private media in terms of ownership and/or management.
- Ensure content production and dissemination that promotes independent and pluralistic media underpinned by openness and transparency without breaching societal and individual values.



8. Sustainable Peace, National Unity and Reconciliation

The NRA has been mandated by Plenary II to work on Sustainable Peace, National Unity and Reconciliation. This could be said to be the eight thematic area of the NRA.

objectives

- To facilitate the construction of a politically, socially and economically cohesive and integrated nation,
- To facilitate for creation of a culture of dialogue among Basotho, which leads to appreciate diversity of thought as an ingredient of democracy,
- To ensure that a balance is struck between justice dispersal to those affected by past crimes and the need to reconcile through amnesty and other reparation mechanisms,
- To ensure unification of the nation through home-grown anchors of unity that bring together warring factions within society to slowly build a solid nation,

Other activities undertaken by the NRA

National Stakeholder Consultative Forum on Sustainable Peace, Stability, National Unity, Healing and Transitional Justice for Lesotho

National Stakeholder Consultative Forum on Peace, Stability and Transitional Justice for Lesotho. In pursuance of its mandate on Peace, NRA convened a National Stakeholders Forum on Sustainable Peace, National Unity and Reconciliation from 21 to 23 July, 2021. The Forum was attended by National Leaders as well as representatives of Civil Society, Victims, Academia, Students, Youth, Women, People Living with Disability and others.

The objectives of the Forum were to:

- Discuss and agree on issues and approaches to achieve sustainable peace, unity, national healing and reconciliation as well as make inputs on the peace architecture that is suitable for Lesotho;
- Discuss and agree on the Transitional Justice Mechanism that is suitable for the Lesotho's context, in line with Plenary II Decisions;
- Re-invigorate and increase collaboration and communication among key Stakeholders in the implementation of the Reforms;
- Engender consensus among Basotho on National Reconciliation and afford victims a platform for engagement that will promote healing and reconciliation;

Recommendations of the Forum

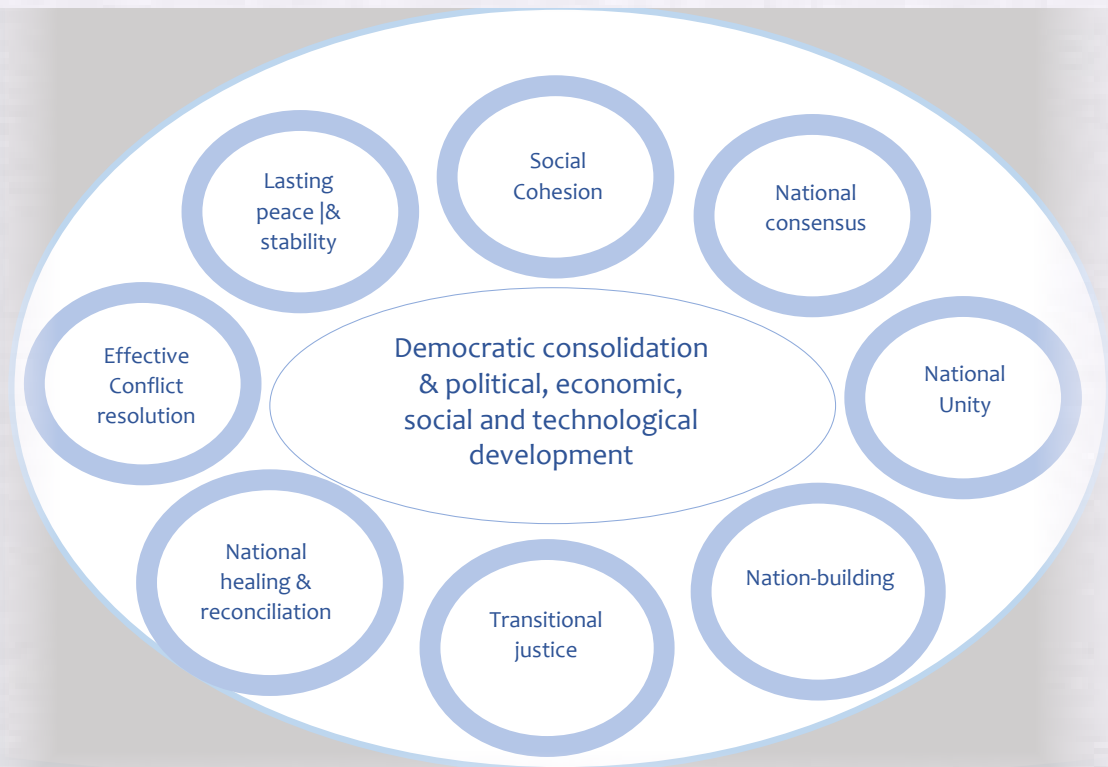
Based on the above, the following recommendations are made moving forward:

- NRA to facilitate constant dialogue and engagement among Basotho on a variety of reforms issues, including on the peace agenda, in order to achieve consensus;
- NRA to embark on shuttle diplomacy among various stakeholders with a view to advancing the peace and reconciliation agenda;

- NRA to implement the recommendations made at the Forum so that it keeps the momentum created at the Forum.

Implementation plan for the outcomes of the Forum

It is an 8-point Action plan as follows:



Objectives of the Plan

- To develop a politically, socially and economically cohesive, inclusive and integrated nation,
- To ensure a culture of dialogue is built among Basotho and this gradually builds into a society that appreciates diversity,
- To strike a balance between justice dispersal to those affected by past crimes and the need to reconcile through amnesty,
- To ensure gradual unification of the nation is achieved through home-grown anchors of unity that brings together warring factions.

Stakeholder engagement on development of National Media Policy and Code of Conduct & Practice

Development of a National Media Policy

The National Reforms Authority (NRA) organized a Stakeholders' Engagement Forum, on 03 March 2021. The forum was intended to create a platform for dialogue on the Draft Media Policy (2009) as part of the on-going media sector reforms. The NRA had identified the Draft Media Policy as a low hanging fruit that could be grabbed right away as a quick win. Intent was to facilitate the sector's catalytic role within a society that is undergoing a democratic consolidation. The Forum brought together players in the media industry of Lesotho, particularly at the top level of management (media proprietors and senior editors).

The Forum decided that the then Draft Media Policy should be overhauled as it lacked a number of requirements to qualify as a grand policy. It resolved that the Draft Policy should be amended and reinforced as starting a new media policy would take time. It also instructed the NRA to start the process of formulating a policy for Lesotho's media. The forum requested NRA to invite submissions from the media industry on inputs to the more revamped media policy, as the then draft was lacking in many ways. Following compilation of submissions from stakeholders, NRA adopted the Policy and forwarded it to Parliament which endorsed it.

Media Code of Conduct, Behaviour and Practice 2021

The NRA developed a Media Code of Conduct, Behaviour and Practice and this has been endorsed by the Parliament. The process was subjected to a rigorous public participation where relevant stakeholders made their inputs in writing and verbally. What remains is to establish structures which will enforce the Code.

The purpose of the Code is to provide canons for the media profession, which have to be adhered to by those in the practice. It dictates the kind of conduct, behaviour and practice expected from a person who is a proprietor, editor and practitioner in the media field. It also sets standards and norms for those at the coalface of media operation in the industry. The Code further sets parameters of practice for those in the field or those who wish to be in field in the future.

Consultative Stakeholder engagement on development of National Security Sector Policy and Strategy

Consultative forum for development of Road map for a National Security Policy the National Reforms Authority through its existing structures did undertake the Consultative Forum for the Development of a Road Map for the Development of the National Security Policy and Strategy for review by the National Security Council once it is in place.

Objectives

2. The objectives of the Road Map are to provide guidance on steps to be followed with a view to firstly:

- ◆ Developing the National Security Policy.
- ◆ Developing a comprehensive National Security Strategy.
- ◆ Developing an implementation plan for National Security Strategy.
- ◆ Conducting Monitoring and Evaluation.
- ◆ Undertaking Review.

Briefings to key stakeholders

- ◆ National Assembly
- ◆ Senate
- ◆ Cabinet
- ◆ Political party leaders
- ◆ Christian Council of Lesotho
- ◆ Media industry
- ◆ Civil society NGOs
- ◆ Development Partners
- ◆ Ministry of Communications, Science & Technology



NRA has engaged various stakeholders with intent to build mutual understanding for effective implementation of reforms

NRA also hosted a SADC facilitation team lead by Justice Moseneke on several occasions briefing him on progress made. NRA, together with Government went to South Africa to brief the facilitation team on progress made. NRA hosted other foreign delegations - UK Parliamentarians, SADC Lawyers Association.

NRA's challenges and their effect on delivery of its mandate

NRA has not been without challenges in the delivery of its mandate. Among the challenges the Authority faced, the following are worthy of mention:

Financial sustainability

The NRA financial challenges had a negative impact on building momentum required to execute its mandate and have impact on the ground with relative speed. Poor financial capability affected many areas such as attracting good and capable experts as they found the proposed remuneration not attractive.

Time-frame of NRA to complete the reforms

The issue of the time allocated to the NRA to have completed its work by April 2022, is not commensurate to the workload imposed by Plenary II Report. This makes the Authority to work under extreme pressure while at the same time guarding against producing poor quality work.

Popular support and ownership of the reforms by Basotho

As earlier mentioned, popular support about the reforms is still at a low level. This owes to financial and human capital hurdles to build the brand of the Authority and to sell a good story about what it is doing.

Covid-19 pandemic

The NRA's reforms implementation plan was affected by COVID-19 lock downs. There is a lot of time lost during these lock downs.

Absence of systems and structure after inauguration of the NRA, no enabling procedures etc

After its inauguration, NRA faced a challenge of absence of internal systems, procedures and processes for recruitment, financial management as well as procurement. This was a major setback to its progress.

Opportunities for the NRA in implementation of its mandate

The NRA has the following opportunities if it is to successfully carry out its mandate of reforms.

