

# IMPLEMENTING THE APRM

IEWS FROM CIVIL SOCIETY



# LESOTHO REPORT

SEPTEMBER 2011



AfriMAP  
Africa Governance, Monitoring and Advocacy Project



OSISA  
Open Society Initiative  
for Southern Africa



OPEN SOCIETY FOUNDATION  
FOR SOUTH AFRICA



# **Implementing the APRM**

Views from Civil Society

**Lesotho Report**

September 2011

The APRM Monitoring Project is jointly run by

- South African Institute of International Affairs
- Centre for Policy Studies\*
- Africa Governance Monitoring and Advocacy Project

\* (CPS closed for business on 31 March 2011)

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# ABBREVIATIONS & ACRONYMS

ACP	African, Caribbean and Pacific (states)
AfriMAP	Africa Governance Monitoring and Advocacy Project
Aids	acquired immune deficiency syndrome
AMAT	APRM Monitoring and Advocacy Template
AMP	APRM Monitoring Project
APRM	African Peer Review Mechanism
ART	antiretroviral therapy
CPS	Centre for Policy Studies
CRM	Country Review Mission
CRPD	Convention on the Rights of Persons with Disabilities
CRR	Country Review Report
CSAR	Country Self-Assessment Report
CSO	civil society organisation
DPG	democracy and political governance
DMA	Disaster Management Authority
EPA	Economic Partnership Agreement
FPE	free primary education
HIV	human immunodeficiency virus
ICT	information and communication technology
IDP	internally displaced person
IEC	Independent Electoral Commission
LDTCC	Lesotho Distance Teaching Centre
LSL	Lesotho loti
M&E	monitoring and evaluation
MDG	Millennium Development Goal
MMP	mixed member proportional (electoral system)
NDP	National Development Plan
NGC	National Governing Council
NGO	non-governmental organisation
NPoA	National Programme of Action
NSA	non-state actor
OVC	orphans and vulnerable children
PAC	Public Accounts Committee (of Parliament)
PRS	Poverty Reduction Strategy
SACU	Southern African Customs Union
SADC	Southern African Development Community
SAIIA	South African Institute of International Affairs
SED	socio-economic development

TRC	Transformation Resource Centre
TRI	Technical Research Institute
UNDAF	United Nations Development Assistance Framework
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa

# EXECUTIVE SUMMARY

This independent report presents the views of a group of researchers and civil society organisations on the implementation of commitments under the African Peer Review Mechanism (APRM) in Lesotho following the country's self-assessment (2007–08), review (2009) and recent implementation reports (2011). It is part of an initiative to involve civil society in monitoring and tracking the implementation of APRM-linked programmes.

Under examination were both the status or profile of the APRM as a distinct programme in Lesotho and – in the spirit of engagement which the mechanism seeks to foster – issues raised by the APRM in both the Country Review Report (CRR) and the National Programme of Action (NPoA). In addition, other issues of national importance in terms of governance and development were also addressed.

On the status of the APRM, research found that the mechanism has a low profile, both in government and in civil society. It is not clear to what extent governance programmes and other policy initiatives are motivated by the APRM: direct APRM 'branding' has been rare if not absent. Consequently, implementation, monitoring and evaluation of progress in terms of APRM recommendations has been weaker than it might have otherwise been. It also appears that the CRR and NPoA have omitted some important issues, such as the plight of vulnerable men. This report offers some comments on these issues.

These deficiencies not only cast the APRM as a marginal programme in Lesotho, but arguably reflect larger weaknesses in national policy planning and implementation.

In total, 13 substantive issues were examined, grouped into four themes of vulnerable groups, socio-economic issues, governance and service delivery. These issues were rated in order to measure progress achieved, using a colour-coded rating system: **green** for substantial progress; **orange** for some; and **red** for little or no progress. In addition, under each issue an attempt was made to identify linkage with the APRM (branding), indicated

by the signs **plus** (+) and **minus** (-).

Overall, Lesotho received an **orange** rating, reflecting some degree of progress. However, little direct linkage has been made between this and the APRM, leading to a **minus** rating in this regard.

On the majority of issues, the research identified reasonably strong laws, policies and institutions, but considerable inadequacies in implementation. The majority of recommendations made in the CRR remain relevant, yet there is little evidence of concrete achievements at this stage of APRM implementation in Lesotho.

Governance in Lesotho needs to be contextualised with reference to a triad of challenges facing the country. These are political instability and the fragility of democracy; economic issues; and the country's socio-economic problems. Notable in all aspects is Lesotho's unique geographical location. It is one of the world's poorest countries, entirely surrounded by the continent's most sophisticated economy, South Africa.

The theme of **vulnerable groups** explores four issues, namely poor and vulnerable men, the elderly, herders and the disabled.

Research finds that discussions of vulnerability tend to focus on the position of women and the challenges they face. However, the plight of **poor and vulnerable men**, exacerbated by changes in the economy (including reduced options of making a living through migrant labour or agriculture), has been largely ignored. The patriarchal nature of society compounds these problems, and undermines the social status of the groups concerned.

**The elderly** suffer from economic and social vulnerability. They often carry the burden of taking on responsibilities left by the younger generation as a result of the ravages of human immunodeficiency virus/acquired immune deficiency syndrome (HIV/Aids) and/or rural–urban migration. However, with the notable exception of the government-sponsored old age pension, there are few targeted interventions for the benefit of the elderly as a group.

**Herders** are disadvantaged through having to accept responsibilities that deprive them of



educational opportunities and consequently of future employment choices. There is also a lack of policies targeted specifically at this group.

The position of **the disabled** is explored largely in terms of physical access to facilities, including public buildings. For example, universal education cannot be implemented effectively if children with disabilities cannot access school buildings. Lesotho has adequate legal provision in this regard, but it is uncertain whether these are adhered to consistently in practice.

The theme of **socio-economic issues** covers land and land access, poverty and food security.

**Land access** is related to the country's communal land tenure system, with land held in trust by the king. Citizens have a constitutional right to access land. Different views exist as to whether the system contributes to underdevelopment or provides security for the poor. Challenges under this issue include the pressure of a growing population, ensuring proper land management by all concerned, and tensions between traditional and other land allocation authorities. A new land law (2010) seeks to address these issues, and also attempts to accommodate new and future economic realities. It introduces an element of commoditisation of land, but its assumptions and potential implications remain fiercely contested. Some see it as encouraging development, whereas others see the new law as undermining Basotho tradition and potentially leading to landlessness – thus increasing the vulnerability of the poor.

**Poverty** remains widespread, with over half of the population living below the poverty line. Significant contributing factors include the decline in employment opportunities domestically and in South Africa, as well as internal political strife, which has discouraged foreign direct investment and retarded development efforts. Lesotho has managed to maintain macro-economic stability, and has been able to address extreme poverty through limited social grants. Its budget, however, is heavily dependent on foreign aid and revenues from the Southern African Customs Union (SACU). Both have been declining steadily in recent years.

Lesotho's **food security** is threatened increasingly by declining productivity and the shrinkage of arable land. The country is able to produce only about 30% of its food needs annually. Various arguments have been made

over what contributes to this problem. However, the report notes the lack of an integrated national food security policy that incorporates such factors as the availability and affordability of food for the population.

Under the theme of **governance**, traditional leadership, combating corruption, elections and conflict management are covered.

Lesotho's governance system combines elected democratic structures with **traditional leadership**. Traditional leadership has in some respects been integrated into the modern state. However, there are points of conflict that remain, such as the role of chiefs in the allocation of land and their responsibilities and functions in relation to elected officials at village level. The CRR also notes the decline in the role of chiefs in conflict management and calls for this to be resuscitated.

The existence of both petty and grand **corruption** is of concern in Lesotho, both in the public and private sectors. Corruption has been entrenched through the absence of accountability. Examples here include the consistent return of qualified national audit reports, and scandals such as the sale of official vehicles to public office bearers at discounted prices in 2006–07. These have reinforced the perception that corruption is rife in the country. Although Lesotho has a complement of agencies dedicated to combating corruption and enhancing accountability, these have not functioned effectively owing to resource constraints and limitations on their mandates. Effective capacity building for these institutions (including the review of their mandate) is vital for an effective anti-corruption strategy.

**Elections** have been problematic in Lesotho and have often been associated with conflict, both before and after the poll. The country's mixed member proportional (MMP) electoral system is viewed as having brought stability, but remains open to manipulation. This could threaten the fragile political stability achieved since its adoption in 2001. Therefore, both the legal framework and the capacity of the Independent Electoral Commission (IEC) will need to be strengthened to assist in consolidating the gains achieved in this area.

**Conflict management** is another important issue, and flows from the preceding one. Various axes of conflict are identified, such as that within political parties and conflict between traditional

and elected officials. Lesotho has attempted to resolve conflict through consultation and dialogue, as well as through revisions to legal and institutional arrangements, including the adoption of an MMP system. These have yielded positive results. However, the consolidation of the gains will depend on a deeper institutionalisation of these structures and practices within a comprehensive conflict-management system.

The theme of **service delivery** covers education and the fight against HIV/Aids.

Lesotho has made progress in **education**, with an impressive 82% adult literacy rate, and has followed a policy of free primary education for the past decade. However, despite expanding access, challenges remain. These relate particularly to the higher levels, where concerns about relevance,

impact and even access are noted. There is therefore a need to revisit the issues of quality and relevance of the current education system.

The country has one of the highest rates of **HIV/Aids** prevalence in the world. Given the small population (under 2 million), the effects of this pandemic could pose a threat to the survival of Lesotho as a country. Lesotho's policies in this respect are commendable – including wide distribution of antiretroviral therapies. However, the effects of HIV/Aids remain serious, and include the fate of orphans. The report calls for improved research capacity to understand the disease and its various social dimensions, better co-ordination of responses, and consideration of welfare grants for affected households.

# WHAT IS THE APRM?

The African Peer Review Mechanism (APRM)<sup>1</sup> was established in 2003 as an innovative instrument aimed at improving governance in Africa. Created and driven by Africans for Africans, the APRM's primary purpose is:<sup>2</sup>

to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs for capacity building.

Through a series of voluntary governance 'peer reviews', member states diagnose deficiencies, propose solutions, share best practices and follow recommendations made by the APRM Panel of Eminent Persons (African Peer Review Panel). As of May 2011, 30 countries on the continent had acceded.

To begin active participation in the APRM, a country's government signs a Memorandum of Understanding with the continental APRM authorities. This indicates its willingness to undergo review and its commitment to the process. The next step involves gathering information and documentation on the performance of the government and other stakeholders in key areas. To help gather this data and manage the process, the country typically forms an APRM National Governing Council (NGC) charged with this responsibility, and appoints Technical Research Institutes (TRIs) to carry out the technical aspects of this review.

All parts of society – including civil society groups, religious institutions, labour unions, business groups, as well as the government – should contribute to answering questions on a wide range of issues. The APRM Questionnaire

guides the review process by highlighting the country's performance in four broad areas. These are Democracy and Political Governance (DPG), Economic Governance, Corporate Governance and Socio-Economic Development (SED). Issues include human rights, health care provision, the state of the economy, the role of the judiciary and the behaviour of corporations.

The results of this review are incorporated into a Country Self-Assessment Report (CSAR), drafted by the NGC and TRIs. The CSAR includes a National Programme of Action (NPOA), which sets out plans to address the problems identified in the review. Once the CSAR is completed, a Country Review Mission (CRM) visits the country. This is a delegation of respected scholars and experts who conduct an independent study of the country and produce their own report. They are led by a member of the APRM Panel of Eminent Persons, which is a small body of highly respected Africans who are responsible for managing the APRM process across the continent. The Panel and its Secretariat submit a draft Country Review Report (CRR) to the country for comment. Recommendations are put to the participating country, and the country is expected to amend its NPOA accordingly. A final CRR is then produced and presented to the Forum of the Heads of State for discussion and peer review. This body consists of the participating countries' leaders and generally convenes on the margins of African Union summits. Following the Forum's review, the country must agree to address the various problems that have been identified. Other states undertake to assist the country in its efforts, and to take action should the country not attempt to address these issues. Finally, the country must report annually on progress in implementing the NPOA and prepare itself for subsequent reviews.

## INTRODUCTION: ABOUT THE APRM MONITORING PROJECT (AMP)

The main intention of the APRM is to encourage and support reform. Each country is expected to carry out commitments to improve governance made in its NPoA. However, one of the greatest challenges for the APRM has been monitoring and reporting on the implementation of the NPoA. There are presently only loose procedures and guidelines for monitoring and evaluation (M&E). Some countries have missed deadlines already for submitting their annual NPoA implementation reports. Where reports have been submitted, they lack sufficient detail to assess accurately the extent to which NPoAs have been implemented and tend not to reflect the voices of civil society. The APRM is aware of these problems. It is currently engaged in a project to revise the questionnaire used by participating countries and to design a more robust M&E framework.

In July 2010 the South African Institute of International Affairs (SAIIA), the Centre for Policy Studies (CPS) and the Africa Governance Monitoring and Advocacy Project (AfriMAP) jointly launched the APRM Monitoring Project (AMP). The objective of the AMP is to empower civil society in Southern African APRM states to track the implementation of the APRM in their countries. Through this project, civil society organisations (CSOs) are assisted to develop independent reviews of APRM implementation through the use of the specially designed APRM Monitoring and Advocacy Template (AMAT). The aim of the project is not to duplicate the work of the relevant national APRM agencies, but to complement and expand upon existing M&E processes.

## METHODOLOGY

South Africa and Lesotho were chosen as the countries for a pilot study. South Africa was the fourth APRM country to undergo review, and Lesotho the twelfth. The project team designed AMAT and its accompanying pilot guide to be used by any given country to track the APRM process. AMAT is a template that guides researchers and CSOs through five stages to produce a report that evaluates the status of the APRM and the implementation of the NPoA in a specific country. Although meant to provide a common methodology that can be adapted for use across countries, AMAT still allows the results to be comparable.

AMAT guides users through three key elements:

1. **Monitoring:** focusing on describing, analysing and evaluating the progress of the commitments made by the country's APRM NPoA.
2. **Planning:** utilising the collected information from the monitoring phase to identify shortcomings and areas of weakness; and making recommendations on how to address these.
3. **Advocacy:** using the report findings to support calls for improvements and further reform.

AMAT methodology comprises five stages. These are the preliminary preparations; data collection (involving desktop research and interviews); assessment and analysis of the APRM NPoA progress; identification of key priority areas; and the creation of an action plan, with recommendations on how to remedy shortcomings and how the report is going to be shared with stakeholders.<sup>3</sup>

A pilot guide accompanies AMAT to help direct the research process. The pilot guide provides research questions and templates for use during interviews with specific target groups (such as parliamentarians, the media, academics and members of civil society).

The APRM process, reporting and NPoA implementation have taken on different forms in different countries, and AMAT was designed with this in mind. AMAT and the pilot guide provide broad guidance and allow researchers room to adapt the methodology to accommodate the peculiarities of each country.

The AMP was designed as a participatory project, led by the project team but with broad ownership by participating CSOs. A 'scoping workshop', opened by South Africa's APRM Focal Point, Minister of Public Service and Administration, Richard Baloyi, was held on 12–13 October 2010 to test and refine the concept. The process continued with a workshop in Maseru, Lesotho during March 2011, to which target groups or key stakeholders were invited. The workshop sought to:

- introduce the AMAT template;
- solicit preliminary input that would contribute to the refinement of AMAT;
- train participants in the use of the AMAT pilot guide;

- identify a core group of AMP–Lesotho CSOs and researchers to actively participate in the pilot fieldwork; and
- identify the key issues to be explored in the pilot report for Lesotho.

A decision was made to concentrate on those Cross-Cutting Issues that CSO representatives felt were most pressing, and in which the organisations represented had direct interest and expertise. Analysis shows that NPoAs do not address every recommendation in the CRR itself, and the Lesotho NPoA is no exception in this regard. The workshop participants proposed that the AMP–Lesotho Report should focus on the following four governance themes:

1. Vulnerable groups
2. Socio-economic issues
3. Governance
4. Service delivery

The following questions were asked for each of the specific subthemes identified:

- What is/are the problem/s identified in relation to the issue? (This would include the CRR-identified problems and challenges, as well as those identified by the CSO reference group involved in outlining the topics to be tracked.)
- What is/are the solution/s? (An effort will be made in this report to identify and relate the issues to both APRM-based and CSO-identified solutions and recommendations.)
- What progress has Lesotho made in this regard?
- What actions and strategies can be recommended as part of the way forward?

In Lesotho, the research team consisted of a project co-ordinator (responsible for the supervision, reporting and administrative co-ordination of the project), three researchers and two research assistants. The Transformation Resource Centre (TRC) acted as an institutional partner that would assist in housing the project and providing other support for the project team in Lesotho – including the assignment of two researchers to join the AMP

Team. An independent researcher, Nchafatso Sello, joined the project as the third researcher. In total, 70 stakeholders from the government of Lesotho, APRM structures, business, civil society, the media and academia agreed to provide information and to be interviewed.

Findings of the AMP–Lesotho Report combine information from two data sources. These are literature on various aspects of governance and development in Lesotho; and perspectives elicited through interviews with over 20 stakeholders in Lesotho. The interviews were conducted mostly in Maseru between March and April 2011. The prototype AMAT was used for these interviews, which took approximately 60 minutes each to complete.

The draft report was circulated to all key stakeholders, who were invited to a Validation and Evaluation Workshop in May 2011. The following were specific objectives of the workshop:

- Present and discuss the findings of the research undertaken during the pilot in Lesotho, with a view to validating them and incorporating all views.
- Share the experiences of the research team and solicit inputs and feedback from the stakeholders regarding the use of AMAT.
- Evaluate Lesotho’s APRM progress in line with AMAT.

A final report was then compiled and prepared for publication.

## EVALUATION

Evaluating the APRM NPoA implementation can be a difficult task. Often, there is no measurable progress. Progress on the NPoA may be achieved through programmes that have nothing to do with the APRM. Progress may be also be achieved indirectly as a result of the APRM, with no clear link to the process. Therefore a simple rating in the form of a green, orange or red light was assigned at the May 2011 workshop.

Besides these ratings, AMAT’s methodology envisioned assigning a rating for linking progress achieved to the APRM. The idea was to award a ‘plus’ or a ‘minus’. A ‘plus’ meant that ‘the issue has been branded as an APRM initiative, or the issue been linked to the government department

responsible for APRM NPoA implementation’. A ‘minus’ meant that ‘no link can be established between the issue and the APRM processes in the country, or that the issue is being worked on under the auspices of an organisation which has no clear link to the APRM process.’

From the assessment undertaken, Lesotho receives an overall ‘orange’ rating. This means that some progress has been made, but more still needs to be done to achieve the objectives within the set period of three years. This is despite the APRM Implementation Report asserting that the targets in the NPoA will be reached within this time. In addition, the country receives a ‘minus’ rating for linking activities and developments to the APRM. This means that overall activities undertaken have not been related to the APRM, and the observer cannot connect it to what has or is being done. Below is a graphic representation of Lesotho’s overall rating.

## KEY TO RATINGS



### RED LIGHT

No progress has been achieved on addressing the issue; or very little progress has been achieved and the government does not seem to be on track to complete it in the near future.

### ORANGE LIGHT

Some progress has been achieved on addressing the issue; or work on the issue has started and the government seems to be on track to finalise it within a reasonable deadline.

### GREEN LIGHT

The issue has been addressed and completed; or much progress has been achieved on addressing the issue.



## Lesotho’s progress in implementing APRM recommendations

Lesotho receives an overall rating of ‘orange minus’.

Lesotho has gone a long way to establishing legal, policy and institutional framework necessary to address the majority of the issues identified. However, implementation continues to be weak. Furthermore, no public linkage to the APRM could be discerned for any of the issues covered in this report.

The above final rating is based on the assessment of Lesotho’s progress in each of the 13 issues included in the Lesotho pilot. These are summarised below.

AMP THEMES		RED	ORANGE	GREEN
<b>Vulnerable groups</b>				
1.1	Poor and vulnerable men		x	
1.2	The elderly		x	
1.3	Herders/herdboys		x	
1.4	The disabled		x	
<b>Socio-economic issues</b>				
2.1	Land and land allocation/access		x	
2.2	Poverty	x		
2.3	Food security		x	
<b>Governance</b>				
3.1	Traditional leadership		x	
3.2	Corruption	x		
3.3	Elections		x	
3.4	Conflict management		x	
<b>Service delivery</b>				
4.1	Education		x	
4.2	HIV/Aids		x	
		<b>2</b>	<b>11</b>	<b>0</b>

## PARTICIPANTS IN THE LESOTHO AMP PROCESS

Various stakeholders in Lesotho and South Africa have made a great contribution to the success of the Lesotho leg of the AMP project. They are too numerous to mention individually. However, their input, support and encouragement is acknowledged. They include the following:

- The team of researchers and research assistants who worked on the project in Lesotho. These are Malefetsane Khoathela, Maine Mahlaka, Mzimkhulu Sithetho, Nchafatso Sello and Katleho Pefole.
- Our institutional partner in Lesotho, the TRC, and especially its director, Hoolo 'Nyane, and his staff, who provided the logistical support and housed the project during the research phase.
- Our CSO resource people and their organisations for the open manner with which they received the project; and for their input in providing information and assisting in contacting the larger CSO community in the country.
- The CSO, government, academic and development partner officials who found time from their busy schedules to be interviewed as part of the research. Their contribution was invaluable.
- The project team from the three main institutions collaborating in the AMP venture, namely the CPS, SAIIA and AfriMAP.

The project also benefited immensely from its 'pairing' with the EU-sponsored project on building

the capacity of non-state actors (NSAs) for policy engagement under the Cotonou Agreement.<sup>4</sup> This project was executed jointly by the Lesotho Council of non-governmental organisations (NGOs) and SAIIA under the co-ordination of Jenifer Tangney as the lead consultant. The AMP–Lesotho project was able to piggy-back on some of the activities of the NSA project during the months of January–April 2011, using the same stakeholder community of CSOs in the country. This was made possible by the co-ordinator's collaboration, on the basis that the two exercises shared common content, objectives and actors. Thus the NSA project also allowed for the introduction of the AMP project and for discussion of some of the AMP seminar's issues (on Lesotho and the APRM) in February 2011. This was beneficial for both projects in meeting their respective objectives. It promoted the principle of collaboration and integration of similar initiatives among the organisations involved and the larger CSO community in the country.

Special mention is made here of all the CSOs, individuals and other stakeholders who participated in the validation workshop of May 2011, at which the draft of the AMP–Lesotho Report was presented and discussed. Their contribution ensures that what is reported here reflects the true picture of the issues Lesotho and its CSO community face in relation to the implementation of the APRM NPoA. The report also notes their suggestions and recommendations to further refine and improve the AMAT tool developed. The AMP project intends for this tool to be owned and used by them, which will ensure its success and sustainability in future.

## STATUS OF THE APRM IN LESOTHO

Profiling the APRM relates to the level of stakeholders' involvement in publicising the APRM, in order to sensitise the population, to 'brand' and connect their personal interests to it, and to market and promote it as a major national initiative. Profiling also relates to the degree to which government has integrated and/or elevated the APRM in national planning and policy implementation platforms. Overall, respondents perceived little or no relationship between the APRM and other national planning and development initiatives. They attributed this lack of development primarily to government. Possible reasons for this include the following:<sup>5</sup>

- Government demonstrates a lack of commitment and ownership towards the APRM. It views the APRM as a peripheral initiative rather than as central to government policy or as an extension of regular government programmes and initiatives.
- There is a lack of awareness and/or understanding of the APRM among government officials.
- Consequently, activities that address APRM-relevant issues are often duplicated.

A survey of developments in Lesotho over the last three years appear to confirm this perception. For example, the United Nations Development Assistance Framework (UNDAF) of 2008–12 notes of Lesotho's development that 'goals are being pursued through a number of medium-term national planning frameworks, key among them the Poverty Reduction Strategy (PRS), which are consistent with the Millennium Declaration and the Millennium Development Goals (MDGs),<sup>16</sup> but omits the APRM. Similarly, the following recommendations are found in, but do not necessarily originate from, the APRM CRR, CRM and NPoA.

- **Making primary education not only free, but also compulsory:** This was one of the recommendations of the APRM CRM and is reported in the CRR.<sup>7</sup> Since then, government has extended the provisions of its free primary education (FPE) to make it compulsory as well. This change is contained in the Education act of 2009, and is reported as progress in

the country's APRM Implementation Report.<sup>8</sup> However, the announcement of the act and the majority of subsequent references to it have failed to highlight its connection to the APRM.

- **Expanding early education facilities, especially in rural areas:** Again, this recommendation is reported in the CRR.<sup>9</sup> This change is contained in the Education Act of 2009, and is reported as progress in the country's APRM Implementation Report.<sup>10</sup> However, beyond this reference the growth of this sector has not been acknowledged as a development related to the APRM, its findings or recommendations.
- **Building more health centres:** The APRM recommends this in the CRR. However, official pronouncements have not linked it to the APRM's findings and suggestions.
- **Implementing programmes to combat mother and infant mortality:** Recent developments have included the large-scale distribution of health kits to all pregnant mothers in the country to prevent mother-to-child transmission of HIV. This initiative was launched by the minister of health, but references linking the development to the APRM have not been apparent. Indeed, this is not highlighted in the Implementation Report.
- **Improving access to water in urban areas by addressing land issues; and improving access to energy by facilitating easy connections to electricity:** These are two specific recommendations, which have so far not been mentioned as APRM-related. Instead they have been subsumed under references to the 2010 Land Act. The APRM Implementation Report states that:<sup>11</sup>

to enable access to safe water and sanitation, the National Water Supply Programme aims at increasing both rural water supply and sanitation coverage by 2% by the year 2010. There are plans to expand the hydro power capacity of 72 megawatts by an additional 110 megawatts. Two projects on wind and solar power are on-going.

The report was presented in 2011 and no statement has been given on how far these initiatives have gone. Thus it is difficult to relate them to the APRM and to judge the change effected so far.



The Lesotho public appear to have only a limited awareness of the APRM, and no familiarity with its contents or progress. Direct enquiries on the issue often elicit responses like ‘What is it?’ on the one extreme, or ‘I have heard of it but am not sure what it is’ on the other. Still, there appears to be a growing awareness of some of its activities and meanings. The research team found that once they explained the acronym, respondents indicated some familiarity with it.<sup>12</sup> When they explained the APRM in further detail, respondents showed a deeper understanding, sometimes using the Sesotho translation of *boithahlobo ba methaka*, or ‘peer review’.

The domestication of the APRM in Lesotho appears to have been relatively successful. The steps taken to promote knowledge and awareness of the APRM include the following:

- Lesotho has published an abridged version of the CRR, which was launched at a public event almost a year before the publication of the complete CRR (June 2009). This document is written in both official languages (Sesotho and English) and appears to have been distributed widely. Indeed, many citizens have seen this rather than the full version.
- According to the Lesotho APRM Secretariat, a campaign has been mounted (to date covering six of the 10 districts) in which all high schools, district administration offices and principal chiefs were given copies of the CRR for their libraries. This appears to have led to a widespread, if only vague, awareness of the mechanism.
- Lesotho has also appointed and designated APRM Focal Points within its government ministries. Their responsibilities include being the entry points for the Secretariat and other stakeholders to track implementation. So far it is unclear how successful they have been in securing integration of the APRM into ministerial programmes, and following up on it.

CSO views on the APRM may be summarised in the words of one of the respondents in the pilot, who stated that:<sup>13</sup>

generally APRM is perceived as a Lesotho government issue. Even though the issue of the governance is not only about government per se, but the way it is

interpreted, is ‘very government’. The CSOs are not well informed because the concept or philosophy of ‘what is in it for me’ does not exist for this CSO. In other words, there is no incentive for them. This is why this CSO does not get involved. It is not understood why there has to be involvement.

The TRC, one of the premier governance NGOs in the country, was initially involved in APRM sensitisation prior to the commencement of the CSAR research, but has since ‘neglected’ it. According to some members of the organisation, the TRC has not followed up on engagement in the APRM because it has been completed, and there is little reference to it in both what we do and our interaction with government and other NGOs.

None of the NGO programmes contacted has a specific programme that deals with the APRM. However, many have programmes that are relevant to the APRM, such as ‘Democracy and Human Rights’ at the TRC, and HIV-specific programmes in several others. Thus there is no active, conscious and systematic integration of the APRM mechanism into NGO programmes. Many NGOs working in the governance, developmental, justice and service areas are only vaguely aware of the APRM. They have no specific resources, activities or plans that seek to harness it to pursue their goals.

The same can be said for the media fraternity in the country. Several members of the Lesotho News Agency, the information-gathering arm of the state broadcaster, often request that the APRM be both stated in full and ‘summarised’ in interviews with researchers. The general pattern appears to be as follows:

- The media tends to report developments, but fails to place these in the context of policy priorities in their analyses (where such analysis is attempted).
- Reporting on APRM-relevant events and developments are treated in isolation (and on occasion refer to the specific policy platforms that they relate to rather than to the APRM).
- Reporters who are aware of the APRM often regard it as not newsworthy, or as in the past tense. They refer to the APRM process as having ended with the activities relating to the CSAR research – unless there is a specific occasion related to the APRM that they cover.



# 1 VULNERABLE GROUPS

Vulnerability is one of the major symptoms of poverty that affects many people in developing countries. Lesotho is no exception, with distinct groups who are vulnerable because of low overall economic development and specific socio-cultural practices that marginalise and/or oppress them. Four groups have been identified as vulnerable or marginalised. These are poor and vulnerable men (including the unemployed, retrenched and HIV-affected); the elderly (mainly over 70, but also including poor elderly women); herders/herdboys (who form a distinct group within vulnerable men); and the disabled.