- Given adequate time, NRA would add great value to implementation of the reforms since it has now gotten the drift of what needs to be done.
 - Reinforcement of the NRA secretariat with expertise will make it more effective and comprehensive so that it carries out its mandate more effectively with a more nuanced approach to its structural build-up.
 - New funding sources would also have to be made available for the NRA to carry out its mandate in a different approach.
- Challenges relevant to the future of the reforms

Future of the reforms process

The reforms are a process and not an event. Remaining work is more than what has been done and this requires a long time to complete. This long-time opportunity should not be squandered but be utilised. In this context, key stakeholders should start engagements on how to proceed with reforms post-NRA phase.

- The time left for the NRA vis-a-vis drafting all the enabling legislation in line with the developed constitutional principles. Developing enabling legislation has some sense of urgency and requires the crafters who understand the spirit of the law to avoid distortion either inadvertently or wilfully;
- If Government leads the process, will that satisfy the principles underpinning the reforms process?: - National ownership, inclusivity and transparency;
- When the drafting of legislation is complete, implementation

will become critical. Which body will oversee implementation along with Government over a given time-frame;

- Referendum issues – how to frame the referendum question in light of the multiplicity of issues – have one question adopting the constitution as a whole or have several questions;
- Timing of the referendum – in tandem with the elections: management of the process vis-a-vi the capacity to handle the process (financial and human);
- Peace process and transitional justice amidst a continuously charged political atmosphere;

Other issues for consideration

- Capacity development and training for the new frameworks and institutions in handling the revamped mandates, roles and functions;
- The Legislature capacity to handle the cross-cutting mandates, roles and functions (Legislation, Oversight, Select Committee Process, Budgetary Process, Parliamentary Service and Commission, etc including how to operationalize the Parliamentary Service Commission;
- How to transition to the Judicature and Administration of Justice under the new framework;
- The speed at which the Executive Arm of Government will prioritise human rights, public finance management, anti-Corruption and ethics based issues; Separation of Powers; Good Governance, Devolution; etc.
- The National Security Agencies (training, capacity development etc).

Conclusion

A meaningful reform is not about providing a list of things that have been done, but it is a lasting, patient and tenacity-demanding process that builds momentum overtime. It has to do with taking those affected by the reforms onboard in all stages, entrenching buy-in of all stakeholders and also gradually changing the mindset. A reform is not limited to processes, procedures, pieces of legislation and a list of policies that have been reformed a new ones formulated. It also includes, most importantly changing the attitudes of those on whom these instruments are intended to be implemented.

A reform denotes and also connotes change of wrong behaviours, attitudes and practices that have long been built in. the time frame given, does not suffice to say the least. Therefore, it is proposed that at least a time-frame of 3-5 years would give the Authority or any agency that can be brought to the fore to drive the actual implementation of the instruments developed by the NRA.

1. Thematic Reform Area Reports

1.1 Constitutional Amendments

CONSTITUTIONAL REFORMS		
REFORM ISSUE	PLENARY II DECISION	CONSTITUTIONAL AMENDMENTS
Preamble	Insertion of a Preamble in the Constitution <i>(Pg. 4 of Plenary II Report)</i>	After table of Contents Outlines the general principles that underlie the entire document, eg. Supremacy of the Constitution, se-Moshoeshoe, respect for equality and human rights, etc;
Age of Majority	Insertion of a constitutional provision setting the the age of majority. <i>(Pg. 4 of Plenary II Report)</i>	Clause 2 (Page 9 of the Bill) Every person below the age of 18 is a minor; Exception – emancipated minor granted by an order of Court under the conditions set out in the Act of Parliament
Official languages	Include Isixhosa, Siphuthi and sign language in the Constitution as official languages <i>(Pg. 5 of Plenary II Report)</i>	Clause 4 - page 10 of the Bill Introduces IsiXhosa, Siphuthi and Sign Languages as part of the official languages in Lesotho. Government is bound to take legislative, administrative and other measures to advance the use and development of all official languages.

<p>Freedom of Expression of opinion</p>	<p>Amend section 14 of the Constitution of Lesotho in conformity with best practice <i>(Pg. 107 of Plenary II Report)</i></p>	<p>Clause 5 - Page 11 of the Bill Provides and guarantees every citizen freedom of expression curtailed to the the following:-</p> <ul style="list-style-type: none"> ◆ Freedom of the press and other media of communication; ◆ Freedom to seek, receive and impart information, opinions or ideas of all kind; ◆ Freedom of artistic expression and creativity; and ◆ Academic freedom and freedom of scientific research.
<p>Access to public information</p>	<p>Expedite enactment of the Access to Information Bill <i>(Pg. 108 of Plenary II Report)</i></p>	<p>Clause 6 - Page 12 of the Bill Provides for access to information held by the state, state organs, private entities or civil society and information that is held by another person for the exercise or protection of any rights</p>
<p>Rights of Marginalized Groups (Bill of Rights)</p>	<p>Include right of women, children, youth, LGBTI and the Disabled <i>(Pg. 2 of Plenary II Report)</i></p>	<p>Clause 7 - Page 12 of the Bill Provides for affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason created by history or law, for the purpose of redressing imbalances which exist against them.</p> <p>Makes the rights of marginalized groups justiciable before any competent court of law</p>

<p>Insert public interest provision in the Constitution</p>	<p>Include a provision for public interest law to allow individuals and/or organisations to go to court on behalf of aggrieved parties (Pg. 76 of Plenary II Report)</p>	<p>Clause 5 - Page 11 of the Bill Grants the following categories of persons to approach a competent court of law where they feel that a right in the constitution has been infringed or threatened:-</p> <ul style="list-style-type: none"> ◆ A person acting in his or her own interests; ◆ A person acting on behalf of another person who cannot act on his or her own; ◆ A person acting as a member of, or in the interest of, a group or class of persons, ◆ A person acting in the public interest; and An association acting in the interests of its members, or any other members of society.
<p>Amendment of Section 24 – Disciplined Forces</p>	<p>Security Agencies (Page 12 of Plenary II Report)</p>	<p>Clause 9 - Page 13 of the Bill Nomenclature changed to “National Security Agencies” -</p>
<p>Chapter IV - Office of the King (Commander-in-Chief)</p>	<p>Amend the Constitution to include representatives of Baphuthi, Bafokeng, Bathepu, Matebele, People with disability and representatives of other sectors (Pg. 4-5 of Plenary II Report)</p>	<p>Clause 11 - Page 14 of the Bill Introduces the inclusion of representatives of Baphuthi, Bafokeng, Bathepu, Matebele, People with disability, professionals and other sectors in the composition of Senate.</p>

<p>Composition of Senate</p>	<p>Amend Sec.55 of the Constitution to include representatives of Baphuthi, Bafokeng, Bathepu, Matebele, People with Disability and representatives of other sectors (Pg. 4-5 of Plenary II Report)</p> <ul style="list-style-type: none"> • Nominate professionals and representatives of different sectors of society as members • Pg. 8 of Plenary II Report • Provide for special seats for PWDs in parliament • Pg. 6 of Plenary II Report 	<p>Clause 11 - Page 14 of the Bill Introduces the inclusion of representatives of Bafokeng, Baphuthi, Matebele, Bathepu, People with Disability, professionals and others sectors in the composition of Senate.</p> <p>Enables Principal Chiefs to designate any other person to be a Senator in his or her place</p>
<p>Separation of powers</p>	<p>Transfer of Offices of the Clerks to the two Houses of Parliament and their staff to the Parliamentary Service Commission (Pg. 7 of Plenary II Report)</p> <p>Create Parliamentary Service Commission (Pg. 7 of Plenary II Report)</p>	<p>Clause 13 - Page 15 of the Bill Provides for the transfer of Offices of the Clerks to Houses of Parliament and their staff from the Public Service to the Parliamentary Service Commission</p> <p>Clause 14 - Page 16 of the Bill Establishes the Parliamentary Service Commission for the autonomy of Parliament.</p> <p>Provides for the composition of the commission which consists of 8 Members drawn from the National Assembly and Senate, and two other Members who are human resource experts.</p>