**The four sub-themes in this section are:**

**1.1. Poor and vulnerable men**

**1.2 The elderly**

**1.3 Herders/herdboys**

**1.4 The disabled**

## 1.1 POOR AND VULNERABLE MEN

### Related APRM objectives

**DPG objective 3:** Promote and protect economic, social and cultural rights, and civil and political rights.

**DPG objective 9:** Promote and protect the rights of vulnerable groups, including the disabled, the poor, internally displaced persons (IDPs) and refugees.

**SED objective 2:** Accelerate socioeconomic development in order to achieve sustainable development and eradicate poverty.

### Related action items from Lesotho's NPOA

**DPG objective 3:** Improving accessibility and enjoyment of human rights.

**DPG objective 3:** Full compliance with international, and regional human rights standards.

**DPG objective 9:** Empowerment and development of people with disability.

**SED objective 2:** Poverty reduction.

**SED objective 2:** Increase of social security.

**SED objective 2:** Increase of youth employment.

### Related Cross-Cutting Issues identified in Lesotho's CRR

- Unemployment and Migrant Labour

Many sources, including the APRM Implementation Report, view the Legal Capacity of Married Persons Act of 2006 as an advancement in gender relations to correct the imbalance of rights between men and women. The promulgation of such laws has enabled women to participate in institutions such as marriage and other social contracts on a more equal footing with men. There has also been other progress in this regard, including provisions under laws relating to elections, which have increased representation of women in government. However, men generally perceive these developments as government promoting women at the expense of men; or as undermining the cultural and religious position of men as leaders and heads of households. According to one commentator:<sup>14</sup>

Because we operate in a patriarchal society and the international community tends to target women and girls, these things [including achievement in political representation for women and changes in the legal framework] that we are doing do not seem to work on the ground because, *inter alia*, these men are assumed to have the resources and fortitude to cope with their challenges – they are assumed to be OK.

This comment takes into account the progress in gender relations reported in various forums, including the Lesotho APRM Progress Report and recent UN rankings placing Lesotho in a positive light in terms of gender empowerment.<sup>15</sup>

The issue of vulnerability in men is situated within the context of gender relations and their specific dynamics in Lesotho. Firstly, the changing economic relations (particularly the decline in South African migrant labour and the almost commensurate increase in local textile and other labour) have made men vulnerable.<sup>16</sup> Women are becoming household breadwinners, whereas men are being 'degraded' and humiliated by unemployment. Secondly, the universal 'men are educated, women are not' pattern is reversed in Lesotho. This is because of many socio-economic factors, particularly with regard to the lowest levels of education in the acquisition of literacy, where women are more literate than men. Lastly, most social evils such as crime (and particularly violent crime and crime against people) are committed by men, leaving them with the stigma associated with prison.

Stakeholders felt it necessary to focus on balancing the concerns of both women and men. On

the one hand, women are subjected to undeniably unequal treatment. On the other, men are caught between the belief that masculinity is synonymous with power and influence and a reality that is fast denying them this 'dignity' in society and in their personal lives.

The problem, therefore, is how to address the needs of vulnerable men. Creating employment and identifying possibilities for beneficial activities (mainly education and employment) is part of the solution. So too is working towards preventing and reducing the levels of crime that relate to power relations between the sexes. These are particularly personal crimes, such as rape, assault and domestic violence. Understanding their position and value in society will help to empower these men to overcome the challenges they face.

A major weakness in Lesotho society is that it continues to be rooted in patriarchy. Notions of masculinity denote a strong, dominant position for men – despite changes in several social dynamics and the legal framework. Gender issues continue to be understood as referring to women and their oppression in society, rather than as issues relating to both women and men. This, coupled with the duality of the legal system,<sup>17</sup> has placed expectations on men and has contributed towards their current position of vulnerability. Hence the treatment of some of the increasing social ills (such as violent crime, stock theft and HIV/Aids) in isolation, and failure to relate them to the disempowerment of men and their social reorientation.

According to a key respondent,<sup>18</sup> the following factors have contributed towards the vulnerable status of these men:

- Land has traditionally been a main source of livelihood. Its ownership was passed down through the male line, with men being allocated land for various purposes upon attaining manhood.<sup>19</sup> However, land quality is rapidly deteriorating and is no longer able to support the population. Young men are unable to access land as easily as their fathers before them, and poor ones are unable to work it.
- Large numbers of men have been retrenched from South African mines and other sectors that had previously been able to absorb male labour. The closure of this 'pressure valve' has

left many men unemployed and consequently socially and economically vulnerable.

- Because of the traditional lifestyle of the Basotho, many young men have had little access to education, particularly in relation to their womenfolk. As a result, they have been unable to enter the labour market with the requisite skills. This has left them disadvantaged and has added to the problems associated with their unemployment.
- HIV/Aids is another factor that also affects poor, young and old men.

These factors contribute to the vulnerability of men who have not been targeted as a group for remedial or alleviative measures by government and society. As a result of their 'emasculatation' by social and economic conditions, many end up engaging in destructive behavior that contribute to social instability and related problems. The groups identified include the young, landless, unemployed and retrenched, illiterate, prisoners and the HIV/Aids-affected men. A unique feature of Lesotho society has been the vulnerability of young men as a consequence of their limited access to education because of the social practices of livestock herding. The country appears to have not yet come to grips with the position and plight of men as part of the gender dynamics facing it.

According to the findings, the various social challenges facing poor, landless, uneducated and unemployed men have far-reaching socio-economic consequences. These are rooted in the discordance between socio-cultural expectations on men operating within a patriarchal society, and socio-economic changes that effectively disempower these groups and make it difficult for them to play a positive role in society. These include unemployment and retrenchment, the changing positions of men as breadwinners and effective heads of households, and the weak or absent coping strategies available to them. It also appears that the type of commitments Lesotho and the international community have made to gender equality are unbalanced, focusing on empowering women at the expense of men. This blind spot in gender dynamics calls for a more holistic re-conceptualisation of gender and what it means for the future progress of the country.



## RATING: ORANGE

**The evaluating group decided to award Lesotho an overall orange rating, because progress in addressing this issue has been slow.**

### Recommendations

- Government and other stakeholders should highlight and address the plight of these groups of vulnerable men. This would include reconceptualising gender to refer to the relations and dynamics of the sexes in society – and not only to empowering women to achieve the same status as men. Respondents emphasised a weakness in the APRM, which equates gender with women and does not identify the relational aspects of gender dynamics in society, such as contributing factors to the criminal behaviour of men.
- Develop interventions to address the wider implications of the destructive behaviour associated with vulnerable men. Expectations and demands on men in Lesotho society leave some unable to cope, and there are few systems in place to assist them. These men view gender and the empowering of women as an attempt to disempower them.
- Identify vulnerable men and attempt to understand their challenges and the factors influencing their vulnerability. It should not be simply assumed that because the social system is patriarchal, it does not disadvantage men.
- Redefine the concept of gender, and develop and streamline it into initiatives such as the National Development Plan (NDP) to address both vulnerable women and men. Intervention strategies should be developed to assist both parties to cope with the various socio-economic challenges.



## 1.2 THE ELDERLY

### Related APRM objectives

**DPG objective 3:** Promote and protect economic, social and cultural rights, and civil and political rights.

**DPG objective 7:** Promote and protect the rights of women.

**DPG objective 9:** Promote and protect the rights of vulnerable groups, including the disabled, the poor, internally displaced persons (IDPs) and refugees.

**SED objective 2:** Accelerate socioeconomic development in order to achieve sustainable development and eradicate poverty.

**SED objective 4:** Ensure affordable access to water, sanitation, energy, finance (including microfinance), markets, information and communication technology (ICT), shelter and land for all citizens, especially the rural poor.

### Related action items from Lesotho's NPOA

**DPG objective 3:** Improving accessibility and enjoyment of human rights.

**DPG objective 3:** Full compliance with international, and regional human rights standards.

**DPG objective 9:** Empowerment and development of people with disability.

**SED objective 2:** Poverty reduction.

**SED objective 2:** Increase of social security.

**SED objective 4:** Development and provision of improved infrastructure in particular the rural sector.

**SED objective 4:** Provision of poverty sensitive tariff structures for all utilities.

**SED objective 4:** Improving access to micro-credit.

### Related Cross-Cutting Issues identified in Lesotho's CRR

- Gaps in service delivery and policy implementation

The elderly are another group identified as part of the vulnerable in the country. Here vulnerability is identified as economic and social vulnerability. The elderly are exposed to economic vulnerability through neglect and financial poverty. They are no longer able to work for themselves (and therefore raise an income), and their children often do not support them financially. Their social vulnerability includes reported abuse of the elderly, especially old women, in the two areas of crime and personal insecurity. The elderly are subjected to violent crime, including rape, and to emotional and physical abuse. They also carry the burden of looking after orphans and vulnerable children (OVC) without the support of the latter's parents, who might be either dead or alive.

Approximately 70 000–80 000 members of the Lesotho population are over the age of 70.<sup>20</sup> Government recognises their position and vulnerability in society as a problem, but only as part of the general problems associated with poverty and the effects of social ills, such as HIV/Aids and crime. As such, the measures and policies intended to address this group are subsumed within the overall welfare and poverty-reduction initiatives of government, with limited programmes that specifically target the elderly. However, the following aspects of general policy may be used as points of reference in assessing progress:

- In terms of HIV/Aids and its impact, government addresses the problems of the elderly through

various initiatives to help communities and families to cope with the disease. These include the support that the Ministry of Health and Social Welfare provides to those looking after OVC. However, because of the generalised application of policies in this regard, there appears to be little disaggregated data to identify the elderly as a target group.

- In terms of health support for the elderly, policies relating to subsidies at government hospitals are again not based on age as a criterion. Rather, they are aimed at assisting the poor in general. Therefore, identifying pro-elderly initiatives is difficult, although the government continues to expand or maintain such services.
- The government-sponsored old-age pension subsidy of Lesotho loti (LSL) 300 (about \$65) per month is the main direct initiative to address the plight of the elderly. The government introduced the pension in 2004 in recognition of the economic difficulties of the elderly. Initially, the pension was unavailable to those who were eligible for other pension payments. However, the government has recently revised this in the 2011–12 budget to include all who qualify in terms of age. Several studies have assessed the pension’s impact on the lives of recipients. They found that since its inception, the pension has had a positive effect in reducing dependence of the elderly on family in their assurance of a

monthly income – however little this may be. It has encouraged confidence, independence, dignity and some economic liberation for recipients. However, the pension is inadequate for meeting all the needs of the elderly. It is also seen as ‘absolving’ family members of the responsibility to look after the aged. Family members no longer feel obliged to fulfill the expected role of looking after the elderly, both physically and financially.<sup>21</sup>

- Abuse of the elderly and their physical insecurity remains a problem, and so far government has no specific initiatives to address this. Generally, cases are treated as common criminal offences and are left to the agencies responsible for dealing with these.

Although government supports the elderly through general policies and its old-age pension, there needs to be more systematic and targeted programmes and interventions to assist this group.



### **RATING: ORANGE**

**Despite the safety net provided by the pension scheme, the evaluating group felt that other needs of this group have not been addressed adequately. Therefore they awarded an orange rating.**

## **Recommendations**

- State and non-state actors should develop targeted programmes to assist vulnerable elders looking after orphans with HIV and other vulnerable children. Currently there are programmes that aim to provide support to family and community members looking after an increasing population of orphans. However, it appears that few programmes specifically target the elderly. Elderly women appear to be particularly vulnerable in this connection, as they are often the ones responsible for the upbringing and care of children in the absence of parents.
- Provide elderly-specific subsidies in terms of health services. The suggestions here include an extra ‘discount’ or free services for all the country’s elders, to ‘top-up’ what is felt to be an inadequate pension and to take care of their frail health; similar treatment for children being cared for by the elderly (particularly HIV-affected); and a generalised policy of preferential charges for the elderly in all social services (and possibly transport).
- Increase the old age pension in one of two ways. Either reduce the age of eligibility to 60–65 to accommodate more recipients, or increase the amount of the subsidy (figures range from LSL 500 to South Africa’s equivalent of just over LSL 1,000).



- Make any criminal offences, such as shameful attacks on poor old ladies, carry heavier sentences than they currently do. As one respondent commented, '*makhotla a hle a shebe bana ba ntseng ba sotla bo-nkhono'a rona mona!*' (the courts should look [seriously] at these ones abusing our grandmothers!).

### 1.3 HERDERS/HERDBOYS

#### Related APRM objectives

**DPG objective 3:** Promote and protect economic, social and cultural rights, and civil and political rights.

**DPG objective 8:** Promote and protect the rights of children and young persons.

**DPG objective 9:** Promote and protect the rights of vulnerable groups, including the disabled, the poor, internally displaced persons (IDPs) and refugees.

**SED objective 2:** Accelerate socioeconomic development in order to achieve sustainable development and eradicate poverty.

**SED objective 4:** Ensure affordable access to water, sanitation, energy, finance (including microfinance), markets, information and communication technology (ICT), shelter and land for all citizens, especially the rural poor.

#### Related action items from Lesotho's NPOA

**DPG objective 3:** Improving accessibility and enjoyment of human rights.

**DPG objective 8:** Enhancement of the protection of the rights of the child.

**DPG objective 8:** Empowerment and development of the youth.

**SED objective 2:** Poverty reduction.

**SED objective 2:** Increase of social security.

**SED objective 4:** Development and provision of improved infrastructure in particular the rural sector.

**SED objective 4:** Provision of poverty sensitive tariff structures for all utilities.

**SED objective 4:** Improving access to micro-credit.

#### Related Cross-Cutting Issues identified in Lesotho's CRR

- Gaps in service delivery and policy implementation

Lesotho is mainly a rural country, with livelihoods based on subsistence agriculture. Livestock, which is mostly cattle and sheep, forms a major part of this economy. Male members of households are responsible for the care of these animals. Boys, some under the age of 10, and young men look after the herds, sometimes in remote herding posts, while the older members are engaged

in other forms of employment.

This group, known as *balisana* (herdboys or herders), are identified as vulnerable because of a number of factors. Firstly, many do not have the opportunity to attend school. This explains the inequitable school enrolment between boys and girls. As girls' family duties revolve around the household and village, they have a chance

of attending school. Boys' activities are outside the home, which limits their opportunity to attend school.<sup>22</sup> Secondly, they tend to live under harsh conditions, especially those assigned to herding posts away from villages, without the care of parents or other adults.<sup>23</sup> Thirdly, because of their generally low levels of education and literacy, these boys and young men are often condemned to a life of unemployment and general economic hardship. This is particularly important in the current context of declining absorption of Lesotho male labour by the formal sector in South Africa. Poverty is a result, with many unable to integrate fully into society as productive members, and therefore vulnerable to crime and other social ills. Therefore, stakeholders felt it necessary to highlight the plight of this group as part of the vulnerable sectors of the community.

It is important that the needs of the herding community are addressed to help solve their plight. Their position and value in society, as custodians of the nation's livelihood, needs to be understood. Part of the solution would also be creating suitable employment opportunities and identifying activities that would benefit them both during their youth and afterwards. Such activities would primarily involve access to education and employment. However, these boys and young men often lack skills for employment other than for herding, which continues to be largely a transitional rather than long-term occupation. Their lack of other opportunities has been compounded by the decline of mine employment in South Africa, which previously offered an alternative source of economic livelihood for them and their families. HIV/Aids is another factor affecting this group.

These factors contribute to the vulnerability of this group, which has not been targeted as a group for remedial or alleviative measures by government and society. One respondent is convinced that the herders, whom his organisation serves, are unaware of the APRM. According to him, this is because Monna ka Khomo lack financial capacity to go out and mobilise the herders and allocate the necessary time to teach herders about the APRM and its significance.<sup>24</sup> Through its interaction with herders the organisation found that herders find it difficult to associate with other people except other herders. Herders do not feel sufficiently integrated into the general youth population to feel able to participate in sporting activities. Nor do they feel they can

participate as adults in public gatherings. As such, herders have become a forgotten society and are rarely given the opportunity to air their views.

The following recommendations of the CRR are relevant to the issue of herders, particularly to child herders or herdboys:

- Streamline programmes aimed at the protection of children and young people and co-ordinate the functioning of the various departments tasked with dealing with young people.
- Provide the Department of Youth with adequate financial resources and human capacity.
- Develop policies and practices to protect the rights of children, especially boys, to education.
- Enact the Child Protection and Welfare Bill.<sup>25</sup>

Programmes and initiatives that have been undertaken and may be noted as points of progress include the following:

- Education and literacy initiatives include the FPE policy, the educational programmes (over radio and on the ground) offered by the Lesotho Distance Teaching Centre (LDTC), and the Lesotho Association for Non-Formal Education. Although not specifically targeting herders, they are identified as one of the groups benefiting from these initiatives. The programmes aim to provide for basic education and literacy, including education outside the formal classroom-based schooling. The initiatives are available throughout the country, but limitations include access to remote areas and to the communication technology involved. Night schools are also available for herders in many rural communities.
- Monna ka Khomo is a CSO committed to the upliftment of herders, including education, advocacy and capacity building. Its activities include working for the recognition of the rights of herders to fair pay and improved living conditions. However, its leaders highlight a lack of resources, such as funding and travel facilities, skills and voice in policy.
- Lesotho has an office for disaster management (the Disaster Management Authority or the DMA), which is responsible for planning,


forecasting and alleviating the effects of natural and other disasters. This is a wide mandate that is not focused specifically on herders, but touches their lives often in winter when heavy snowfalls and the effects of the weather put herders in danger. Despite the general Lesotho climate including these periodic scenarios, it is often herdboys in remote mountain areas who are most affected, and the co-ordination among the DMA, herd owners and herders continues to be difficult.

- The Child Protection Act of 1980 outlaws child labour and seeks to protect minors in various ways, including their right to education. However, the application of this law is still inadequate, particularly with regard to herders, as there are few regulations regarding their pay, living conditions, and other compensation for their work. This is further complicated by the poverty that sometimes drives families to hire out their sons as herders, and the traditional attitude of using young men as herders as part of their normal upbringing.

Many respondents felt these measures are insufficient to address the plight of herders because of several reasons. Firstly, the Basotho culture continues to rely on the use of child labour in the form of boys and young men to look after livestock. The understanding in many rural communities continues to be that there is no problem with the practice. Secondly, many of the initiatives aimed at availing education, such as the extra-mural education facilities of the LDTC and the FPE, only cover a small portion of the herders. They are limited by access to their areas of establishment and to communication facilities (some of these services are delivered by radio, to which herders do not have access). Thirdly, the disaster management

system in Lesotho is inadequate. Reasons include its dependency on the radio for warnings and communication and on external donations for relief, both of which are insufficient to reach all vulnerable herders. Fourthly, CSOs involved in assisting herders are inadequately resourced, and suffer capacity shortfalls. Finally, herders lack a voice in policy and visibility in the dialogue on poverty. It was felt that herders need to be addressed as part of an integrated strategy to assist all vulnerable groups.

The vulnerability of herders in Lesotho may be understood as a specific facet of the vulnerability of young men in the country. It is an old problem, but has become more pronounced in recent years. Reasons for this include increased poverty owing to changing economic dynamics of the rural sector, and a growing awareness of the needs of the youth because of international commitments Lesotho has entered into. However, the APRM has not focused on this unique national problem, and has therefore failed to integrate the needs and specific problems of this community into its recommendations. Herders are subsumed under the general cloak of vulnerable groups. As a result, the country has instituted a number of initiatives that address the plight of herders, but which, because they are not specific, are felt to be inadequate. This inadequacy is also due to other factors such as limited resources, cultural practices and weakness of the community itself.



**RATING: ORANGE**  
**Progress has been minimal in addressing the needs of this community. Therefore the evaluating group awarded an orange rating.**

## Recommendations

- Government and non-state actors should work harmoniously to successfully implement the NPOA, and a proper feedback mechanism should be put in place. This should be undertaken despite a weakness of the APRM in Lesotho being the failure to highlight the position and problems of herders in the country.
- Government and CSOs should work towards improving awareness and a sense of ownership of the APRM by holding public gatherings in even the most isolated areas. Organisations like Monna ka Khomo can contribute in APRM information dissemination to herders in particular, with whom they have an intimate relationship.
- Establish mobile schools to address the education and literacy needs of herders, especially those in remote areas.
- Strictly enforce the FPE policy, which is now also compulsory.
- Regulate the payment, shelter and other basic needs of herders to conform to minimum standards. This would enable them to live secure lives.
- Apply international standards and codes relating to the employment of minors and children.
- Implement the Child Protection Act to take care of child herders by removing them from this group and immediately addressing their vulnerability, rights and needs. This would then lead to recasting and reconceptualising the problems of herders as a labour issue relating specifically to the contractual relations of herders and their employers. It would also ensure that the herding-related problems of child herders are addressed as issues of child rights.

## 1.4 THE DISABLED

### Related APRM objectives

**DPG objective 3:** Promote and protect economic, social and cultural rights, and civil and political rights.

**DPG objective 9:** Promote and protect the rights of vulnerable groups, including the disabled, the poor, internally displaced persons (IDPs) and refugees.

### Related action items from Lesotho's NPOA

**DPG objective 3:** Improving accessibility and enjoyment of human rights.

**DPG objective 9:** Empowerment and development of people with disability.

**SED objective 2:** Increase of social security.

**D**isability is a global concern, and governments and non-state actors have adopted various international agreements and national policies to address it. The primary aims of these initiatives are to facilitate the integration and inclusion of people with disabilities into mainstream society; to address their special needs; and to

eliminate any discrimination that would affect them adversely, so that they function as full members of society who enjoy the rights afforded to all citizens. Lesotho is no exception in this regard, and the APRM recognises the plight and position of the disabled as a matter of national concern.

There are wide-ranging concerns with disability.

These include both general concerns, such as social stigma, and specific concerns such as those relating to particular forms of disability. This report identifies the specific concern of access to public buildings for people with mobility limitations. This was posited in terms of the compliance of national public buildings, particularly schools, with the Building Control Act of 1995. The act stipulates that all public edifices built after 1995 should provide for access to the disabled (and other mobility-restricted) people.<sup>26</sup> The question raised was the extent to which the expanding number of schools being built to advance the FPE policy complies with this act. In the words of the CSO activist who posed the question, ‘it makes no sense to talk of progress in making primary education available and free [to all children] if those with disabilities [riding on wheelchairs] cannot get to these schools that government is building all over the country’.<sup>27</sup>

From a cursory survey of many public buildings constructed since 1995, it appears that Lesotho, or at least government, is complying with the requirements of the act. Indeed.<sup>28</sup>

Lesotho became the 42<sup>nd</sup> country to ratify the United Nations Convention on the Rights of Persons with Disabilities (CRPD) on 8 December 2008. The CRPD is

the first legally binding, international agreement among countries that protects the human rights of people with disabilities. It protects a wide range of human rights, including: the right to access education, healthcare, and public transportation services; and the right to vote and participate in public and cultural life; the right to live in the community with one’s family rather than an institution.

The survey was unable, however, to establish the degree to which other provisions of the CRPD are being fulfilled. This ranges from the establishment of a national disability policy to the promulgation of specific laws to address the wide range of disability concerns.



### **RATING: ORANGE**

**The evaluating group felt that although some aspects of policy and institutions exist to address the needs of the disabled community, much work needs to be done in terms of implementation and enforcement. They thus awarded an orange rating.**

## **Recommendations**

The CRR recommends that Lesotho domesticate the Declaration on the Rights of Disabled Persons.<sup>29</sup> In addition, the evaluating group made the following recommendations.

- Government should develop an integrated policy to deal adequately with issues facing disabled and differently abled people. These could include but are not limited to:
  - policies that monitor and improve the employability of the disabled, so they do not suffer disproportionately from the general public. This would involve improving data collection and capacity-building programmes; and
  - the introduction of affirmative action provisions including quotas for business (employment), school (enrolment and appointment of teachers), cabinet<sup>30</sup> and government (public service).
- Improve co-ordination between disability policies and fundamental social policies, such as the Public Buildings Act and the FPE policy.
- Improve public infrastructure to facilitate the disabled. This could include improving road-building techniques to ensure pavement access for wheelchairs and the provision of traffic lights that cater for blind pedestrians and the disabled.
- Introduce and improve public and school education programmes to reduce entrenched social stigmas. This would include extending special education in schools, expanding special school facilities, and recognising teachers with special education skills.



# 2 SOCIO-ECONOMIC ISSUES

**S**ocio-economic issues in Lesotho are interrelated, and continue to place Lesotho's poorest in a vulnerable condition. Lesotho is a predominantly rural economy, with as much as 76% of the population dependent on agricultural land. However, land erosion has resulted in increased competition for land. Problems of landlessness, conflict between land authorities, as well as land management, use and allocation have also become increasingly prominent in recent years. Food security has declined as a result and there are fears that the new Land Act of 2010 will affect the poor negatively. As it stands, Lesotho is not on track to meet its MDG commitments to halve poverty by 2015.

**The three sub-themes in this section are:**

**2.1 Land and land allocation/access**

**2.2 Poverty**

**2.3 Food Security**

## 2.1 LAND AND LAND ALLOCATION/ACCESS

### Related APRM objectives

**DPG objective 1:** Reduce intra-state and inter-state conflicts.

**SED objective 4:** Ensure affordable access to water, sanitation, energy, finance (including microfinance), markets, information and communication technology (ICT), shelter and land for all citizens, especially the rural poor.

### Related action items from Lesotho's NPOA

**DPG objective 1:** Improvement of land governance and management.

**SED objective 4:** Development and provision of improved infrastructure in particular the rural sector.

### Related Cross-Cutting Issues identified in Lesotho's CRR

- Unemployment and Migrant Labour

Concerns with land, including access for citizens and non-citizens, and its allocation processes, are recognised as some of the major issues affecting social and economic development in Lesotho. In this connection, the CRR has recommended that the country:<sup>31</sup>

Review the Local Government Act of 1997 (as amended in 2004), particularly with regard to the allocation of land and the functions of the chiefs. A compromise arrangement would be to restore fully the chiefs' allocation functions within the context of the new councils. This could be done by having the chiefs preside over the councils' land-allocation sessions. The councils would provide technical services, including a secretariat, land surveying and the registration of title, once the decisions on land allocation have been made.

Lesotho's land tenure system is communal and entrenched in the country's constitution.<sup>32</sup> According to the legal provisions, all land in the country belongs to the Basotho, and is kept in trust for them by the king.<sup>33</sup> The citizens have a constitutionally protected right to almost free access to land, and to use it for different purposes. This right has its origins in the history of the country, where each male citizen, as head of a household, is entitled to various pieces of land for purposes such as residence (housing), crop production and livestock grazing. The new land act passed in 2010 retains these principles. It also contains new provisions that seek to accommodate current and future economic needs of society.

According to various analyses of Lesotho's economic challenges, and of the land administration system in particular, the land tenure model that the country uses is an attributing factor to underdevelopment. However, opinions differ on this matter, as others argue that the system is equitable and has contributed to the economic security of many poor Basotho. The Lesotho CRR also identifies this issue as needing attention. The following points are important to highlight some of the core challenges of the land tenure system and its management in the country:

- **Differentiated access to land:** The traditional tenure was designed to ensure the economic protection of citizens by guaranteeing access to land as a resource. However, a growing population has placed pressures on the land and has led to an increasing problem of landlessness and differentiated access to land. Landlessness is the result of the unavailability of fallow land for allocation to new households and individuals – traditionally in the form of a residential site and three fields. Further, non-Basotho, some of whom would have the requisite resources to use land productively, were excluded from the land tenure model.
- **Declining land resource because of erosion and other factors:** This has contributed to the growing problem of landlessness and increased competition for this resource. With the country's



arable land estimated at less than 10% and declining, the management of this resource has become an issue, with both allocation and use being highlighted as problems.

- **Conflict between chiefs and other land-allocation authorities:** The administration of land in Lesotho has traditionally been vested in the chieftaincy, with each community responsible (through the chief) for allocating its land. However, because of factors such as development needs and migration of people from one locality to another, government has interfered increasingly in this system for the purposes of planning, service delivery and efficiency. This has resulted in growing tensions between the state and traditional authorities on land management. Various laws – some directly seeking to deal with land issues and others regulating the roles of chiefs and their relations with the state – have been developed in the past to address this issue of land management. However, these laws have continued to be the subject of conflict, resulting in a countrywide problem of social tensions around land.

It is in this context that the Land Act of 2010 was passed, in line with the recommendation of the APRM that Lesotho review this issue. The act is currently in the process of implementation. The discouragement of capital formation is one of the problems to which the tenure and management system has been argued to contribute. This is both through the local use of land as a commodity; and through the insecurity of the tenure system that discourages both local and external investors.

According to the APRM Lesotho Implementation Report, 'the administrative management of land allocation, which was identified as needing attention in the CSAR, was reformed by enacting the new Land Act and the establishment of the new Land Authority.'<sup>34</sup> The act provides for a lessee-hold system that streamlines land management. It establishes a Land Authority responsible for land issues, such as land allocation, management, fees and transfers. The act also introduces universal lease documentation as the basis for land 'ownership'. This may be transferred and used as a commodity; and allows for non-Basotho to have

shared ownership of leased land under specific provisions. These were recommendations of the APRM and have been reported as an achievement in the country's APRM Implementation Report.

The Land Act of 2010 provides the basis for stimulating economic activity by 'freeing' land for commoditisation. This ensures security of tenure, limits land accumulation or land grabbing, and encourages foreign direct investment in the country.