<p>Separation of powers</p>		<p>Clerks of both Houses shall be appointed as alternate secretaries to the commission.</p> <p>Tenure of office for commissioners is limited to the duration of the term of Parliament in which commissioners are elected or nominated; and Commissioners shall remain in office until new members are nominated or appointed after the dissolution of Parliament except in cases where a commissioner ceases to be a member of parliament or resigns;</p> <p>Functions of the commission</p> <ul style="list-style-type: none"> ◆ appoint the clerk of the Senate and the National Assembly; ◆ appoint members of staff of the Parliament; ◆ exercise disciplinary control, suspension, and removal of any members of the staff of Parliament; ◆ determine and review the terms and conditions of service of Parliamentary staff; ◆ have the financial oversight of the Parliamentary Service;
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		<ul style="list-style-type: none">◆ ensure the provision of services and facilities as are necessary for the efficient functioning of Parliament and the Parliamentary Service;◆ cause to be prepared a budget for each financial year estimates of revenue and expenditure (Recurrent and Capital) for Parliament for the next financial year;◆ determine and formulate the policy of the Parliamentary Service and the administrative, human resource and operational procedures of the Service;◆ establish, increase, reduce, merge, or abolish such departments in the Parliamentary Service as it considers necessary for the efficient performance of the functions of the Parliamentary Service;◆ abolish, reclassify, and change any designation of offices in the Parliamentary Service;◆ undertake, singly or jointly, with other relevant organisations;
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<p>Independent Electoral Commission</p>	<p>Engage IEC commissioners on part-time basis</p> <p>Strengthen accountability system of the IEC</p> <p>Make recruitment process of IEC Commissioners transparent and open for public observation (Pg. 9 of <i>Plenary II Report</i>)</p>	<ul style="list-style-type: none"> ◆ programmes to promote the ideals of Parliamentary democracy; and ◆ perform any other functions as may be necessary for the carrying out of the functions of the Parliamentary Service; ◆ perform such other functions as prescribed by an Act of Parliament. ◆ Establishes the Independent Electoral Commission as an autonomous body answerable to Parliament. ◆ Appointed by the King on the advice of the Council of State following recommendation by political parties. <p>Composition of the commission:</p> <ul style="list-style-type: none"> ◆ A Chairperson who shall be appointed on a full time basis for the period of six years, which may be renewable for another term upon satisfactory performance and a Deputy Chairperson who shall be appointed on a full time basis for a period of five years, which may be renewable for another term upon satisfactory performance;
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<p>Registration of political parties</p>	<p>Strengthen accountability system of the IEC <i>(Pg. 9 Of Plenary II Report)</i></p> <ul style="list-style-type: none">• Enact political party registration law• Page 6 of Plenary II Report	<ul style="list-style-type: none">◆ Three other Members who shall be appointed on a part time basis for a period of five years which may be renewable for another five years upon satisfactory performance. <p>Clause 16 - Page 22 of the Bill Provides for powers, duties and functions of the Independent Electoral Commission which include submitting audited financial reports to Parliament.</p> <p>Clause 17 – Page 23 of the Bill Registered voter who has attained age of majority is eligible to form and register a political party.</p> <p>Only political parties that uphold the set principles including owing allegiance to the independence and sovereignty of Lesotho are permit to register and contest elections.</p>
<p>Constituency Delimitation</p>	<ul style="list-style-type: none">• Referral by Parliament• 10th Amendment to the Constitution	<p>Clause 18 – Page 24 of the Bill Increases a quota from 10 percent to 25 percent.</p>
<p>Legislative Authority</p>	<p>Ensure separation by strengthening parliament through empowerment of committees <i>(Pg. 7 of Plenary II Report)</i></p>	<p>Clause 19 – Page 24 of the Bill Provides for powers and functions of Parliament which include power to make laws, budget approval and oversight.</p>

<p>Joint Sitzings of Parliament (both Houses)</p>	<ul style="list-style-type: none"> • Ensure separation by strengthening parliament through empowerment of committees • Harmonization of the relationship between Senate and the National Assembly • Joint Standing Orders and Rules of Procedure <p>Pg. 7 of Plenary II Report read with Pg. 12 of Expert Report</p>	<p>Clause 20 – Page 25 of the Bill: Introduces joint sittings for the two Houses of Parliament for the following purposes:-</p> <ul style="list-style-type: none"> ◆ the presentation of the budget speech; ◆ the delivery of the state of the nation address by the Prime Minister; ◆ to resolve a disagreement between the two houses; and any other circumstances which may be deemed necessary by the President of the Senate and the Speaker of the National Assembly.
<p>Floor crossing</p>	<ul style="list-style-type: none"> • Allow floor crossing after three (3) years of life of Parliament (Pg. 6 of Plenary II Report) 	<p>Clause 21 - Page 26 of the Bill</p> <ul style="list-style-type: none"> ◆ Permitted at the end of 3 years without by-elections ◆ Window period of fifteen (15) days ◆ Floor crossing outside this period will warrant by-elections; ◆ Permitted for Constituency MPs only ◆ PR MPs forbidden to cross the floor ◆ Crossing the floor or expressly renouncing membership of his/her party shall result in vacation of Parliamentary seat following due process prescribed by law

<p>Sessions of Parliament</p>	<ul style="list-style-type: none"> • Define Sessions of Parliament <i>Pg. 8 of Plenary II Report</i> 	<p>Clause 22 - Page 27 of the Bill:</p> <ul style="list-style-type: none"> ◆ Reduce 30 days to 14 days ◆ Election of Speaker and President and Deputies ◆ Session of Parliament to be held at least once a year and period between sessions not to exceed 12 months; ◆ 1/3rd MPs may request meeting of the National Assembly – to be convened within 21 days
<p>Dissolution and Prorogation of Parliament</p>	<p>Remove prorogation powers from PM and shorten period <i>(Pages 2 & 8 of Plenary II Report)</i></p>	<p>Clause 23 & 24 - Page 27 of the Bill:</p> <ul style="list-style-type: none"> ◆ Fix term of Parliament at 5 years ◆ Parliament to be dissolved by advice of the Council of State before the end of 5 years ◆ Parliament may recommend dissolution by 2/3 thirds majority vote after three years have passed ◆ May be dissolved if the Office of Prime Minister is vacant and there is no prospect of replacing him/her ◆ Parliament may be prorogued on the advice of Council of State by the King

<p>Vote of No Confidence</p>	<p>Prohibit the PM from advising the King on dissolution after a successful vote of no confidence and PM does not ordinarily have powers to advise on dissolution unless it is supported by a 2/3 majority of the National Assembly</p> <p>Remove the PM by 2/3 majority <i>(Pg. 8 of Plenary II Report)</i></p>	<ul style="list-style-type: none"> ◆ PM to recommend prorogation to the Council of State ◆ Where prorogation is to exceed 14 days, PM to seek approval of Parliament before approaching Council of State ◆ Prorogation not to exceed 60 days <p>Clause 24 – Page 28 of the Bill Regulates the introduction of motion of confidence by setting a quota for its passage, limiting its recurrence and prohibiting the Prime Minister from advising the King to dissolve parliament upon defeat.</p>
<p>Formation of Caretaker Government</p>	<p>Define powers of caretaker Government following dissolution of Parliament <i>(Page 3 of Plenary II Report)</i></p>	<p>Clause 24 - Page 28 of the Bill</p> <ul style="list-style-type: none"> ◆ King to re-appoint the person who held PM’s Office immediately before dissolution to act as Caretaker PM ◆ Not to implement any major policy initiatives ◆ Not to make appointments of major significance

<p>Appointment of PM</p>	<p>Introduce positive parliamentarism (Investiture Vote) (Pg. 3 of Plenary II Report)</p>	<ul style="list-style-type: none"> ◆ Not to enter into major contracts or agreements ◆ if it is in the national interest to make major policy decisions or enter into agreements, approval of Council of State shall be sought <p>Clause 25 - Page 29 of the Bill</p> <ul style="list-style-type: none"> ◆ To be elected by Majority of Members of the National Assembly ◆ Election of PM to be presided over by Chief Justice or designated Puisne Judge ◆ Natural born citizen and native of Lesotho ◆ Has attained the age of majority (18 years)
<p>Impeachment of the sitting Prime Minister</p>	<p>A new clause should be introduced in the Constitution to provide for the impeachment of a sitting Prime Minister by the National Assembly (Pg. 9 of Plenary II Report)</p>	<p>Clause XXX- Page 30 of the Bill</p> <ul style="list-style-type: none"> ◆ Grounds: gross and willful violation of the Constitution or law, gross misconduct, breach of code of conduct, inability to perform the functions of PM's Office ◆ Motion may be made by one Member supported by 1/3rd of the Members

<p>Maximum number of Ministers</p>	<p>Setting the maximum number of Ministers (Pg. 1 of Plenary II Report)</p>	<ul style="list-style-type: none"> ◆ Motion to be supported by 2/3rds to be carried ◆ A Special committee to investigate the allegations and afford PM opportunity to make representations ◆ Special Committee to report within 14 days to the House and if 2/3rds members support the findings the PM is removed ◆ Impeached PM not to receive benefits and may not serve in the public office in future <p>Clause 25 - Page 31 of the Bill</p> <ul style="list-style-type: none"> ◆ The number of Ministers and Deputy Ministers not to exceed 12% of the Membership of both Houses of Parliament
<p>Tenure of office of PM</p>	<p>Set term limit for the PM (Pg. 7 of Plenary II Report)</p>	<p>Clause 26 – Page 32 of the Bill</p> <ul style="list-style-type: none"> ◆ To serve maximum of two terms
<p>Prime Minister and Deputy PM pensions qualifications</p>	<p>Set qualifications for PM and DPM (Pg. 9 of Plenary II Report)</p>	<p>Clause 26 - Page 32 of the Bill</p> <ul style="list-style-type: none"> ◆ To serve for at least 3 cumulative years ◆ Surviving spouse only to get 50% after the demise of the PM/DPM

<p>Formation of Government and Coalitions</p>	<p>Introduce clauses regulating formation of Government including coalition governments (Pg. 3 of <i>Plenary II Report</i>)</p>	<ul style="list-style-type: none"> ◆ Former PM of DPM shall not receive pension while still MPs (Does not have retrospective effect) <p>Clause 26 - Page 33 of the Bill</p> <ul style="list-style-type: none"> ◆ National Assembly to convene within 14 days after elections ◆ Candidate who enjoys majority support elected as PM and given an opportunity to form Government ◆ If no clear winner, then the leader of a political party with the highest number of seats is invited to negotiate a coalition within 21 days ◆ If he/she fails, then the leader of a political party with the second highest number of seats is invited to negotiate a coalition within 21 days ◆ If he/she fails, then the leader of a political party with the third highest number of seats is invited to negotiate a coalition within 21 days ◆ If a coalition cannot be negotiated, then Parliament is dissolved and elections are held within 90 days
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<p>Office of the King</p>	<p>Review the composition of Council of State by reducing the number of Public Servants <i>(Pg. 3 of Plenary II Report)</i></p>	<ul style="list-style-type: none"> ◆ The name of person elected as PM together with coalition agreement to be submitted by Speaker to the Council of State within 2 days <p>Clause 27 – Page 34 of the Bill</p> <ul style="list-style-type: none"> ◆ Removes heads of security agencies from the composition of the Council of State. ◆ Introduces term of office for appointed Members of Council of State. ◆ Maintains the number of members of the Council by adding to Members from Senate.
<p>Political Conflicts Resolution Management</p>	<p>Draft a new Chapter on Political Conflicts that will create a structure on Conflict Resolution or</p> <p>Look into the possibility of reviewing the Council of State <i>(Pg. 3 of Plenary II Report) (Referendum)</i></p>	<p>Clause 28 – Page 34 - 35 of the Bill</p> <ul style="list-style-type: none"> ◆ Establishes a political conflicts resolution mechanism ◆ Functions of the political conflicts resolution and management <p>To prevent, monitor, intervene, mediate, contain, and resolve political conflicts in Lesotho.</p>
<p>Secretary to Cabinet</p>	<p>Amend Section 96 and separate role of Government Secretary to that of Secretary to Cabinet <i>(Pg. 89 of Plenary II Report)</i></p>	<p>Clause 30 - Page 38 of the Bill</p> <ul style="list-style-type: none"> ◆ Be an office in the Public Service ◆ Appointed by PSC through a merit-based and open process