The issue of land, including its management, use and allocation, is a main source of conflict and debate in Lesotho. The Lesotho land tenure system is viewed as responsible for the low level of development in the country over the past centuries, as it discouraged capital formation. However, the communal nature of access to land and the allocation of this resource as a right for every adult (male) citizen is also seen as a source of economic security and national identity. Various attempts by government to deal with these challenges have resulted in public outcries and conflict between traditional leadership and the state.

The introduction of the leasehold system in the Land Act of 2010 Implementation Report is seen as a positive development by its proponents that will remedy the economic problems of the country. However, its opponents see it as a means to dispossess the Basotho of their birthright and a cause of future landlessness and poverty. It remains unclear to what extent the new system will also address the conflict between chiefs and the state in regard to land allocation and management, as well as inter-communal conflict over land resources which are managed by chiefs.

Many traditionalists continue to look upon the new act as eroding the Basotho way of life. Government has been accused of selling off the country to foreigners. The possibility of land being bought and sold, and the payment of ground rent are highlighted as a possible cause of poverty and landlessness. Those who cannot afford the rent will be forced to sell, which will leave them landless and even more vulnerable. The 'use it or lose it' principle, which gives powers to authorities to dispossess lease holders of their right to land for not using it, is seen as another effect of the act that will promote poverty.<sup>35</sup>



### **RATING: ORANGE**

**The evaluating group felt that the legal framework and institutions under the Land Act of 2010 constitute positive achievements. However, they awarded an orange rating because these arrangements are still new and their operation is yet to be tested.**

### **Recommendations**

The recommended solutions to the land issue in Lesotho include the following, some of which the new Land Act of 2010 has taken into account.

- Revisit and review the automatic qualification for access to land. Revise the right to allocation of land to take into consideration the needs of both citizens and society. This includes provisions for the passing of land from one person to another; and for non-nationals' rights to land (under specific conditions).
- Introduce a 'use it or lose it principle' to allow for a system to track the use of land and limit it to stipulated purposes, such as residential or agricultural use, and to provide for the forfeiture of it in the event of non-usage.
- Provide for the commodification of land through a lease system, where the right to land is both limited, rather than permanent, and convertible into a market commodity.



## 2.2 POVERTY

### Related APRM objectives

**SED objective 2:** Accelerate socioeconomic development in order to achieve sustainable development and eradicate poverty.

**SED objective 4:** Ensure affordable access to water, sanitation, energy, finance (including microfinance), markets, information and communication technology (ICT), shelter and land for all citizens, especially the rural poor.

### Related action items from Lesotho's NPOA

**SED objective 2:** Poverty reduction.

**SED objective 2:** Increase of social security.

**SED objective 2:** Increase of youth employment.

**SED objective 4:** Development and provision of improved infrastructure in particular the rural sector.

**SED objective 4:** Provision of poverty sensitive tariff structures for all utilities.

**SED objective 4:** Improving access to micro-credit.

### Related Cross-Cutting Issues identified in Lesotho's CRR

- Unemployment and Migrant Labour

Poverty in Lesotho is widespread. Over half the population of 1.8 million people live below the poverty line, with an estimated 80% living in the rural areas.<sup>36</sup> This is despite years of government programmes and development aid aimed at reducing poverty. Lesotho is one of only 18 developing countries that registered lower scores on the Human Development Index in 2006 than in 1990; moving from 127<sup>th</sup> to 149<sup>th</sup> place.<sup>37</sup> In its 2008–12 UNDAF document, the UN notes that:<sup>38</sup>

Lesotho's human development indicators have worsened rapidly over the last decade because of the increased mortality associated with HIV and resulting Aids-related deaths since the 1990s. In 1997, the average newborn in Lesotho had a life expectancy of 56 years (UNDP, HDR 1999), which was projected to rise steadily to 60 years in 2001. But, owing to the effects of high HIV prevalence, overall life expectancy has been reduced to 35.2 in 2004 (UNDP, HDR 2006). Average incomes have also been falling during this period. As a result, Lesotho's overall position in the UNDP human development index ranking fell steadily from 127 out of 174 countries in 1998 to 137 in 2003, then to 149 out of 177 countries in 2006.

According to the United Nations Development Programme (UNDP) *Human Development Report* for 2005, over half the Basotho are classified as poor. Over 36% live on less than \$1 per day and 56% on less than \$2 per day.<sup>39</sup> Lesotho is one of 50 countries currently identified by the UN as a least-developed country. This designation indicates a high rate of poverty; weak 'human assets' based on health, nutrition and education indicators; and high economic vulnerability based on indicators of unstable agricultural production and exports, inadequate diversification and economic size.

Lesotho is influenced significantly by political and economic changes in South Africa. A continuous decrease in the number of Basotho employed by the mining industry in South Africa, from 130 000 in 1984 to 62 125 in 2002, has pushed unemployment rates to over 50%.<sup>40</sup> Few local jobs are available for the average 25 000 young people who enter the work force each year.<sup>41</sup>

Since independence in 1966, internal political struggle has taken a toll on Lesotho's economy and infrastructure development. Political conflict has affected the country's efforts to reduce and eventually eradicate poverty. Following the national

elections of 1998 accusations of election fraud resulted in riots and serious damage to commercial infrastructure. The APRM CRM reports that:

despite its physical constraints and the limitations on independent economic policies, Lesotho's policy framework and development strategies have been generally successful in maintaining macroeconomic stability and promoting economic growth. The real gross domestic product per capita grew at an average annual rate of 3.86 % between 1990 and 2006. At the same time, the macroeconomic framework has helped Lesotho to control inflation at a low single-digit<sup>42</sup> rate over most of the last decade. Moreover, the country has maintained fiscal and account surpluses since around 2004.

The public budget, however, is characterised by high dependency on aid and revenue from the Southern African Customs Union,<sup>43</sup> as well as by low implementation rates – particularly with regard to capital expenditure. From year to year government departments usually report underspending of the budget. This tends to give the impression of fiscal prudence. However, in reality it reflects the limited capacity of line agencies to implement their budgets.

The following dimensions of poverty form an intricate relationship to make the poor vulnerable and often unable to cope with their situation:<sup>44</sup>

- **Poverty of resources:** Limited physical and economic resources restrict the ability of people to use their environment to meet their basic needs.
- **Poverty of capacity:** Low levels of education and skills limit both the thinking about and development of solutions to poverty.
- **Poverty of spirit:** A general belief of those living in poverty, or those who are vulnerable to it, that poverty is a permanent state, and their subsequent acceptance of it as an unchanging reality. This retards their ability and willingness to fathom new and innovative ways to deal with their economic realities.

According to the Regional Hunger and Vulnerability Programme:<sup>45</sup>

South Africa and Lesotho have succeeded in helping their citizens out of hunger and poverty using

instruments such as old age pensions and child grants believing small regular amounts of cash in the hands of the poor can make a huge difference. ... The Lesotho Old Age Pension has helped address chronic poverty and vulnerability in the country because it reached all citizens over the age of 70. The high number of HIV/Aids-affected children living with older people who did not have a secure income motivated the introduction of the pension in 2004.

The introduction of the pension has been highlighted as cause for optimism. However, it appears that Lesotho will not meet its commitment under the MDGs to halve poverty by 2015 – which is in less than four years; and will not fulfill its vision of prosperity, democracy, peace and stability by 2010. In the first three months of 2011 alone, the prices of various commodities crucial to the wellbeing of the poor, such as fuel, electricity and water, have increased by more than the national inflation rate of 5–10%.<sup>46</sup> This has raised the spectre of higher inflation rates that will increase the hardship already faced by many as a result of the international economic crisis.

There is also growing opinion that one of the negative effects of the new Land Act of 2010 will be an increase in landlessness among the poor and will remove the main safety net that many poor families have as a last resort in terms of poverty. The perceived discrepancy in the living standards of the rich – particularly public figures – is also a serious threat to the ability of the poor to cope with the changing economic environment brought on by unemployment, inflation and retrenchment.<sup>47</sup>

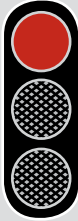
This general perception has led to the politicisation of poverty. In May 2011 a national protest presented government with a series of petitions from youth, transport operators and labour unions. This initiative was sparked by the recent national budget estimates, which announced a salary freeze in government employment and cost increases in basic commodities.

Lesotho requires effective leadership and long-term vision to deal with developments like these and the recommendations contained in the APRM NPoA. This will enable it to mobilise localised initiatives, such as the infrastructure development schemes known as *fato-fato* (literally 'scratch-scratch'), to advance beyond short-term job opportunities

to long-term, sustainable employment. Although the Poverty Reduction Strategy Paper, National Vision document and MDGs provide a framework and possible staging base for this, the integration of these into a concerted policy strategy appears to be missing. Perhaps the recently initiated NDP programme will address this weakness.

According to Wilson and Mapetla, 'the MDGs remain the foundation of Lesotho's Poverty Reduction Strategy, a three-year medium term development framework for the years 2004 – 2007, which explicitly sets national priorities and strategies for promoting economic growth and reducing poverty.'<sup>48</sup> The APRM does not explicitly refer to poverty as a major problem in the country (at least not one that is reflected explicitly in the NPoA). However, government's proposal of various initiatives, such as the current

block-farming programme<sup>49</sup> of the Ministry of Agriculture and Food Security, are geared towards ensuring the upliftment of the standards of living for the rural poor. It is important that government improve the formulation and implementation of policies that address poverty. As this is an issue that cuts across sectors, it would need to involve policies undertaken in various sectors.



**RATING: RED**

**The evaluating group opined that Lesotho has performed poorly in terms of addressing poverty, and therefore awarded a red rating.**

### Recommendations

- Improve, or revise where necessary, the streamlining or co-ordination and implementation of policies with the PRS.
- Develop and implement initiatives that specifically address the needs of the growing urban poor including:
  - revising and ensuring the strict implementation of the minimum wage provisions; and
  - improving inflation targeting and management strategies to cushion them from frequent price shocks.
- Develop and implement policies to reduce poverty in rural areas including:
  - improving subsidies for farmers and other producers as well as for citizens in the health sector;
  - regulating prices, especially in the transport, energy and educational sector (including the FPE); and
  - improving land allocation and agricultural capacity-building practices, along with resource allocation and improving access to micro-credit, for rural dwellers.

## 2.3 FOOD SECURITY

The Lesotho CRR does not address food security as a separate issue, although it is mentioned briefly in paragraph 84. There are no action items in the NPOA that deal directly with it, although food security is directly related to questions of land allocation and land usage. This issue is, however, mentioned in the APRM Implementation Report.

### Related APRM objectives

**SED objective 4:** Ensure affordable access to water, sanitation, energy, finance (including microfinance), markets, information and communication technology (ICT), shelter and land for all citizens, especially the rural poor.

### Related action items in Lesotho's NPOA

**DPG objective 1:** Improvement of land governance and management.

**SED objective 4:** Development and provision of improved infrastructure in particular the rural sector.

*'Mphe-mphe ea lapisa; motho o khonoa ke sa hae'* (Give me, give me causes hunger; one prospers only from one's own [resources, efforts, etc]).

**Sesotho proverb**

Declining productivity and the reduction in arable land pose challenges for food security. As noted, Lesotho is a predominantly rural economy with about 76% of the population dependent on agricultural land. Low incomes coupled with the HIV/Aids pandemic have worsened food insecurity among the Basotho. Lesotho produces only 30% of the food required to feed its population in a normal year. The agricultural sector is vulnerable to the vagaries of the weather, and the country needs additional food assistance in drought years.<sup>50</sup>

Lesotho's inability to provide food for its population has been a perennial problem, with some of the earliest (non-crisis) records dating as far back as the 18<sup>th</sup> century. This has been attributed variously to political,<sup>51</sup> socio-cultural<sup>52</sup> and economic factors.<sup>53</sup> These have included the mountainous geography of the country, with its limited cultivable land; the proportion of national land amenable to cultivated agriculture (estimated at 9–13 %); misguided national policies and the incompatibility of the environment with modern mechanised cultivation; Basotho culture, including the use of young boys to manage agricultural resources; and

the absence of male Basotho from the country for extended periods as migrant workers. This may be summarised thus:<sup>54</sup>

globalisation and scientific development appear to have had little impact on sustainable food production in Lesotho. Food shortages place severe demands on the country's limited resources. According to a joint report of the Food and Agriculture Organisation of the United Nations and the World Food Program (2007), approximately 401 000 Basotho will be in a food deficit during 2007/08. Most Basotho are subsistence farmers; however, arable land is limited and less than 10% of the country is presently under cultivation. Erratic rains and recurrent droughts, rugged topography, severe soil erosion, and lack of sustainable land management practices further exacerbate the negative trend in per capita food production.

Presently Lesotho is able to meet only a small portion of its food needs, importing the majority of its consumption from South Africa. The periodic crises arising from crop failure (mainly due to drought) are but an indication of the vulnerability of the country to food insecurity.


Some progress, however, has been made

to address the issue of food insecurity and the problems associated with arable land. According to the APRM Implementation Report:<sup>55</sup>

In terms of progress with regard to enhancing agricultural productivity, eight district horticulturists were trained, two irrigation schemes were completed and 100 youth volunteers were engaged in agricultural projects during the reporting period. Further, to ensure self-sufficiency in food production, improved merino sheep stock was introduced; surveillance and food (sic) and mouth disease is ongoing whilst scab control campaigns were also carried out on an on-going basis.

However, it remains unclear whether the reported developments will assist in alleviating the country's

food security problems. This is mainly because Lesotho continues to operate a subsistence agricultural economy, and the sustainability of these initiatives remains in question in the absence of a comprehensive national food security policy.



**RATING: ORANGE**  
**The evaluating group felt that the unco-ordinated approach to food security in the absence of a national policy warranted an orange rating.**

## Recommendations

The evaluating group felt it important for government to develop a national food security strategy and policy. This should include the following:

- Reflect an understanding of food security as relating to more than mere stockpiles of food.
- Guard against crop failure and take into account access to food for the majority of the population by creating an efficient distribution system.
- Establish the availability of food, meaning the steady and regular offering of food; and affordability within the budgets of the average consumer.
- Consider the appropriateness of the available food, meaning its relevance (cultural tastes) and nutritional value.
- Establish a food reserve strategy at national level.
- Innovation and commodification of foodstuffs that go beyond grain production and subsistence to stimulate production for trade. Food security should not be equated with self-sufficiency or food sovereignty, but rather with the ability of the country to use its produce to secure what it needs.
- Trade and specialise in the production of food crops appropriate to the climatic conditions of the country and its strategic regional/international location for trade and exchange.
- Remove the politicisation of food security issues or initiatives intended to improve food security.





# 3 GOVERNANCE

Lesotho's governance system combines the existence of traditional leaders (chiefs) with modern democratically elected governing institutions. This system, however, results in political conflict on a number of levels. Firstly, there is a power struggle between the elected and traditional leadership, often causing destabilisation. Secondly, intra-party conflicts manifest in party splits as well as floor-crossing. Thirdly, pre-election and post-election conflict is prominent, characterised by violence, political intolerance and personal attacks. Besides this, corruption remains a serious governance issue, with public perceptions of favouritism and nepotism, coupled with an Anti-Corruption Unit and oversight bodies that do not perform their duties effectively.

**The four sub-themes in this section are:**

**3.1 Traditional leadership**

**3.2 Corruption**

**3.3 Elections**

**3.4 Conflict management**

### 3.1 TRADITIONAL LEADERSHIP

#### Related APRM objectives

**DPG objective 2:** Promote constitutional democracy and the rule of law.

**DPG objective 3:** Promote and protect economic, social and cultural rights, and civil and political rights.

#### Related action items from Lesotho's NPOA

**Country-specific issues 2:** Traditional Governance: Rationalisation of roles, functions and responsibilities of chiefs versus local authorities.

**Country-specific issues 2:** Traditional Governance: Increase effective community participation in policy arena (formulation, implementation and monitoring).

The CRR recommends the following in relation to traditional leadership:<sup>56</sup>

Review the Local Government Act of 1997 (as amended in 2004), particularly with regard to the allocation of land and the functions of the chiefs. A compromise arrangement would be to restore fully the chiefs' allocation functions within the context of the new councils. This could be done by having the chiefs preside over the councils' land-allocation sessions. The councils would provide technical services, including a secretariat, land surveying and the registration of title, once the decisions on land allocation have been made.

Basotho chiefs, together with their head (the monarch), continue to play an important role in the lives of their people. They appear to have been integrated successfully into the modern bureaucratic state – complementing it and providing specialised functions that the bureaucracy is not geared to address. The centrality of the chieftaincy to the lives of many Basotho, particularly at the local level, may be found in their facilitation of the following:

- Access to services of the state, such as passports and other official documentation.
- Access to land for various purposes, such as for housing, agriculture and burial.
- A range of socio-cultural activities, including funerals and other social activities.

Furthermore, individual Basotho continue to take and express great pride in identifying with their

chiefs as 'a subject of Chief so-and-so'.

The problems identified with reference to chiefs relate to their place and function in governance within the modern, elected system. Specifically these relate to their role in conflict management, their role in maintaining community order and their role in the allocation and management of access to land.

These roles are understood with regard to traditional leaders' relationships with their subjects or the broader citizenry on the one hand, and elected local government structures (and through these, their relationship with the central government) on the other. The problems revolve around the political power struggle between elected and traditional or hereditary leadership in the exercise of power and provision of services that citizens need. The CRR puts this thus:<sup>57</sup>

The powers and the roles of the democratically based local governance structures appear to have generated a sense of alienation, marginalization and insecurity on the part of some of the chiefs. The competition for power, resources and support of communities between chiefs and elected council officials have the potential to degenerate into conflict, and thereby constitute a source of destabilisation.

Further:<sup>58</sup>

The CSAR deplors the loss of Lesotho's traditional conflict management practices and institutions and suggests that efforts be made to restore and revive them. In particular, the traditional role of chiefs in preventing and managing conflicts in their communities must be enhanced.

## Recommendations

The evaluating group adopted the recommendations of the CRR without revision.<sup>59</sup> These were to:

- Review the Local Government Act of 1997 (as amended in 2004), particularly with regard to the allocation of land and the functions of the chiefs.
- Strengthen the capacity of chiefs for modern leadership and conflict management, taking into account the efficacy of traditional conflict management systems.
- Initiate strategies and training in order to build capacity and mainstream women and the youth in conflict prevention and management.
- Strengthen the capacity of political parties for managing conflicts, and develop strategies and deepen capacity for inter-party dialogue, negotiation and consensus building.
- Strengthen the capacity of the Independent Electoral Commission (IEC) for managing conflicts, and continue with negotiations to refine the MMP and obtain the consensus of stakeholders.
- Develop a code of conduct for political parties to redress the problem of intra-party and inter-party conflicts.



## RATING: ORANGE

**The evaluating group recognised the advances made in terms of plans, policies and establishment of mechanisms. However, they felt that execution or implementation was more important in dealing with the issues. Therefore the limited implementation thus far, together with the still relatively new revisions to the land administration and election-related aspects of traditional leadership, warranted an orange rating.**



## 3.2 CORRUPTION

### Related APRM objectives

**DPG objective 5:** Ensure the accountability, efficiency and effectiveness of civil servants and other public office holders.

**DPG objective 6:** Fight corruption in the political sphere.

**EGM objective 4:** Fight corruption and money laundering.

### Related action items from Lesotho's NPOA

**DPG objective 5:** Establish systems and mechanisms to fight corruption and slow implementation of improvements within the public service.

**DPG objective 5:** Enhancement of the capacity of public office holders' and civil servants' accountability, efficiency and effectiveness.

**DPG objective 5:** Compliance with financial rules, regulations and procedures.

**DPG objective 6:** Fighting Corruption in the public sector and Political institutions.

**DPG objective 6:** Built capacity, cooperation, coordination and effectiveness of anti-corruption agencies (sic).

**EGM objective 4:** Improved efforts geared towards the fight against corruption and money laundering.

**EGM objective 4:** Public sector reform programmes aiming at improving public sector effectiveness and accountability.

### Related Cross-Cutting Issues identified in Lesotho's CRR

- Public accountability and corruption

Corruption – both petty and grand, and covering both the public and private sectors – continues to be a major cause of concern in Lesotho. Not a week passes without reports in the media of police and other public officials, as well as operators in the private sector, being involved in corrupt activities. The CRR notes that:<sup>60</sup>

despite ... notable developments with regard to democracy and good political governance, Lesotho still faces a number of political challenges ... [including] the perception that corruption is growing and is not being effectively checked.

According to Transparency International, corruption involves 'behaviour on the part of officials in the public sector, whether politicians or civil servants, in which they improperly and unlawfully enrich themselves, or those close to them, by misuse of the public power entrusted to them.'<sup>61</sup> Activities considered corrupt

may involve bribery, embezzlement, fraud, extortion, favouritism or nepotism.<sup>62</sup>

- **Bribery** is the payment of money and the provision of services outside official channels to influence official decisions.
- **Embezzlement** is the theft or misappropriation of public resources by officials.
- **Fraud** is the acquisition of services or resources based on the presentation of false information, trickery, swindle or other forms of deceit.
- **Extortion** is the extraction of money and other resources by use of coercion, violence or threat thereof.
- **Favouritism** is the provision of services or access to resources for clients on the basis of subjective or personal grounds not related to established criteria.

- **Nepotism** is a special form of favouritism in which the officeholders prefer their relatives and family members in job appointments.

The CSAR acknowledges that corruption is entrenched through the absence of public accountability. The Auditor-General and the minister of finance and development planning acknowledge that public accounts have been in a poor state for the past 30 years. The periods of one-party and military rule have eroded any semblance of public accountability, and this situation has barely improved since the restoration of multiparty democracy in 1993. For instance, the Auditor-General did not produce any reports between 1996 and 2001. The problems regarding auditing and reporting persist, and, in 2009, parliament is only now debating the 2003/2004 audit reports, while those for 2004/2005 and 2005/2006 have just been submitted. The past few years have also seen increasing cronyism and corruption. A scandal involving the sale of official cars at greatly discounted prices to public officers who had been using them has been perceived by the public at large as a sign of the official tolerance of corrupt practices. This is coupled with perceptions that public procurement is tainted by favouritism and nepotism.<sup>63</sup>

Various institutions have been established to monitor performance of public sector institutions. These include offices of the auditor-general, the

Ombudsman, the Directorate on Corruption and Economic Offences, the Directorate of Public Sector Effectiveness in the prime minister's office and the Public Accounts Committee (PAC) in parliament. However, these institutions have not met expectations in their duty to combat corruption and promote accountability in the country. This is due to difficulties such as a lack of both human and financial resources, and limited autonomy. In addition, their mandates do not provide for follow-up mechanisms with effective sanctions.

Still, the APRM Implementation Report concludes that:<sup>64</sup>

under the ... thematic area of Democracy and Political Governance, achievements included the strengthening of the anti-corruption agency, [and] implementing public financial management reforms through introducing the new Integrated Financial Management Information System.



### **RATING: RED**

**Despite the existence of institutions and laws to deal with corruption, the evaluating group felt that a red rating was deserved because of the poor performance in execution.**

## **Recommendations**

- Government should reinforce the independence of the auditor-general and reduce the avenues for political manipulation. This could be done by removing this office from the Ministry of Finance and Economic Development and by making it accountable or answerable directly to parliament.
- Review the process by which the recommendations of the auditor-general and the PAC with regard to corruption findings are to be implemented and followed up, including possible sanctions for non-compliance.
- Strengthen the office of the Ombudsman and other oversight institutions to include the ability to impose and enforce sanctions and to initiate and enable follow-up mechanisms.
- Parliament should immediately implement the 'Declaration of Assets', as well as a wider code of conduct, for members of parliament and other public officials.
- Further strengthen the effectiveness of the Directorate on Corruption and Economic Offences by enacting laws or provisions to protect whistle-blowers from undue persecution.

### 3.3 ELECTIONS

#### Related APRM objectives

**DPG objective 1:** Reduce intra-state and inter-state conflicts.

**DPG objective 2:** Promote constitutional democracy and the rule of law.

**DPG objective 3:** Promote and protect economic, social and cultural rights, and civil and political rights.

#### Related action items from Lesotho's NPOA

**DPG objective 1:** Institutionalisation of conflict management.

**DPG objective 1:** Institutionalisation of democratisation process.

Elections are often seen as a basic element of democracy, laying the foundation for the relationship between government and citizens. However, in Lesotho elections have proven to be one of the most problematic practices, often associated with social and political conflict, personal insecurity and general public instability.

Lesotho's experience with electoral politics may be traced to the mid-1900s, when the spirit of national self-determination was lit by the struggle for independence. Since the first poll in 1960 the country has held a total of ten elections at national and local government levels. All have resulted in public tension and sometimes violence, with the aftermath of the 1970 and 1998 general elections being the most violent and destructive in both human and economic cost.<sup>65</sup>

There are a number of problems regarding election-related conflict. Pre-election atmosphere is often steeped in personal attacks and an air of insecurity. These conditions threaten the freedom of parties and citizens to mobilise for support and deliver their political messages to the electorate. Post-election conflict is often framed in terms of 'cheating' and unfairness of the electoral process.

Losing parties refuse to accept the results of the poll, and therefore resort to extra-electoral (that is, legal as well as extra-legal) solutions, including violence.

The country adopted an MMP electoral model in 2001 to address some of the core issues identified as contributing to this state of affairs.<sup>66</sup> According to the APRM Implementation Report, 'the introduction of this model has brought relative stability. Nevertheless, implementation of this model [also] brought some teething problems with regard to the allocation of seats on the proportional representation side of the mode.'<sup>67</sup>



#### RATING: ORANGE

**The evaluating group felt that despite the positive achievements in this issue, the inability of the country to consolidate its gains, and the resulting fragility of their entrenchment, meant that the country should get an orange rating.**

#### Recommendations

The following recommendations of the CRR are worth emphasising, as they lie at the heart of addressing some of the core challenges facing electoral management in Lesotho.<sup>68</sup>

- Strengthen the capacity of the IEC.
- Reform or refine the electoral system by closing the provisions that allow for manipulation.

- Enhance the independence of the IEC.
- Review electoral law.

The evaluating group felt that these could be further elaborated and strengthened in the following manner:

- Review the electoral law to address issues so far left out, including funding for political parties and electoral campaigns. This would help to level the playing field for parties participating in elections and would limit corruption – especially the declaration and possible limitation of party financing. A review should also be conducted on the use of public resources by incumbent politicians, mainly ministers, during elections.
- Review and strengthen the independence of the IEC. This would include immediately empowering it with recruitment and personnel management autonomy.
- Train IEC personnel in all areas central to electoral management – particularly in the administration of the complex MMP electoral model.
- Capacitate the IEC for more systematic civic education, particularly voter education.
- Formalise and institutionalise the current committees of the IEC, including the Monitoring Committee and Conflict Management Committee.
- Strengthen political parties' capacity in and commitment to inter-party and intra-party democracy and conflict management.

### 3.4 CONFLICT MANAGEMENT

#### Related APRM objectives

**DPG objective 1:** Reduce intra-state and inter-state conflicts.

**DPG objective 2:** Promote constitutional democracy and the rule of law.

**DPG objective 3:** Promote and protect economic, social and cultural rights, and civil and political rights.

#### Related action items from Lesotho's NPOA

**DPG objective 1:** Institutionalisation of conflict management.

**DPG objective 1:** Institutionalisation of democratisation process.

**DPG objective 2:** Improvement of the administration of justice.

**DPG objective 3:** Improving accessibility and enjoyment of human rights.

Lesotho struggles primarily with political conflict, specifically election-related conflict. The country faces a number of political challenges in this regard. The first major challenge relates to the internal management of political parties and the interactions among them. Intra-party conflicts persist and are manifested in continuing party splits and floor-crossing by members of

parliament. Inter-party rivalries are seen in continuing allegations of manipulation of the MMP electoral system by political parties during and after the 2007 elections. There have been accusations that certain parties had formed less-than-transparent political alliances with others to increase their representation in the National Assembly. This led to the appointment of Botswana's former president, Sir

Ketumile Masire, as a Southern African Development Community (SADC) special envoy charged with mediating among the political parties to solve the inter-party disagreements. SADC feared that the discord among the parties would lead to an escalation that could result in conflict which would destabilise the country, render the political system fragile and reverse the progress made on good democratic political governance. The resurgence of inter-party squabbling since 2007 is yet to be resolved successfully. A combination of these party dynamics has the potential to escalate into full-blown conflict that could detract the government from its normal functions.<sup>69</sup>

The second challenge concerns conflict between traditional authorities and elected officials at local level. The CRR quotes the CSAR as categorising intra-state conflict in Lesotho as follows:<sup>70</sup>

Lesotho has taken important steps to resolve internal political conflict through consultation and dialogue that culminated in the reform of the electoral system. The introduction of the MMP electoral system in 2002 is credited largely with enhancing open dialogue, achieving a more inclusive and broader political representation in the National Assembly, and generally bringing about the relative peace that has prevailed over the last few years. However, there is a strong sentiment for the need to institutionalise local mechanisms, as well as capacity development for dispute mediation and conflict resolution. This should involve the IEC and political parties, the churches, traditional leaders and local non-state actors.<sup>71</sup>

According to the APRM Implementation Report, the MMP appears to have greatly reduced conflict relating to elections and their outcomes, especially inter-party conflict. However, intra-party conflict has not abated. This is seen in the ferocity of contests for party leadership and the frequent splits in political parties – Lesotho has over 20 parties at present. Indeed, already in the CRR it is reported that:

- Institutional conflicts involving the different state structures have been addressed through

security sector reforms that involved the establishment of civil control of the military and the police, in line with the re-establishment of a democratic order in 1993. The reforms carried out from 1996 sought to clarify the command, control and administration functions of the military and introduced a process of depoliticisation and professionalisation of the Lesotho Defence Force. Similar reform measures aimed at improving the organisation, administration and discipline of the police service have also been introduced.<sup>72</sup>

- Efforts towards achieving the strategic goal of preventing and reducing internal conflicts resulted in the training of 150 people in six of the 10 districts of Lesotho in restorative justice. The role of non-state actors, such as CSOs and faith-based organisations, in conflict management was promoted and recognised. These home-grown actors in conflict management were deliberately involved in ongoing post-electoral inter-party dialogue in the country.<sup>73</sup>
- In light of the need to institutionalise conflict management in Lesotho, the process of developing a comprehensive national peace architecture has started with, among others, the introduction of restorative justice in the judiciary system. Lesotho has also provided skills to traditional chiefs, community councilors and civil servants in conflict management and resolution.<sup>74</sup>



**RATING: RED**

**The evaluating group felt that Lesotho had failed in conflict management, particularly in the establishment of indigenous and effective systems to deal with the conflicts identified. They thus awarded a red rating.**



## Recommendations

The CRR makes several recommendations to deal with the conflicts identified. The evaluating group felt these needed reiteration, as these conflicts have yet to be resolved.