<p>Permanent Secretaries</p>	<p>Amend Section 97 and establish Permanent Secretaries <i>(Pg. 89 of Plenary II Report)</i></p>	<ul style="list-style-type: none"> ◆ Appointed for 5 years renewable once by another 5 years ◆ Be in charge of the Cabinet Office ◆ Develop Cabinet Manual, Code of Conduct and Ethics for the Executive, organise induction for Cabinet ◆ Conveys decisions of Cabinet to GS <p>Clause 31 - Page 39 of the Bill</p> <ul style="list-style-type: none"> ◆ Appointed by PSC through merit-based, open and competitive process ◆ Appointed for 5 years renewable once for another 5 years subject to performance ◆ Be the CEO and Chief Accounting Officer ◆ Under GS direction ◆ Advise the Minister on policy and technical issues ◆ Implements Government policy ◆ Sets direction, strategies, guidelines and ensure performance of the Ministry
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Office of the Director of Public Prosecution

Separate from the Office of the Attorney General and ensure independence and effectiveness
(Pg. 78 of Plenary II Report)

Clause 32 – Page 41 of the Bill

- ◆ Prohibits Director Public Prosecution from prosecuting cases within the competence of the Lesotho Anti-Corruption and Ethics Commission under section 135G.
- ◆ Makes transition from the Office of the Director of Public Prosecution to National Prosecuting Authority.
- ◆ Gives the Authority some independence and makes it answerable to Parliament.

Composition

- ◆ The National Prosecuting Authority shall be consist of the National Director of Public Prosecutions, the Deputy Director of the National Prosecuting Authority and other staff of the Authority as may be prescribed by an Act of Parliament.

Functions

- ◆ The National Prosecuting Authority shall have the following functions:

- ◆ to institute any criminal proceedings against any person before any court (other than a court martial) in respect of any offence alleged to have been committed by any person;
 - ◆ to take over or continue any criminal proceedings that have been instituted by any person or authority; and
 - ◆ to discontinue any criminal proceedings instituted or undertaken by any other person or authority, at any stage before judgement is delivered.
- Disqualification for appointment**
- ◆ A person shall not be appointed as National Director of Public Prosecution unless the Judicial Service Commission is satisfied that-
 - ◆ he or she is a citizen of Lesotho;
 - ◆ he or she is of high moral character and integrity and possesses such quality of mind as to enable him or her to discharge the functions of his or her office impartially, fairly and free from bias or prejudice;

		<ul style="list-style-type: none"> ◆ he or she is below the age of 65 years ◆ he or she has requisite qualification and experience ◆ he or she is not a member of either house of Parliament, local authority, a candidate for election to Parliament or becomes an officer of a political; or ◆ he or she has not been declared an unrehabilitated insolvent. <p>Tenure of Office</p> <ul style="list-style-type: none"> ◆ National Director of Public Prosecution can be appointed to office for a period of eight years and is not eligible for reappointment. <p>Removal from Office</p> <p>After due process the National Director of Public Prosecutions shall be removed from office only for inability to perform the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for gross misconduct and shall not be so removed except in accordance with the provisions of this section.</p>
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<p>Decentralization/ Devolution</p>	<p>Implementation of the Decentralisation Policy immediately</p> <p>Clarification of the various spheres of Government (Pg. 2 of Plenary II Report)</p>	<p>Clause 34 – Page 45 of the Bill</p> <ul style="list-style-type: none"> ◆ Provides for the role of chief tainship and its representation in local government structures. ◆ Opens up for non-gazetted chiefs to be part of local government structures.
<p>National Development Planning Commission</p>	<p>Elevate the National Planning Board to a National Planning Commission (Pg. 103 of Plenary II Report)</p> <p>Ensure independence and effectiveness as well as transparency in the appointment of the Commission (Pg. 103 of Plenary II Report)</p>	<p>Clause 35 – Page 45 of the Bill</p> <ul style="list-style-type: none"> ◆ Establishes National Development Planning Commission (NDPC), which shall be an apex body responsible for formulating strategic development frameworks, policies, and related matters. ◆ Reports to the Prime Minister. <p>Clause 36 – 46 of the Bill Nine member commission consisting of</p> <ul style="list-style-type: none"> ◆ a Chairperson and two Deputy Chairpersons; ◆ four part-time members; ◆ the Governor of the Central Bank of Lesotho and the Accountant General who shall be ex – officio and non – voting members; and

<p>Economic Advisory Council</p>	<ul style="list-style-type: none"> • Establishment of office • Structure • Appointment • Functions <p><i>(Pg. 103 of Plenary II Report)</i></p>	<ul style="list-style-type: none"> ◆ the Director General and Head of Administration of the Secretariat who shall be the Secretary to the Commission with no voting powers. ◆ Appointed by the King on the advice of the Council of State following recommendation by Parliament. <p>Clause 36 - Page 49 of the Bill</p> <ul style="list-style-type: none"> ◆ Establishes a three member Council to be appointed on merits by the Prime whose term of office is co-terminus to that of the Prime Minister . ◆ Provides for the prescription of the functions and scope of duties of the Members of the Council to be done through an Act of Parliament.
<p>Decentralization/ Devolution</p>	<p>Implementation of the Decentralisation Policy immediately</p> <p>Clarification of the various spheres of Government</p> <p><i>(Pg. 2 of Plenary II Report)</i></p>	<p>Clause 37 – Page 50 of the Bill</p> <ul style="list-style-type: none"> ◆ Establishes spheres of government. <p>Clause 37 – Page 50 of the Bill</p> <ul style="list-style-type: none"> ◆ Introduces objects and principles of devolution of government which include promoting democracy and accountability; promoting social and economic development;

<p>Land, Minerals and Natural Resources</p>	<ul style="list-style-type: none"> ◆ Providing for co-operation between spheres of government. ◆ Provides for establishment of local authorities i.e district governments consisting of district assembly and executive centralizes the recruitment of local authorities staff. 	<p>ensuring provision of service delivery to the people; and ensuring equitable allocation and management of resources.</p> <ul style="list-style-type: none"> ◆ Providing for co-operation between spheres of government. ◆ Provides for establishment of local authorities i.e district governments consisting of district assembly and executive centralizes the recruitment of local authorities staff. <p>Clause 39 – Page 59 of the Bill</p> <ul style="list-style-type: none"> ◆ Regulates the use of natural resources ◆ Provides for the establishment of Mining Authority through an Act of Parliament.
<p>Establishment of the Consolidated Fund</p>	<ul style="list-style-type: none"> ◆ Amend Chapter X on Finance ◆ Establishment of the Consolidated Fund, receipts and withdrawals <i>(Pg. 101 of Plenary II Report)</i> 	<p>Clause 40 - Page 61 of the Bill</p> <ul style="list-style-type: none"> ◆ All Government revenue to be deposited into the Fund ◆ Exception: Money excluded by an Act of Parliament for a specific purpose

	<ul style="list-style-type: none"> • Responsibility • Appropriation Bill • Control environment <p>(Pg. 101 of Plenary II Report)</p>	<ul style="list-style-type: none"> ◆ Money authorized to be retained by a State Organ authorized by an Act of Parliament ◆ Withdrawals from the Fund only in accordance with Appropriation Act or Constitution ◆ Parliament shall make provision for investment of money in the Consolidated Fund or other public funds <p>Clause 39 - Page 64 of the Bill</p> <ul style="list-style-type: none"> ◆ Minister of Finance to lay before Parliament estimates for revenue and expenditure for the next financial year; ◆ Appropriation Bill shall be introduced following approval of estimates; ◆ If amount appropriate is insufficient, or there is need to expend above what is appropriated or there has been excess expenditure, ◆ Supplementary estimates shall be laid before Parliament; ◆ Supplementary estimates shall not exceed 20% of the approved budget
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	<p>Authorisation of the withdrawals from the fund for purposes of meeting government's expenditure in respect of period commencing at the beginning of the financial year and expiring three months thereafter <i>(Pg. 101 of Plenary II Report)</i></p> <ul style="list-style-type: none"> ◆ Establishment of the fund and authorization responsibility ◆ Advances from contingency fund <i>(Pg. 101 of Plenary II Report)</i> <p>Establish Salaries & Remuneration Commission to set Salaries for Cabinet, Members of Parliament and other Statutory Bodies <i>(Pg. 92 – 93 of Plenary II)</i></p>	<p>Clause 39 - Page 65 of the Bill</p> <ul style="list-style-type: none"> ◆ Authorisation not to exceed 1/5th of the estimates for the preceding financial year ◆ Only expenditure necessary to carry on the government not to exceed 3 months <p>Clause 39 - Page 66 of the Bill</p> <ul style="list-style-type: none"> ◆ Parliament to make provision for its establishment and use; ◆ Provision for authorizing the Minister of Finance make advances from that Fund for unforeseen exigencies; ◆ If advances have been made, supplementary estimates shall be prepared and a supplementary Appropriation Bill be introduced to replace the advances <p>Clause 39 – Page 66 of the Bill Introduces Schedule 7 and subjects the salaries and benefits of statutory position holders and officers mentioned in Section 115 (5) of the Constitution to be determined by Salaries and Remunerations Commission.</p>
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	<ul style="list-style-type: none"> ◆ Amendment of Section 116 of the Constitution ◆ Sanctioning of loans (Pg. 101 of Plenary II Report) <ul style="list-style-type: none"> • Establishment • Appointment • Functions (Pg. 101 of Plenary Report) 	<p>Clause 39 – Page 67 of the Bill</p> <ul style="list-style-type: none"> ◆ Taken for development purposes only or budget support; ◆ Minister responsible for the project proposes loan or Minister of Finance in respect of budget support; ◆ The project for the loan should be assessed by the National Development Planning Commission; ◆ Loan be assessed by the Central Bank for affordability and sustainability; ◆ Tabled before Cabinet by Minister of Finance; ◆ Approved by Parliament; ◆ Signed only by Minister of Finance <p>Clause 40 & 41 - Page 68 of the Bill:</p> <ul style="list-style-type: none"> ◆ To be appointed by the King on the advice of Speaker after a fair, merit-based and competitive process, ◆ Accountable to Parliament
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		<ul style="list-style-type: none"> ◆ Act independent of Government; ◆ prepares audit reports within 12 months after the end of each financial year; ◆ Audits: Government, Parliament, Judiciary, Local Authorities, Commissions, Political Parties funded from public funds, public debt, etc. <p>Appointment:</p> <ul style="list-style-type: none"> ◆ Have high moral character and integrity; ◆ Not active in politics or having retired for not less than two years; ◆ Have relevant professional qualifications; ◆ Not be more than 65 years old; ◆ Cannot be appointed if declared insolvent or has once held that office before, etc <p>Tenure of Office:</p> <ul style="list-style-type: none"> ◆ 5 years renewable by 3 years based on performance
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<p>Office of the Accountant General</p>	<ul style="list-style-type: none"> • Establishment of office • Functions • Preparation of Financial report <p>Pg. 101 of Plenary II Report</p>	<p>Removal from Office:</p> <ul style="list-style-type: none"> ◆ Removed by the King on the advice of the Speaker; ◆ King to appoint a Tribunal ◆ May be removed for inability to exercise functions of his/her office <p>Clause 41 – Page 73 of the Bill:</p> <ul style="list-style-type: none"> ❖ Provides for the independence of the Office of the Accountant General under the Minister responsible for Finance. <p>Functions</p> <ul style="list-style-type: none"> ❖ manage liquidity of Government, the level and composition of the public debt, Government guarantees and other financial obligations of Government; ❖ ensure timely payment of suppliers, service providers, international membership subscriptions and other government obligations;
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that uniform accounting standards are applied by the Central Government, Local Authorities and Government entities;

- ❖ facilitate proper fiscal decentralisation in a devolved system of Government;
- ❖ monitor the execution of the budget for the Central Government, Local Authorities and other Government entities;
- ❖ administer all statutory budget heads;
- ❖ prepare public financial reports;
- ❖ perform any other functions pertinent to public accounting.

Appointment and removal of the Accountant General

- ❖ Appointed by the King acting on the advice of the Prime Minister through a transparent process and upon recommendation by the Public Service Commission for term of five years which may be renewable once.

- ❖ Removed from office only for inability to exercise the duties and responsibilities of his or her office, whether arising from resignation, infirmity of body or mind or any other cause, death or for misconduct, insolvency or conviction of a crime and shall not be so removed except in accordance with the provisions of this section.

Public
Procurement

- Apply recommendations of a study on procurement and draft legislation which proposes centralization, harmonization, fairness and due edge to marginalized social groups.
- **Pg. 96 of Plenary II Report**

Clause 41 – Page 76 of the Bill:

- ❖ Establishes Lesotho Public Procurement Authority, which shall be an apex body for procurement of all goods and services on behalf of the Government of Lesotho, headed by a Director General.
- ❖ Answerable to Parliament through Minister of Finance.
- ❖ A body corporate with perpetual succession;
- ❖ have a common seal;
- ❖ sue and be sued in its corporate name; and
- ❖ be capable of acquiring, holding, maintaining and disposing off property in its corporate name for purposes of exercising its functions under this Constitution and an Act of Parliament.

Functions of the Authority

- ❖ procure goods and services on behalf of the Government of Lesotho;
- ❖ formulate policies, develop rules, guidelines and procedures for procurement of public services and goods;
- ❖ regulate public procurement processes;
- ❖ dispose-off unserviceable, obsolete, obsolescent surplus stores and assets of the Government;
- ❖ compile, analyse and interpret periodic and ad hoc reports to Parliament through the minister responsible for finance; and
- ❖ perform any other function as may be prescribed by an Act of Parliament.

Board of Directors

- ❖ Provides for the Board of Directors, its functions and composition which comprises:-

<p>Central Bank of Lesotho</p>	<ul style="list-style-type: none"> • Establishment • Structure • Scope • Functions • Appointments • Alignment with regional and international best practice • Pg. 97 – 101 of Plenary II Report 	<ul style="list-style-type: none"> ❖ six-non-Executive members; ❖ Director General; ❖ Head of Legal services of the Public ❖ Procurement Authority who shall be Secretary to the Board; <p>Clause 41 – Page 80 of the Bill:</p> <ul style="list-style-type: none"> ❖ Establishes the Central Bank of Lesotho headed by a Governor appointed by the King on the advice of the Council of State following recommendation by Parliament. ❖ Provides for Board of Directors which shall be the governing body of the Central Bank responsible for the formulation of policy and general administration of the affairs and business of the Bank .
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- ❖ Board of Directors shall consist of the following executive and non-executive members:
- ❖ the Governor, who shall be the Chairperson;
- ❖ two Deputy Governors; and
- ❖ six non-executive members who shall be appointed by the relevant Parliament Portfolio Committee through a transparent, competitive and merit-based process.

Central Bank

- ❖ a body corporate with perpetual succession; and
- ❖ be capable of suing and being sued in its corporate name; and

- ❖ have powers to hold or dispose of property in the exercise of its functions under this Constitution or an Act of Parliament.

Functions

- ❖ determine, formulate, adopt and execute /implement monetary policy;
- ❖ maintain financial and price stability;
- ❖ supervise and regulate financial institutions and financial activities of Banks and non - banking financial institutions or any other financial institutions;
- ❖ issue the national currency of Lesotho;
- ❖ enable payment, clearing and settlement systems;

<p>Anomalies in the Salary Structure of the Public Servants</p>	<ul style="list-style-type: none"> • Establish Salaries & Remuneration Commission to set Salaries for Cabinet, Members of Parliament and other Statutory Bodies • Pg. 92 – 93 of Plenary II 	<ul style="list-style-type: none"> ❖ perform any other function as may be prescribed by an Act of Parliament. <p>Clause 41 – Page 84 of the Bill:</p> <ul style="list-style-type: none"> ❖ Establishes an ad-hoc commission responsible for determining salaries and benefits for public officers, members of commissions, authorities, boards, parliament, local authorities, executive, councils and state-owned enterprises. ❖ Limits tenure of office for commissioners to three years renewable once.
<p>Judicature and Administration of Justice</p>	<ul style="list-style-type: none"> • Decentralization of the High Court and specialized courts • Pg. 52 of Plenary II Report • Replacement of the Court of Appeal with the 	<p>Clause 42 & 43 – Page 86 of the Bill:</p> <ul style="list-style-type: none"> ❖ Provides for the Judicial Authority, Conduct, Responsibility and Guiding Principles; ❖ Guarantees the independence of the

	<p style="text-align: center;">Supreme Court</p> <ul style="list-style-type: none"> • Pg. 52 of Plenary II Report • Promulgate a code of ethics for the judiciary to maintain standards and ethical performance • Pg. 54 Plenary II of Report • Increase number of presiding officers • Pg. 56 Plenary II of Report • Cease the custom of staffing the Court of Appeal with retired or aged judges from SA • Prioritize the training of aspiring Basotho Judicial Officers • Pg. 57 of Plenary II Report • Increase access to justice for all, particularly for vulnerable and marginalized groups • Pg. 57 of Plenary II Report 	<p>judiciary functionally, administratively and financially from other branches of the State.</p> <ul style="list-style-type: none"> ❖ Provides for the Structure of Judiciary which shall consist of a Supreme Court; a High Court; (Northern, Central and Southern Region); Court Martial Appeals Court; Subordinate Courts and other specialist courts and tribunals as may be established by Parliament acting in consultation with the Chief Justice. ❖ Provides for the appointment and removal of judges and judicial officers at all levels. ❖ Introduces the establishment of judicial inspectorate.
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- Update various Acts establishing courts to support them in their operations
- Amend the laws governing the Judiciary to be in line with the current socio-economic situation
- **Pg. 61 of Plenary II Report**
- Adopt a clear policy on judicial funding
- **Pg. 62 of Plenary II Report**
- Combine both local and central courts to form one court. Replace the proclamation under which these courts are established
- **Pg. 62 of Plenary II Report**
- Decentralize the High Court, Labour court, land Court and Commercial court to cover the North,

Central and the Southern
Regions of Lesotho

- Grand the Commercial Court criminal jurisdiction to hear commercial crimes
- **Pg. 62 of Plenary II Report**
- Establish traditional courts or tribunals which are empowered to deal with traditional matters
- **Pg. 63 of Plenary II Report**
- Establish a permanent Secretariat for the JSC for its daily operations
- **Pg. 64 of Plenary II Report**
- Restrict period of service of judges to 15 years or up to age 70
- Reserve the Office of the Chief Justice for Lesotho Citizens

- **Pg. 65 of Plenary II Report**
- Develop principles guiding the judiciary in the constitution
- **Pg. 67 of Plenary II Report**
- Develop a provision that sets out the principles that guarantee independence of the judiciary
- **Pg. 68 of Plenary II Report**
- Change the courts structure to meet modern-day needs of Basotho
- **Pg. 68 of Plenary II Report**
- Expand the JSC to be more representative by including the Law Society, Academia and Civil society (non-state actors and two members of the parliament)

- **Pg. 68 of Plenary II Report**
- Depoliticize the appointments of Judges
- **Pg. 69 of Plenary II Report**
- Regulate the impeachment of the Judges through the following: JSC sets the tribunal following receipt of a complaint, JSC considers the report and make recommendations, Prime Minister advice the King on the recommendation of JSC
- **Pg. 72 of Plenary II Report**
- **(Referendum)**

Office of the Ombudsman

- Establishment in the Constitution
- Functions
- Tenure of Office
- Removal
- **Pg. 69 of Plenary II Report**

Clause 44, 45 & 46 – Pages 105 ,106 & 107 of the Bill:

- ❖ Changes nomenclature from Ombudsman to Public Protector.
- ❖ Appointed by the King on the advice of the Judicial Service Commission.
- ❖ Gives and guarantees the office of the Public Protector some independence and makes to be answerable to Parliament.
- ❖ Makes decisions of the Public Protector binding unless set aside by a competent court on review.