- Develop a comprehensive national peace architecture that includes structures and institutions for managing national, district and community-level conflicts. This should include the local churches, traditional authorities and other non-state actors.<sup>75</sup>
- Strengthen the capacity of chiefs for modern leadership and conflict management, taking into account the efficacy of traditional conflict management systems.<sup>76</sup>
- Initiate strategies and training to build capacity among women and the youth in conflict prevention and management.
- Strengthen the capacity of political parties for managing conflicts, and develop strategies and deepen capacity for inter-party dialogue, negotiation and consensus building.
- Strengthen the capacity of the IEC for managing conflicts, and continue with negotiations to refine the MMP and obtain the consensus of stakeholders.
- Develop a code of conduct for political parties to redress the problem of intra-party and inter-party conflicts.<sup>77</sup>
- Establish and consolidate local mechanisms and capacity development for dispute mediation and conflict resolution. There is a strong feeling that the Basotho are capable of resolving their political differences. The mechanisms should involve the IEC and political parties, the churches, traditional leaders and local non-state actors.<sup>78</sup>





# 4 SERVICE DELIVERY

**E**ducation and HIV/Aids are the two issues that have been identified with regard to service delivery. The National Vision 2020 document notes the country's weak service delivery culture:<sup>79</sup>

The challenges that the Kingdom still has to contend with are: empowering the legislature to carry out the oversight function, improving the judiciary to deal with the delays in the justice system and strengthening the public service for effective service delivery and accountability.

There are concerns about the quality of available education, particularly the FPE. There are also questions about whether the educational system meets the national requirements for manpower and skills. The prominence of the HIV/Aids issue is due to Lesotho having the third-highest adult HIV prevalence in the world. This poses a considerable threat to the country, given its small population and slow population growth rate. Although antiretroviral therapy (ART) currently stands at 57% national coverage, other challenges remain. These include the causation between HIV/Aids and poverty.

**The two sub-themes in this section are:**

**4.1 Education**

**4.2 HIV/Aids**

## 4.1 EDUCATION

### Related APRM objectives

**DPG objective 8:** Promote and protect the rights of children and young persons.

**SED objective 3:** Strengthen policies, delivery mechanisms and outcomes in key social development areas, including education for all, and HIV/Aids and other communicable diseases.

**SED objective 5:** Progress towards gender equality in all critical areas, including equal access to education for all girls at all levels.

### Related action items from Lesotho's NPOA

**DPG objective 8:** Empowerment and development of the youth.

**SED objective 3:** Improvement of access, quality and outcomes of education systems at all levels.

**SED objective 5:** Affordability and accessibility of education.

An efficient education system that fulfils the socio-cultural and economic needs of the population is key to national development in any country. Lesotho has been traditionally among the most educated societies in Africa, with a high literacy rate of 82% among adults in 2002.<sup>80</sup> In the past 10 years, the country has operated an FPE policy intended to maintain and improve this status. This has seen the number of schools in the country increase significantly, together with school enrolment rates, especially in the primary sector.<sup>81</sup> Indeed, the National Vision 2020 document identifies education as one of the seven main pillars to achieving its goals. Government continues to prioritise the education sector, which receives one of the highest allocations from the national budget,<sup>82</sup> at 25%.

However, the standard of higher education, both academic and vocational, has declined and continues to face challenges of relevance, particularly to the economic needs of the country. Foundation or pre-primary education has not fared any better. The CRR reports that:<sup>83</sup>

there have been laudable successes in the areas of primary education, but far less so at the preschool, secondary and tertiary levels. Total net enrolment rates for the primary education level were about 72 % in 2006. Enrolment for girls is generally higher than for boys at all levels, except at the primary level, where gender parity has been reached. The government introduced free primary education in 1999, and started implementing the policy in 2000 by gradually abolishing

school fees. More than one million textbooks and other teaching materials were supplied free of charge to schools. The annual budgetary allocations for education were also progressively raised, from 18 % in 2003/2004 to 26 % in 2007/2008. To provide incentives for increased enrolment, primary school children were provided with free meals. Lesotho is heading towards making primary education compulsory.

According to the UN, among the challenges facing education in Lesotho are 'further improving access to education at all levels, and developing a curriculum that responds to the national development priorities, thus promoting entrepreneurial life, and technical and vocational skills.'<sup>84</sup>

Since the completion of the CRR, these challenges have persisted, and appear to be increasing. In the 2011–2012 budget speech, the minister of finance announced a number of cost-saving measures, including a freeze on new government employment and subsidies for students in the tertiary sector. In the past decade the National University of Lesotho has grappled with a series of transformation exercises aimed at responding to the relevance of its product to national needs, in the face of stagnant or reduced government subvention.

Still, the APRM Implementation Report notes that:<sup>85</sup>

progress has also been registered in the education sector, particularly with regard to enrolment in the preschool and reception classes. 220 reception classes were attached to primary schools and 28 teachers

received certificates in early childhood education. Four home-based resource centres were revived bringing the total to 61 and three home-based resource teachers were trained. These initiatives are strongly supported by the Education Act of 2009 which guarantees access to primary education for every child.

Government has further initiated revisions to the national school curriculum, but the effects of these changes are yet to be apparent.



## **RATING: ORANGE**

**Although the evaluating group felt Lesotho had performed well in terms of increasing access to education, concerns over the quality and relevance of education warranted an orange rating.**

### **Recommendations**

- Review the 'supply side' of the education equation, especially the training, equipment and remuneration of teachers, in order to improve quality.
- Recognise and provide for the training of teachers in a multiplicity of scarce skills to enhance their delivery. This is particularly with regards to training in special education to enable teachers to adequately service the disabled.
- Expand the number of special education programmes offered at regular schools and the special schools available in the country, particularly in rural areas.
- Institute a regular assessment of school performance (schools league) as a way to encourage excellence.
- Introduce and/or strengthen entrepreneurship education at various exit points of the educational system, so that each transition does not only function as a feeder onto the next stage.
- Introduce early career training and guidance as part of the regular curriculum.
- Design and implement a comprehensive national manpower development strategy based on a thorough assessment of the nation's skills needs.
- Review the school curriculum to harmonise with international and regional systems, especially with neighbouring South Africa.



## 4.2 HIV/AIDS

### Related APRM objectives

**SED (objective 3):** Strengthen policies, delivery mechanisms and outcomes in key social development areas, including education for all, and HIV/Aids and other communicable diseases.

### Related action items from Lesotho's NPOA

**SED objective 3:** An integrated and holistic approach to combating HIV/Aids.

**Country-specific issues 4:** HIV/Aids: Development of HIV and Aids competent nation.

### Related Cross-Cutting Issues identified in Lesotho's CRR

- The Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (Aids) pandemic.

Lesotho has the third-highest adult HIV prevalence in the world, at 23%. According to the National Aids Commission,<sup>86</sup> there are an estimated 62 new infections and 50 deaths each day. The scourge of HIV/Aids is therefore a major threat to the survival of the country, given its small population of 1.8 million and its slow population growth rate of 0.1%. HIV/Aids is drastically undermining efforts to promote good governance in all sectors, as it reduces the supply of a skilled workforce in the public and private sectors. The high incidence of HIV/Aids in Lesotho has become a major cause of poverty. Although the economic consequences of the pandemic have not been analysed fully, preliminary estimates point to the high costs to the economy and public sector.<sup>87</sup>

The fight against HIV/Aids features prominently in a number of other national planning platforms. These include the National Vision document, which highlights the following:<sup>88, 89</sup>

- Ensuring that by the end of 2012, HIV-related policies and programmes are based on evidence and best practices (including support for the regular monitoring of HIV trends through annual HIV surveillance; tracking the coverage of programmes, especially related to treatment, OVC support and HIV prevention; assessment of expenditures, monitoring of behaviour change, as well as availability of HIV prevention and treatment commodities.
- Scaling up the response of people living with HIV and communities to participate in HIV-related policy and programme development and implementation.

The UNDAF document notes the following progress made as of 2008:<sup>90</sup>

The recent Annual Progress Review of the PRS suggests a number of significant achievements. Regarding HIV and Aids: a National Aids Commission has been established; aggressive prevention campaign programmes have been put in place, including the Know Your Status initiative launched by the prime minister; gradually growing numbers of Aids patients have been put on antiretrovirals, and massive resources are being mobilized, including continuing access to the Global Fund for Aids, Tuberculosis and Malaria.

According to the APRM Progress Report:<sup>91</sup>

there are more than one ART centres in each district. Antiretroviral treatment with 57% national coverage is offered in 190 health centres across the country. In order to respond to behavioural needs, the Behavioural Change Communication Strategy was developed and rolled out on a national level. For a country the size of Lesotho, these apparently modest initiatives do have tremendous impact on the lives of the population.

Further:<sup>92</sup>


the Government of Lesotho has developed a Multi-Sectoral National Action Plan on Women, Girls and HIV and Aids. This was in response to the gaps which were identified in the earlier strategy. The Plan was harmonised with the National HIV and Aids Strategic Plan, which in turn has also been revised to prioritise HIV and Aids to make them results based.

In addition, there is a continuous monitoring of the national HIV response through discussions at the tripartite fora of stakeholders (public, private and CSOs). At the same time HIV and Aids programmes specifically targeting inmates and herdboys are under implementation. Government is also implementing the Kick4life programme whose target is the under-twelve children. It does this by organising soccer festivals at district level.

Although encouraging, the above developments belie the fact that HIV/Aids continues to pose a serious threat to society and to the economic development of Lesotho. Indeed, the declining population reported in the CRR and other documents since the last population census has been attributed to this pandemic; and the long-term

socio-economic effects of a growing population of HIV-related orphans are still to be fully understood.

Thus it was the consensus of the participants in the AMP pilot that Lesotho's progress in addressing HIV/Aids, including reducing the prevalence rate by 0.3%, may not be sustainable in the long term.



**RATING: ORANGE**

**The evaluating group noted the progress made in fighting the pandemic, but the country's continued high rates of prevalence in HIV/Aids earned it an orange rating.**

### Recommendations

- Improve research capacity of the National Aids Commission, particularly the capacity of its feeder systems, to track trends in HIV infections and other epidemiological aspects of the pandemic.
- Strengthen the co-ordination of sectoral responses (prevention, treatment and mitigation).
- Consider providing welfare grants to HIV-affected households as a national response.

In addition to the CRR is the recommendation that Lesotho:<sup>93</sup>

- Develop and enact legislation to protect the rights of people living with HIV/Aids, including the inheritance rights of orphans.



# SUMMARY OF FINDINGS

The Lesotho APRM Implementation Report notes that:<sup>94</sup>

availability of resources however, remains the main restricting factor on the activities of the APRM across the government. But the government is convinced that with innovative initiatives, a lot of work can still be done without being unduly constrained by the intimidating budget figures that were proposed during the initial costing of the NPoA.

The AMP exercise in Lesotho has identified 69 recommendations under the themes investigated. These may be divided into three broad categories:

- The first category comprises recommendations that have been identified in the various Lesotho APRM documents (mainly the CRR and NPoA). These recommendations are presented in this report, as participants adopted them with the consensus that they were appropriate and adequate. However, they still need to be highlighted because little or no action has been undertaken to address them.
- The second category of recommendations mainly emanates from APRM recommendations in the CRR and NPoA, but which participants considered needed more elaboration, guidance and specific detail on. They are therefore revised accordingly.
- The third category of recommendations were identified as new by the participants. These mainly relate to issues that were either insufficiently addressed in the APRM process or to those that have been consolidated and highlighted in the AMP pilot exercise as needing urgent attention.

The findings presented above show the following patterns in terms of Lesotho's progress in implementing the recommendations of the APRM:

- The APRM has a low profile in the country, both

in popular and government circles. The overall perception of respondents is that profiling of the APRM and linking it to policy initiatives when they happen has either not been done (particularly by government) or has been done insufficiently – the only records of direct links between policy developments and the APRM being in the Implementation Report. The initiatives that government has taken, even where addressing APRM-related objectives, are often not connected to it in terms of policy or marketing.

- Government's approach to implementing the APRM remains unco-ordinated. This is both in terms of integrating the recommendations of the NPoA into operational plans of ministries, and in terms of linking what has been achieved to a consistent monitoring template. Therefore tracking is also weak.
- The performance of the country in directly addressing APRM recommendations is mixed. It is reflected more in policies and plans than in implementation; and 'default' attainment or achievement of the objectives. This is because initiatives are neither labelled as related to the APRM nor reflective of any direct relationship with it.
- As the APRM Implementation Report notes, the government has prioritised the 'softer' side of APRM recommendations based on the logic that these provide a foundation for the successful implementation of other more technical recommendations. These include recommendations dealing with governance objectives, especially under the theme of DPG.
- Both the CRR and the NPoA have addressed issues that participants in the research felt needed attention as national issues either insufficiently or not at all. These include the elderly, herders and food security concerns.

In this context, therefore, despite some progress (and thus the overall national score of orange minus) in addressing the recommendations of the CRR and NPoA relating to the four themes examined,



there appears to be little direct links being drawn between what has been done and what the APRM recommended. This situation is unsatisfactory for two main reasons.

Firstly, it perpetuates the perception that the APRM is a marginal, rather than a priority, programme in Lesotho. This has its roots in the generally weak appreciation of the place and role of the APRM within the larger scheme of national policymaking and governance reform. Another factor here may be the lack of political leadership and national ownership of the mechanism in Lesotho, with the perception that it is an international initiative rather than a nationally owned project. This weakens the APRM and threatens its sustainability.