Composition of the Public Protector and other officers

- ❖ The Office of the Public Protector shall be composed of the Public Protector, Deputy Public Protector, and other staff of the Office as may be prescribed by an Act of Parliament.

Functions and Powers

- ❖ The Public Protector may investigate any action or conduct by any officer or authority in the exercise of the administrative function of the officer or authority and where it is alleged or suspected that a person has suffered injustice as a result of the action or is prejudiced in any manner.

- ❖ Subject to any exceptions or conditions as maybe prescribed by Parliament, subsection (1) shall apply in respect of any action taken by the following officers or authorities:
 - ❖ a ministry or department of Government;

 - ❖ a local government authority and members or officers of a local government authority;

- ❖ a statutory corporation and members or officers of the statutory corporation or persons in the service of a statutory corporation.
- ❖ The Public Protector shall, in exercising his or her powers under Subsection (1) take appropriate remedial action, including the power to-
- ❖ issue subpoenas requiring the attendance of any person before the Public Protector and the production of any document or record relevant to any investigation by the Public Protector;
- ❖ cause any person who is in contempt of any such subpoena to be prosecuted before a competent court;
- ❖ question any person; and

<p>Accountability of judicial officers</p>	<ul style="list-style-type: none"> • Establish Judicial Complaints and Inspectorate • Pg. 64 of Plenary II Report 	<ul style="list-style-type: none"> ❖ require any person to cooperate with him or her and disclose truthfully any information within his or her knowledge, which is relevant to any investigation of the Public Protector. ❖ The Office of the Public Protector shall, after investigating any matter it considers to be of public interest, issue a report on the matter. <p>Clause 43 – Page 105 of the Bill:</p> <ul style="list-style-type: none"> ❖ Establishes Judicial Complaints Authority <p>Functions of the Authority</p> <ul style="list-style-type: none"> ❖ Enforcement of code of conduct for judges and judicial officers. ❖ Ensuring that judges and judicial officers are accountable to the people for the performance of their functions. ❖ Handles complaints lodged against judges and judicial officers.
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<p>Establish the Human Rights Commission in the Constitution</p>	<ul style="list-style-type: none"> • Strengthen the national human rights system and institutions for effective human rights promotion and protection. • Establish a national Human Rights Commission that is compliant with the Paris Principles • Page 65 of the Plenary Report 	<p>Clause 47 – Page 111 of the Bill:</p> <ul style="list-style-type: none"> ❖ A body corporate with perpetual succession ❖ Accountable to Parliament through the relevant Portfolio Committee; ❖ Consists of 7 members with expertise and extensive experience in Human Rights issues and of high moral character; ❖ Membership to be representative of a broad section of society – women, youth, PWD and other marginalized groups; ❖ Appointed by the King on the advice of the Judicial Service Commission – fair,
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merit-based and transparent process;

- ❖ Only Chair is full time, others are part time;
- ❖ Chair appointed for 5 years renewable for another 5 years and members 3 years renewable for another 3 years subject to performance

Functions:

- ❖ Monitor the state of human rights and freedoms;
- ❖ Investigated allegations of human rights abuses;
- ❖ Promote and protect attainment of human rights and freedoms;
- ❖ Ensure harmonization of national laws with international

- human rights instruments ratified by Lesotho;
- ❖ Contribute to submission of national human rights report to various treaty bodies;
- ❖ Reports to Parliament at least once every year;

Removal from office:

- ❖ By the King on the advise of the Council of State for inability to perform his/her functions
- ❖ A tribunal shall be appointed for the removal of member;
- ❖ A new member who replaces a member who is removed or has resigned or left the Commission before their term is over, shall hold office for the remainder of the term of the vacating member

<p>Establish the Lesotho Anti-Corruption and Ethics Commission</p>	<ul style="list-style-type: none"> • Provide for the establishment of the DCEO in the Constitution to safeguard its independence • Page 75 of the Plenary Report 	<p>Clause 47 - Page 116 of the Bill:</p> <ul style="list-style-type: none"> ❖ A body corporate; ❖ Independent body accountable to Parliament; ❖ Manned by Commissioner General who will be CEO and Chief Accounting Officer; ❖ Two Deputy Commissioners General responsible for operations and administration; ❖ Appointed by the King on the advice of JSC through a fair, merit-based and competitive process; ❖ Appointed for 5 years renewable for another five years subject to performance ❖ Commissioners to be people of high moral character with extensive experience in anti-corruption related discipline;
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- ❖ Not be a civil servant or be active in politics;

Functions:

- ❖ Prevent, detect, investigate, make arrests and prosecute cases of corruption;
- ❖ Advise Government and other institutions on measures to enhance integrity and accountability;
- ❖ Report to Parliament through a relevant portfolio committee at least once a year;

Removal from office:

- ❖ To be removed by the King on the advise of the Council of State for inability to perform his/her functions,
- ❖ A tribunal of at least three members shall be appointed for the removal of commissioner on the advise of the Chief Justice;

Nepotism and politicization in the recruitment and promotion of Public Servants

- Establishment of Public Service Commission
- **Pg. 87 of Plenary II Report**

- ❖ A new member who replaces a member who is removed or has resigned or left the Commission before their term is over, shall hold office for the remainder of the term of the vacating member

Clause 48 & 49 – Page 120 of the Bill:

- ❖ Establishes a seven member Commission appointed by the King on the advice of the Judicial Service Commission.
- ❖ Provides for the regulation of proceedings of the commission; tenure of office for commissioners which is limited to five years but renewable once; vacancies in the commission; and removal from office which shall follow due process.

Qualification for appointment

A person shall be appointed as a member of the Commission if he or she:

- ❖ is a person of high moral integrity;
- ❖ does not take an active part in politics;
- ❖ is above the age of fifty-four, and
- ❖ must have requisite qualification, skills and experience.

Functions

The Commission shall-

- ❖ be responsible for appointments (whether in permanent or temporary positions), confirmations of appointments, promotions, dismissals, and welfare of members of the civil service;
- ❖ exercise disciplinary control over persons holding offices in the Public service;

- ❖ undertake the process of recruitment of the Boards in different Parastatals in Lesotho through a transparent, merit-based, fair and competitive process as set out in the Act of Parliament.
- ❖ carry out all necessary procedures involved in the recruitment, assessment and selection of suitable candidates for appointment;
- ❖ take into account the need to maintain the integrity of both the recruitment and selection processes in respect of the appointment and promotion processes;
- ❖ act as a centralised recruitment, assessment and selection body for the Civil service and other public service bodies;

Establish the Office of the Inspector General

- Establishment of an inspectorate unit with a quality assurance unit to ensure mandatory compliance with pre-determined standards.
- **Pg. 86 of Plenary II Report**

- ❖ promote values and principles governing public administration in the public service; and
- ❖ perform any other function as may be prescribed by an Act of Parliament.

Clause 49 – Page 124 of the Bill:

- ❖ Establishes the Office of the Inspector General consisting of Inspector General; Inspector – Services Audit; and four Deputy Inspectors with the support of the Board.
- ❖ Provides for appointment which shall be done by the King on the advice of the Public Service Commission for term of five years which may be renewable once; qualification and disqualification for appointment; powers of the Inspector General; and removal from office for incompetence and inability to perform the functions of office

arising from infirmity of body or mind and for serious violation of the code of conduct after following due process.

Mandate

- ❖ The Office of the Inspector General shall be responsible for ensuring efficiency, high performance, and adherence to law, established operating standards and procedures in the public service, security agencies, law enforcement agencies and other public entities.

Functions

- ❖ to promote and foster strict adherence to the rule of law and principles of natural justice in administration;
- ❖ to inculcate a strict culture of discipline in the programmes, operations, procurement and recruitment processes in public service and public entities;

- ❖ to eliminate and foster the elimination of corruption and abuse of authority in liaison with other law enforcement agencies;
- ❖ to inspect ministries, departments and public entities with the view to ensure efficient, high performance and adherence to law, operating standards, and procedures in the public sector;
- ❖ to perform custodian oversight responsibility over all bodies of the public service by conducting audits and investigations to confirm the effectiveness of the recruitment, selection and promotion processes and to make improvements as well as issuing directives regarding compliance and interpretation of policies to those bodies;

- ❖ to engage in prevention activities, through recommending review of legislation, rules, regulations, defining and developing policies, standards, procedures, uniform tools for recruitment and performance frameworks that enhance transparent processes;
- ❖ to promote fair, efficient and good governance in public offices and supervise enforcement and compliance;
- ❖ to prevent or detect fraud, waste, and abuse; and cause compliance;
- ❖ to see to it that public queries and complaints about poor service delivery have been responded to and to recommend remedial action;

- ❖ to inquire into the methods by which law enforcing agencies and national security agencies execute their functions and the extend to which the practices employed in the execution of such function uphold, encourage or interfere with the rules of law in Lesotho;
- ❖ to investigate any act, omission, advice, decision or recommendation by Public Officers or any other authority to which this section applies,
- ❖ to stimulate public awareness about the values of constitutionalism in general and the activities of its office, in particular, through any media and other means it considers appropriate;
- ❖ to advise in the development of performance measures,

standards, and procedures for evaluating agency programmes, and administrative policies and procedures;

- ❖ to establish standards of integrity merit, equity and fairness, and other principles to be followed in the recruitment and selection of persons for positions within the public service;
- ❖ to establish policies and procedures, to guide functions and processes conducted by the office of the Inspector General;
- ❖ to recoup the cost of investigations from non-governmental agencies involved in wilful misconduct;
- ❖ to sensitize expeditiously the appropriate law enforcement agency when there is reasonable

<p>Absence of a Career Diplomatic Service</p>	<ul style="list-style-type: none"> • Establish a Career Diplomatic Service and ensure that the Foreign Service is occupied by qualified career diplomats, who will be appointed in a fair, and transparent manner and on permanent and pensionable terms like the rest of the Public Service. • Pg. 93 of Plenary II Report 	<p>basis to believe a violation of criminal law occurred, and;</p> <ul style="list-style-type: none"> ❖ to act as an advisory body to Parliament in its oversight functions and interpret misconduct committed; and ❖ to perform any other functions as may be prescribed by an Act of Parliament. <p>Clause 51 – Page 131 of the Bill:</p> <ul style="list-style-type: none"> ❖ Establishes Foreign Service which shall be a specialised professional service within the Public Service; be based on a hybrid system consisting of - <ul style="list-style-type: none"> (a) professional career diplomats from the Ministry responsible for foreign affairs and international relations, (b) other officers and attachés with specific expertise seconded or on special
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expertise seconded or on special assignment from other Government Ministries, Agencies and/or Parastatals, and

(c) political appointees who may be appointed only to head certain bilateral missions.

d) adhere to international law, and all legal instruments to which Lesotho is a signatory and has ratified.

Appointment

❖ Principal

Representatives of Lesotho abroad shall be appointed by the King acting on the advice of the Public Service Commission, following a transparent, merit-based, fair, and competitive process as set out in the Act of Parliament.

National Security	<ul style="list-style-type: none"> • Establishment of the National Security Agencies • Lesotho Defence Force • Lesotho Mounted Police Service • National Intelligence Service • Lesotho Correctional Service • Pg. 15 -20 of Plenary II Report 	<p>Functions</p> <ul style="list-style-type: none"> ❖ promote and protect Lesotho interests, and citizens abroad. <p>Clause 52 - Page 133 of the Bill:</p> <ul style="list-style-type: none"> ❖ Deleted Sections, 145 – 149; ❖ Establishes the Agencies as LDF, LMPS, National Intelligence Service, Lesotho Correctional Service as the only lawful national security Agencies; ❖ Parliament shall make provision for registration and operation of private security companies, but private military companies shall not be registered or allowed to operate in Lesotho; ❖ Parliament shall exercise oversight on the National Security Agencies
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<p>Restrictions on Political Activism and Protection from Political Interference</p>	<ul style="list-style-type: none"> • Insulate Security Agencies against politics • Pg. 14 of Plenary II Report 	<p>Principles:</p> <ul style="list-style-type: none"> ❖ Subject to democratic control; ❖ Personnel to be patriotic, competent, professional, disciplined, apolitical, etc; ❖ Members shall not take additional employment without authorization; ❖ Not to associate with extremism or criminality <p>Recruitment:</p> <ul style="list-style-type: none"> ❖ Shall be based on transparent, competitive and merit-based process; ❖ - take into account the diversity, gender, equity, and equality and citizenship of Lesotho <p>Clause 52 – Page 135 of the Bill:</p> <ul style="list-style-type: none"> ❖ Bar political parties & their members from soliciting support from serving members of security institutions ❖ Bar serving members of security sector from active participation in politics
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National Security Policy	<ul style="list-style-type: none"> • Development and dissemination of the National Security Policy and a National Security Review • Pg. 11 of Plenary II Report • 	<p>Clause 52 - Page 136 of the Bill:</p> <ul style="list-style-type: none"> ❖ Intended to guide Lesotho in addressing her security needs; ❖ It shall elaborate the main national security interests, core values, principles, priorities, etc; ❖ Provide for the Security Agencies that are answerable to Basotho and reflect the protection of national strategic interests; ❖ To be developed under the guidance of the National Security Council;
National Security Council	<ul style="list-style-type: none"> • Establishment • Composition • Functions • Pg. 11 of Plenary II Report • 	<p>Clause 52 - Page 136 of the Bill:</p> <ul style="list-style-type: none"> ❖ Apex Security Structure; ❖ Responsible for the state of Security in Lesotho; ❖ Consists of The King (Chairperson), PM, DPM, Ministers responsible for the Security Agencies, AG, Chiefs of the Agencies, Secretary to Cabinet (scribe);

<p>Establishment of the National Security Commission</p>	<ul style="list-style-type: none"> • Pg. 12-13 of Plenary II Report <p>Agencies;</p> <ul style="list-style-type: none"> • Vacancies in the offices of Security Institutions; • Restrictions regulating 	<ul style="list-style-type: none"> ❖ Summoned by the King – quorum is 50% + 1; ❖ Oversees development and implementation of Policy, advises Commander in Chief on deployment of LDF, foster harmony and understanding between the Agencies; guards against their politicization; appoints members of the Commission, deals with the affairs of veterans, etc. <p>Clause 52 & 53 - Page 138 & 140 of the Bill:</p> <ul style="list-style-type: none"> ❖ Appointed by H.M the King on the advise of the Security Council; ❖ 2 MPs – Senate, National Assembly; ❖ A member of the JSC; based on the recommendation of the Commission;
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	<p>appointments of Heads of Security Institutions;</p> <ul style="list-style-type: none"> • Recruitment into National Security Institutions; • Pg. 12 – 13 of Plenary II Report • 	<ul style="list-style-type: none"> ❖ Appointment process to be fair, transparent, competitive and merit-based; ❖ Appointment process to be conducted by the Commission; ❖ Recommend three names to PM who then advises the King to appoint; ❖ If vacancy occurs, acting appointments shall be done according to seniority- acting appointments not to exceed 6 months; ❖ Former Heads of the Agencies shall not be eligible for appointment
<p>Lesotho Defence Force</p>	<ul style="list-style-type: none"> • Establishment and Functions • Pg. 16 of Plenary II Report 	<p>Clause 53 - Page 142 of the Bill:</p> <ul style="list-style-type: none"> ❖ The only lawful military force in Lesotho; ❖ Command is vested in the Commander; ❖ Minister to be appointed and will be the channel through which it answers to Parliament;

<p>Lesotho Mounted Police Service</p>	<ul style="list-style-type: none"> • Establishment and Functions • Pg. 16 of Plenary II Report 	<p>Functions:</p> <ul style="list-style-type: none"> ❖ To protect, preserve and defend the sovereignty and territorial integrity of the Kingdom of Lesotho’; ❖ Cooperate with other Agencies to maintain security, law and order in times of national emergencies and disasters; ❖ perform international obligations; ❖ Be deployed by the King on the advice of the Security Council; ❖ - PM shall within 14 days report the deployment to Parliament stating nature of threat, nature of force, expected period of deployment, etc; <p>Clause 53 - Page 143 of the Bill:</p> <ul style="list-style-type: none"> ❖ Responsible for maintenance of law and order; ❖ Protect life and property;
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<p>National Intelligence Service</p>	<ul style="list-style-type: none"> • Establishment and Functions • Pg. 16 of Plenary II Report 	<ul style="list-style-type: none"> ❖ Detect, prevent and investigate crime; ❖ The only Police Service in Lesotho; ❖ Command vested in the Chief of Police; ❖ - Minister to be appointed and will be the channel through which it answers to Parliament; <p>Clause 53 - Page 144 of the Bill:</p> <ul style="list-style-type: none"> ❖ Responsible for provision of national intelligence; ❖ The only national intelligence service in Lesotho; ❖ Under the command of the Director General;
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<p>Lesotho Correctional Service</p>	<ul style="list-style-type: none"> • Establishment and Functions • Pg. 16 of Plenary II Report 	<ul style="list-style-type: none"> ❖ Collect and analyse information, provide intelligence and act on it for preservation of national order, peace and security; ❖ Counter any covert operations against Lesotho; ❖ Guard national secrets; ❖ Support other services during internal and external operations ❖ Minister to be appointed and will be the channel through which it answers to Parliament; <p>Clause 53 - Page 145 of the Bill:</p> <ul style="list-style-type: none"> ❖ The only correctional service in Lesotho responsible for administration of correctional facilities; ❖ Minister to be appointed and will be the channel through which it answers to Parliament;
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<p>Security Sector Inspectorate, Oversight and Complaints Authority</p>	<ul style="list-style-type: none"> • Establishment of Autonomous Police Complaints Authority • Pg. 25 – 26 of Plenary II Report • 60 – 61 of Plenary II Report 	<ul style="list-style-type: none"> ❖ Be under the superintendence of the Chief of Corrections; <p>Functions:</p> <ul style="list-style-type: none"> ❖ Protect society against criminals through incarceration, rehabilitation and reintegration of convicts; ❖ Deterrence of offenders through deprivations during incarceration; ❖ Perform other functions as may be bestowed by Parliament. <p>Clause 53 – Page 146 of the Bill :</p> <ul style="list-style-type: none"> ❖ Provides for the transition to Police Complaints Authority to the establishment of all-encompassing Security Sector Inspectorate, Oversight and Complaints Authority which shall be answerable to Parliament.
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- ❖ Appointment of seven members of the Authority appointed following a transparent, competitive and impartial process.