Secondly, the situation reflects the weakness of

national policy planning and implementation. There is a lack of co-ordination and mutual synergies among the various national planning platforms. The APRM is only one of a plethora of national initiatives, all seeking to achieve the same result and competing for attention and resources. This duplication of efforts and lack of focus can only weaken the country's efforts at progress and good governance.

The lack of co-ordination, national ownership and leadership threatens not only the APRM, whose major objectives include encouraging these very characteristics in governance. It also threatens Lesotho's path to development, and reduces the possibility of attaining the *melupe* (prosperity) scenario outlined in the National Vision document.

## PHOTO CREDITS

Page 20: Group photo of participants at the AMP–Lesotho Validation & Evaluation Workshop, 23–24 May 2011, Black Swan Guesthouse, Maseru, Lesotho

Page 32: Participants discussing the ratings for Lesotho’s NPoA implementation at the AMP–Lesotho Validation & Evaluation Workshop

Page 41: (top right) Tšoeu Petlane, AMP–Lesotho co-ordinator; (bottom left) Donald Tlaka, UNISA; (bottom right) Dugan Fraser, AMP Scoping Workshop facilitator

Page 47: Tšoeu Petlane discussing governance with participants at the AMP-Lesotho Validation & Evaluation Workshop

Page 51: Left to right: Nchafatso Sello, AMP–Lesotho consultant, talking to Derek Luyt, Public Service Accountability Monitor

Page 53: Tšoeu Petlane handing out SAIIA’s APRM Toolkit to the participants at the AMP–Lesotho Validation & Evaluation Workshop.

Photos taken by: Nicole Beardsworth and Ronald Govender

# ENDNOTES

- 1 This section was adapted from Corrigan T, Mastering the APRM: Creating your Submission: A guide to writing a submission to influence policy. Johannesburg: South African Institute of International Affairs (SAIIA), 2007, p. 1.
- 2 Assembly of Heads of State and Government, 'The New Partnership for Africa's Development, The African Peer Review Mechanism (APRM)', Thirty-eighth Ordinary Session of the Organisation of African Unity, Durban, South Africa, 8 July 2002, AHG/235 (XXXVIII), Annex II, paragraph 3, p. 1.
- 3 For more detail on AMAT, see SAIIA, 'African Peer Review Monitoring Project (AMP)', <http://tinyurl.com/6xbnj4>.
- 4 The Cotonou Partnership Agreement (2000–2020) is the latest in a series of partnership treaties between the EU and member states of the African, Caribbean and Pacific (ACP) regions to promote trade and development between the EU and ACP. It was signed in 2002 in Cotonou, Benin, and came into force in 2003. The agreement centres on the objective of reducing and eventually eradicating poverty, and in many ways follows the principles of NEPAD (under which the APRM falls). Part of the agreement is the conclusion of Economic Partnership Agreements (EPAs) between ACP states and the EU as a mechanism for promoting trade and encouraging sustainable development. Lesotho is party to the Cotonou Agreement, and has concluded an EPA with the EU (abridged from the ECDPM (European Centre for Development Policy Management), *The Cotonou Agreement: A User's Guide for Non-State Actors*. Maastricht: ECDPM, 2003).
- 5 The Lesotho Environmental Justice and Advocacy Centre makes this assertion, although it does not give examples of the duplication posited.
- 6 United Nations, *United National Development Assistance Framework for Lesotho: 2008–12*. Maseru: UN, 2008. p. i. (Hereafter referred to as UNDAF 2008–12.)
- 7 APRM Continental Secretariat, *APRM Country Review Report No 12: Kingdom of Lesotho*. Johannesburg: APRM, 2010, p. 203. (Hereafter referred to as Lesotho CRR.)
- 8 Kingdom of Lesotho, *African Peer Review Mechanism: First Annual Progress Report of the Kingdom of Lesotho*. Maseru: Kingdom of Lesotho, 2011, pp. 9, 16. (Hereafter referred to as Lesotho APRM Implementation Report.)
- 9 Lesotho CRR, *op. cit.*, p. 203.
- 10 Lesotho APRM Implementation Report, *op. cit.*, pp. 9, 16.
- 11 Lesotho APRM Implementation Report, *op. cit.*, p. 17.
- 12 An interesting experience during the research was that of a political party leader who at first was not able to confirm knowledge of the APRM. However, upon explanation, he said 'I have heard of this thing that [Prime Minister] Mosisili sometimes talks about and he appears to have concocted with his siblings who rule African countries; but I'm not interested'. (Makara Sekautu, UP leader, Maseru, April 2011).
- 13 Bale Malee, respondent in the APRM pilot, Maseru, March 2011.
- 14 Personal interview, Matšelislo Mapetla, Roma, April 2011.
- 15 Lekhetho N, 'Lesotho ranks 9th in quality of governance', <http://www.publiceyenews.com/2010/10/11/lesotho-ranks-9th-in-quality-of-governance>.
- 16 The Bureau of Statistics ([http://www.bos.gov.ls/New%20Folder/Copy%20of%20Demography/2006\\_Census\\_Socio-economic\\_indicators.pdf](http://www.bos.gov.ls/New%20Folder/Copy%20of%20Demography/2006_Census_Socio-economic_indicators.pdf)) identifies three trends from the 2006 Population Census. The first is a clear downward trend in both the total and age-specific labour force participation rates among males and females for the most recent census dates, including 2006. The second trend is that patterns of decrease differ, especially for totals, between males and females. For instance, male labour force participation rates show a clear and continuous decrease from a high level of 67.6% in 1976 to 66.8% in 1986. This further declines to 56.0% and 49.8% respectively in 1996 and 2006. Females portray a different picture. Their pattern is characterised by an initial decline in overall labour force participation rates from 29.2% to 23.0% from 1976 to 1986. Subsequent dates, however, indicate an increase in levels to 26.4% and 27.2% respectively in 1996 and 2006. The third trend is that residential differentials in labour force participation rates by age and sex point to the finding that the tempo and propensity to participate in income-generating activities differ not only by sex, but also between urban and rural areas. Rural male labour force participation rates are comparatively higher (6.4%, 28.0% and 53.4% respectively in the age groups of 10–14, 15–19 and 20–24 compared with urban levels of 1.0%, 11.4% and 48.1% respectively in the same age groups). Beyond the 20–24 age group, urban participation rates supersede the rural rates in magnitude and reach their highest level of 86.5% in the 35–39 age group. By contrast urban female labour force participation rates are higher in all age groups when compared with those observed in the rural areas.
- 17 Lesotho's legal system consists of Roman-Dutch (sometimes called 'received') law operating simultaneously with traditional or customary law. Despite the supremacy of the former, customary law and its cultural implications still influence and determine the social relations of many Basotho, including such notions as male precedence (and obligations as a 'natural' leader) in many relationships.
- 18 Interview, Matšelislo Mapetla, *op. cit.*
- 19 Mainly by marrying and establishing a household.

- 20 Croome D & M Mapetla, *The impact of the old-age pension in Lesotho: Pilot survey results of Manonyane Community Council Area*. Roma: Institute of Southern African Studies, 2007.
- 21 *Ibid.*
- 22 Some boys do get a chance to attend school through a system called 'changing or alternation', where two or more boys alternate days or weeks between going to school and looking after animals. This affords them some exposure to education, but their progress is often slow. It is not clear how prevalent this practice continues to be today.
- 23 A common experience is the hardship experienced during winter, where cold and snow sometimes kill herdboys.
- 24 Personal interview, Khotso Lehloka, Monna ka Khomo (Herders' Association), Maseru, March 2011.
- 25 Lesotho CRR, *op. cit.*, p. 91.
- 26 Section 19 (2).
- 27 Bale Malee, respondent in the APRM pilot, Maseru, March 2011.
- 28 Sentebale, see [www.sentebale.org](http://www.sentebale.org).
- 29 Lesotho CRR, p. 93.
- 30 Indeed, for over a decade Lesotho was one of the few African countries to have a minister with a disability, until he was removed in a cabinet reshuffle in late 2010.
- 31 Lesotho CRR, p. 67.
- 32 Lesotho, Constitution of the Kingdom of Lesotho, 1993, Chapter IX (9), [http://library2.parliament.go.th/giventake/content\\_cons/lesotho.pdf](http://library2.parliament.go.th/giventake/content_cons/lesotho.pdf).
- 33 *Ibid.*
- 34 Lesotho APRM Implementation Report, *op. cit.*, p. 8.
- 35 These criticisms were voiced during the debate over the Land Bill in parliament, and summarised by Vusi Mashinini, Maseru, April 2011.
- 36 Bureau of Statistics, [www.bos.gov.ls](http://www.bos.gov.ls), 2007.
- 37 UNDP (United Nations Development Programme), 'Lesotho: Country profile of human development indicators', <http://hdrstats.undp.org/en/countries/profiles/LSO.html>; UNDP, 'Lesotho: Explaining HDI value and rank changes', in *Human Development Report 2010*, <http://hdrstats.undp.org/images/explanations/LSO.pdf>.
- 38 UNDAF 2008–12, *op. cit.*, p. ii.
- 39 Bureau of Statistics, *op. cit.*
- 40 GPN (Global Policy Network), 'Highlights of current labor market conditions in Lesotho' (posted on GPN in October 2006, [www.gpn.org](http://www.gpn.org)), pp. 3–4.
- 41 *Ibid.*
- 42 This does not seem to tally with the CRR, which reports inflation at 10.9% for 1990–2006 (Lesotho CRR, *op. cit.*, p. x).
- 43 In 2008, up to 50% of the country's revenue came from SACU receipts (Lesotho CRR, p. 6).
- 44 Sen A, *Development as Freedom*. New York: Random House. 1999, p. 90.
- 45 Trade Mark Southern Africa, 'Small amounts of cash make a big difference', 17 September 2010, <http://www.trademarksa.org/node/1782>.
- 46 The Bureau of Statistics ([www.bos.gov.ls](http://www.bos.gov.ls)) reports national inflation at 4.8% in May 2011, while those of electricity and liquid fuels excluding petrol were at 18% and 5.1% respectively.
- 47 Various examples of this include the passing of a bill providing pensions for the prime minister, his deputy and their wives; the 2007 'sale' of expensive government cars to top public officials at grossly deflated prices; the provision of tax-free and interest-free loans to parliamentarians; and current proposals to raise the salaries and benefits of various public officers to SADC standards. In this context, public opinion has been that the arguments presented by government for fiscal restrictions and cuts in a number of schemes for the general population (including the freezing of new government employment and reduction of sponsorship for students in higher education) are not genuine. (Makara Sekautu, *op. cit.*).
- 48 Wilson SM, & M Mapetla, 'Global initiatives and local leadership: The role of leadership in eradicating poverty in Lesotho Africa', *Journal of Sustainable Development in Africa*, 10,8, 2008, p. 52. See also Lesotho Government, *Kingdom of Lesotho: Poverty Reduction Strategy 2004/2005–2006/2007*, [http://siteresources.worldbank.org/INTPRS1/Resources/LESOTHO\\_PRSP2006.pdf](http://siteresources.worldbank.org/INTPRS1/Resources/LESOTHO_PRSP2006.pdf).
- 49 Under this programme, the small fields operated by local farmers are consolidated into larger – and arguably more economically viable – blocks for the purposes of accessing state subsidies, including inputs (seed, fertilisers and ploughing) as well as markets.
- 50 Lesotho CRR, p. 38.
- 51 Factors include the delineation of the country's borders and appropriation of large tracts of Basotho land by South Africa during the colonial wars of the 19<sup>th</sup> century; and the direct policies of South African and British colonial governments to discourage Basotho agriculture and to support White settler farming.
- 52 Factors include the subdivision of land and its parcelling out into increasingly smaller plots on the basis of automatic right to land for all Basotho; the use of communal grazing and absence of fencing for 'improved' land; and the retention of land in the hands of many families who are incapable of cultivating it.
- 53 Factors include the lack of capital and the prolonged absence of men – as both decision-makers and labour – from the country, as migrants in neighbouring South Africa.
- 54 Wilson SM & M Mapetla, *op. cit.* pp. 7–13.
- 55 Lesotho APRM Implementation Report, p. 16.
- 56 Lesotho CRR, *op. cit.*, p. 67.
- 57 *Ibid.*
- 58 Lesotho CSAR, p. 54.
- 59 Lesotho CRR, *op. cit.*, p. 67.
- 60 Lesotho CRR, *op. cit.*, p. 42.
- 61 See TI (Transparency International), Pope J (ed.), *The TI Sourcebook*. Berlin: TI, 1996, p. 1.
- 62 See Nongogo A, *Independence of Anti-Corruption Agencies: A study of Six Institutions in Southern Africa*. Harare: Human Rights Trust of Southern Africa, 2006.

- 63 Lesotho CRR, pp. 42–43.
- 64 Lesotho APRM Implementation Report, p. 8.
- 65 Southall R & RC Fox, ‘Lesotho’s general election of 1998: Rigged or de rigeur?’, *Journal of Modern African Studies*, 37, 4, 1999, pp. 669–696; Southall R & T Petlane (eds), *Democratization and Demilitarisation in Lesotho: The General Election of 1993 and Its Aftermath*. Pretoria: Africa Institute of South Africa, 1995.
- 66 Lesotho Implementation Report, *op. cit.*, p. 12.
- 67 *Ibid.*
- 68 Lesotho CRR, *op. cit.*, pp. 59–60.
- 69 Lesotho CRR, *op. cit.*, pp. 42–43.
- 70 *Ibid.*, p. 52.
- 71 *Ibid.*, p. 4.
- 72 *Ibid.*
- 73 Lesotho APRM Implementation Report, *op. cit.*, p. 8.
- 74 *Ibid.*, p. 12.
- 75 Lesotho CRR, *op. cit.*, pp. 59–60; also see Kingdom of Lesotho, *Popular Version of Lesotho’s Country Review Report*. Maseru: Kingdom of Lesotho, 2009, p. 8.
- 76 *Ibid.*
- 77 *Ibid.*, pp. 59–60.
- 78 *Ibid.*, p. 44.
- 79 Vision 2020, xi (emphasis added).
- 80 UNDAF 2008–12, *op. cit.*, p. xii.
- 81 Lesotho CRR, *op. cit.*, p. xi.
- 82 *Ibid.*, p. x.
- 83 *Ibid.*, pp. 13–14.
- 84 *Ibid.*
- 85 Lesotho APRM Implementation Report, p. 16.
- 86 See Lesotho’s National Aids Commission, <http://www.nac.org.ls/home>.
- 87 Lesotho CRR, *op. cit.*, p. 38.
- 88 UNDAF 2008–12, *op. cit.*, p. 5.
- 89 *Ibid.*
- 90 *Ibid.*, p. ii.
- 91 Lesotho APRM Implementation Report, *op. cit.*, pp. 16–17.
- 92 *Ibid.*, p. 18.
- 93 Lesotho CRR, *op. cit.*, p. 93.
- 94 Lesotho APRM Implementation Report, *op. cit.*, p. 9.

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