Functions

- ❖ oversee the conduct of the security agencies in relation to their members and members of the public;
- ❖ carry out inspections and investigate complaints from members of the public with regard to the conduct of the members of the security services and take appropriate remedial action;
- ❖ perform such other function as may be prescribed by an Act of Parliament.

Clause 54 – Page 148 of the Bill:

- ❖ Provides a framework within which Media practitioners shall operate to promote freedom of expression;

<p>Media Council of Lesotho and Media Ombudsman</p>	<ul style="list-style-type: none"> • Establishment of Media Council • Pg. 106 of Plenary II Report 	<p>to facilitate citizen participation in public affairs and development of the country; to ensure professionalism and ethical conduct in the provision of media services, which shall include –</p> <ul style="list-style-type: none"> ❖ providing content that is not biased; ❖ protecting users from harmful content; ❖ respecting the right to privacy; and ❖ protecting society against incitement of violence, the commission of crimes and hatred. <p>Clause 54 – Page 149 of the Bill:</p> <ul style="list-style-type: none"> ❖ Establishes Media Council for the regulation of the media sector with an adjudication unit headed by the Media Ombudsman for the development of an
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effective and efficient complaints system to be used by media content users for lodging complaints when aggrieved by media content; to settle disputes among media houses; and to investigate complaints by members of the public and media practitioners and owners and issue appropriate remedial measures.

Functions of the Media Council

- ❖ set media standards, enforce compliance with the established codes of conduct and promote professionalism in the practice of media;
- ❖ constantly review the state of the media in the country and collaborate with the industry for development and change;
- ❖ advice the government on the appropriate media policy and legislation;

- ❖ regulate entry into the journalism practice; and
- ❖ perform such other functions as may be prescribed by an Act of parliament.

Composition of the Council

- ❖ A seven member Council appointed by a selection panel, which is appointed by the Minister responsible for communications, after an open, transparent, competitive and merit-based recruitment process as may be prescribed by an Act of parliament consisting of:-

- ✚ one person representing journalism and media;
 - ✚ one person with legal expertise;
 - ✚ one person from the labour sector;

<p>Lesotho Independent Communication Authority</p>	<ul style="list-style-type: none"> • To amend Section 14 of the Constitution to extend freedom of expression of opinion to cover the media • Pg. 107 of Plenary II Report 	<ul style="list-style-type: none"> ✚ one person with expertise in alternative dispute resolution mechanisms; ✚ one person from civil society; ✚ one person from the business sector, ✚ one person from the ministry responsible for communications, who shall be an ex-officio. <p>Clause 54 – Page 153 of the Bill:</p> <ul style="list-style-type: none"> ❖ Establishes Independent Communications Authority for the regulation of the entire communications sector. ❖ A nine member Authority appointed by a selection panel, which is appointed by the Minister responsible for communications, after an open, transparent, competitive and merit-based recruitment process as may be
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prescribed by an Act of parliament.

Functions


- ❖ regulate the communications sector in Lesotho, which includes telecommunications and postal services;
- ❖ grant licenses and license conditions to communications operators;
- ❖ promote fair competition in the communications sector;
- ❖ approve tariffs;
- ❖ manage radio frequency spectrum;
- ❖ protect members of the public against
- ❖ communications operators;
- ❖ provide type-approving terminal equipment and other related responsibilities; and

<p>General Principles of Public Broadcasting</p>	<ul style="list-style-type: none"> • Include a media freedom clause in the Constitution • Pg. 106 of Plenary II Report 	<ul style="list-style-type: none"> ❖ perform such other functions as may be provided by an Act of parliament. <p>Clause 54 – Page 155 of the Bill:</p> <ul style="list-style-type: none"> ❖ Provides a framework within which public broadcaster must operate to safeguard, enrich and strengthen the cultural, political, social and economic interests of Lesotho.
<p>Lesotho Public Broadcasting Corporation</p>	<ul style="list-style-type: none"> • To amend Section 14 of the Constitution to extend freedom of expression of opinion to cover the media • Pg. 107 of Plenary II Report 	<p>Clause 54 – Page 156 of the Bill:</p> <ul style="list-style-type: none"> ❖ Establishes Lesotho Public Broadcasting Corporation which shall be accountable to Parliament through the Minister responsible for communications. ❖ A body corporate with perpetual succession; ❖ have a common seal; ❖ sue and be sued in its corporate name;

- ❖ be capable of acquiring, holding, maintaining and disposing off property in its corporate name for purposes of exercising its functions under this Constitution and an Act of Parliament; and
- ❖ perform such other acts as may prescribed by an Act of Parliament.

Board of Directors of the Lesotho Public Broadcasting Corporation

- ❖ A governing body of the Authority consisting of:
 - 🇱🇸 nine non-executive members who shall elect their Chairperson, following their appointment by the Minister responsible for communications;
 - 🇱🇸 Chief Executive Officer; and
 - 🇱🇸 Head of Legal services shall be Secretary to the Board.

<p>Media Freedom</p>	<ul style="list-style-type: none"> • To amend Section 14 of the Constitution to extend freedom of expression of opinion to cover the media • Pg. 107 of Plenary II Report 	<p> Responsible for the general administration of the affairs and business of the Corporation.</p> <p>Clause XIIC</p> <ul style="list-style-type: none"> ❖ Provides for the Media to have freedom to publish news and to access information from the State, subject to conditions that may be imposed by an Act of Parliament
<p>Application of International Law in Lesotho (Legislative Authority)</p>	<ul style="list-style-type: none"> • Introduce new provisions on the regulation of application of international law • Involve Parliament in the ratification of international agreements • Pg. 5 of Plenary II Report 	<p>Clause 55 – Page 157 of the Bill:</p> <ul style="list-style-type: none"> ❖ International Agreements to be signed, acceded to, and ratified subject to Parliament involvement.

1.2 Policies, procedures and processes

POLICY	STATUS	DESCRIPTION AND PURPOSE
National Media Policy	Endorsed by Parliament	The media policy is a national guide for media players – media proprietors and owners, editors and senior managers, as well as practitioners.

1.3 Code of conduct, behaviour and practice

POLICY	STATUS	DESCRIPTION AND PURPOSE
National Code of Conduct, behaviour and practice for the media sector	It has been endorsed by Parliament	The Code governs their conduct, behaviour and practice so that they toe nationally and internationally accepted norms and standards of ethical practice.

Message of Support from Development Partners



Her Excellency Amadei Paola
Head of Delegation of the
European Union



Mme Betty Wabunoha
UNDP Resident Representative

JOINT STATEMENT OF SUPPORT BY THE DELEGATION OF EUROPEAN UNION AND UNITED NATIONS DEVELOPMENT PROGRAMME ON BEHALF OF DEVELOPMENT PARTNERS IN LESOTHO

We commend all Basotho for their commitment, dedication and performance in the National Reforms Process, in which the NRA has taken a lead role. This Report is about the Basotho - and about how the national reforms implementation process opens and enlarges their choices looking into the future. Unlike most policy documents, this Report goes beyond merely changing laws, developing new regulations, towards creating an enabling environment and improved lives for the majority. For the first time in the history of Lesotho, the Report takes stock of measures like increasing income and wealth for all Basotho. The Reform Process replaces skepticism with hope and encouragement.

The Report does provide a clear perspective of what the National Reforms has achieved over the period of their mandate . It will be now the task of Lesotho for policy and decision makers to define the best arrangements for the completion of the reform process, after the contribution made by the NRA. The questions that Lesotho policymakers and society will need to address are crucial for the future development of the country: a) how can the reforms adopted be successfully implemented?, b) How can they generate development outcomes such as peace, growth, and equity? and, c) How can the new instruments help avoiding the crisis that in the past have hampered Lesotho Development?

Looking forward, we underscore that the capacity of the Government, citizens, political and social leaders, policy makers and other stakeholders to commit and their willingness to cooperate and coordinate to achieve politically, economically and socially desirable goals of the national reforms are what shall matter for effectiveness in the implementation. We are alive to the fact that in a reforms process of this magnitude and involving such a broad variety of stakeholders competing interests meet. However, the implementation of reforms shall not be guided by individual or partisan interests but instead by the common wellbeing of the Basotho nation

The National Reforms Process from the start has been an inclusive process, a principle which the Authority has jealously guarded to date. It is our hope that the vices of exclusion, elite capture, and clientelism which manifests power asymmetries resulting in failures to achieve meaningful transformation shall not emerge to derail the good progress being made. Although distribution of power in Lesotho is partly determined by history, we are encouraged by the work of the National Reforms Authority. The Authority has illustrated to all that there is realistic room for positive change.

The work completed so far demonstrates that with a clear focus on results, common purpose and resolve to do public good concrete advances can be achieved. It is now the task of the parliament to take over the work done with great commitment and efforts by the NRA.

In adopting the reforms we express the wish that the final texts will respond to the the high hopes and expectations Basotho have in the reforms process and that they has manifested during the Multistakeholder process. The National Reform Process goes beyond one single institution or body, it is a national transformative process which can only be successful if all Basotho are an integral part of it. The ownership of the reforms by all Basotho is a guarantee to achieve a sustainable, fair, prosperous and peaceful Lesotho.

As we move towards the more extensive work of implementing the far-reaching reforms, there is necessity for sustained engagement to shift the incentives of those with power, re-shape their preferences in favour of good outcomes, and taking into account the interests of previously excluded participants especially women, youth and marginalized groups. These changes can come about through bargains among elites and greater citizen engagement, as well as by international actors supporting rules that strengthen coalitions for reform.

H.E. AMADEI Paola,
Head of Delegation of the European Union
The Kingdom of Lesotho
Maseru

Mme Betty Wabunoha
UNDP Resident Representative
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Contact us

National Reforms Authority
LNDC
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LEVEL 6-7

WE WISH TO THANK OUR DEVELOPMENT PARTNERS FOR
THE SUPPORT EXTENDED TO US



Notes

A series of 20 horizontal dotted lines for writing notes.



National Reforms Authority
"Building the Lesotho We want"

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European Union