The Thematic Evaluation on the Role of UNDP in Conflict Prevention and Political Stabilization in Lesotho

Final Report

Submitted to the United Nations Development Programme (UNDP)-Lesotho

By

Khabele Matlosa

Independent Consultant

Submission Date: 22 September 2022

**Contents**

[**Acknowledgements** 3](#_Toc113869287)

[**List of Abbreviations** 4](#_Toc113869288)

[**Executive Summary** 8](#_Toc113869289)

[**1. Introduction** 15](#_Toc113869290)

[**2. Development Context** 17](#_Toc113869291)

[**3. Programme Description and the Problems it Seeks to Address** 25](#_Toc113869292)

[**4. Risk Analysis** 26](#_Toc113869293)

[**5. Scope & Focus, Purpose & Objectives and Criteria of the Evaluation** 28](#_Toc113869294)

[**6. Evaluation Process: Methodology, Limitations and Performance Rating** 30](#_Toc113869295)

[**7. Evaluation Findings: How has the Programme Performed?** 32](#_Toc113869296)

[Relevance 32](#_Toc113869297)

[Effectiveness 34](#_Toc113869298)

[Efficiency 64](#_Toc113869299)

[Sustainability 65](#_Toc113869300)

[**8. Conclusion** 67](#_Toc113869301)

[**9. Lessons and Recommendations** 70](#_Toc113869302)

**10.** [**Annexes** 75](#_Toc113869303)

[Annex 1: Terms of Reference 75](#_Toc113869304)

[Annex 2: List of stakeholders consulted 86](#_Toc113869305)

|  |
| --- |
| **Acknowledgements** |

This evaluation exercise was made possible by contributions of various stakeholders including representatives of government ministries, departments and agencies, civil society organisations, academic institutions and think tanks as well as the United Nations system, some diplomatic missions in Maseru. I am grateful to Mr. Ts’itso Kapa who provided valuable research support for the evaluation. My gratitude also goes to Mr. Thabo Mosoeunyane, UNDP Governance Specialist, for facilitating our work and providing the necessary documentation and linking us with key stakeholders. I am indebted to Ms. Nessie Golakai Gould, the UNDP Deputy Resident Representative for her support during the evaluation exercise. I also extend my gratitude to all staff of the UNDP, UN-RCO and UNOHCHR for their invaluable inputs during the evaluation. The views expressed in this report are solely those of the consultant and do not represent the official position of the UNDP and/or the UNCT.

|  |
| --- |
| **List of Abbreviations** |

ABC: All-Basotho Convention

AD: Alliance of Democrats

AU: African Union

BCP: Basotho Congress Party

BNP: Basotho National Party

CCJP: Catholic Commission for Justice and Peace

CCL: Christian Council of Lesotho

CEO: Chief Executive Officer

COs: Country Offices

COVID-19: Coronavirus Disease of 2019

CPD: Country Programme Document

CSOs: Civil Society Organisations

CSVR: Centre for the Study of Violence and Reconciliation

CTA: Chief Technical Advisor

DC: Democratic Congress

DCEO: Directorate on Corruption and Economic Offences

DIM: Direct Implementation Modality

DPPA: Department of Political and Peacebuilding Affairs

DRC: Democratic Republic of Congo

EMB: Electoral Management Body

EU: European Union

FGD: Focus Group Discussion

FIDA: Federation of Women Lawyers

FIU: Financial Intelligence Unit

FPTP: First-Past-The-Post

GEWE: Gender Equality and Women Empowerment

GPU: Governance and Peacebuilding Unit

HIV/AIDS: Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome

HRC: Human Rights Commission

HRDPA: Human Rights Due Diligence Policy Assessment

IDEA: Institute for Democracy and Electoral Assistance

IDM: Institute for Development Management

IEC: Independent Electoral Commission

IJR: Institute for Justice and Reconciliation

IOM: International Organisation for Migration

IPA: Interim Political Authority

IT: Information and Technology

I4Ps: Infrastructures for Peace

LACCEC: Lesotho Anti-Corruption and Ethics Commission

LCD: Lesotho Congress for Democracy

LCN: Lesotho Council of Non-Governmental Organisations

LCS: Lesotho Correctional Service

LDF: Lesotho Defence Force

LMPS: Lesotho Mounted Police Service

LNDSP: Lesotho National Dialogue and Stablization Project

LNFOD: Lesotho National Federation of Organisations of the Disabled

LRA: Lesotho Revenue Authority

M&E: Monitoring and Evaluation

MEC: Movement for Economic Change

MISA: Media Institute of Southern Africa

MMP: Mixed Member Proportional

MRG: Mediation Reference Group

MSND: Multi-Stakeholder National Dialogue

NACOSEC: National COVID-19 Secretariat

NACSAP: National Anti-Corruption Strategy and Action Plan

NAM: Needs Assessment Mission

NDPC: National Dialogue Planning Committee

NDSP: National Dialogue and Stabilization Project

NPC: National Peace Council/Commission

NRA: National Reforms Authority

NSDP: National Strategic Development Plan

NSS: National Security Service

NUL: National University of Lesotho

NYC: National Youth Council

NYDA: National Youth Development Agency

NYWC: National Youth Work Council

OECD-DAC: Organisation for Economic Cooperation and Development/Development Assistance Committee

OHCHR: Office of the High Commissioner for Human Rights

PBF: Peacebuilding Fund

PoE: Panel of Elders

PREGA: Programme on Renewal and Enhancement of Governance Architecture

PROGRESS: Programme on Reform of Governance, Rights and Empowerment for Sustained Stability

RCL: Reformed Congress of Lesotho

RMPC: Ribanang Peacemaking Committee

SADC: Southern African Development Community

SAMPIL: SADC Prevention Mission in Lesotho

SDGs: Sustainable Development Goals

SGBV: Sexual and Gender-Based Violence

SOMILES: SADC Observer Mission in Lesotho

ToRs: Terms of Reference

TRC: Transformation Resource Centre

UN: United Nations

UNCT: United Nations Country Team

UNDAF: United Nations Development Assistance Framework

UNDP: United Nations Development Programme

UNEG: United Nations Evaluation Group

UNICEF: United Nations International Children’s Emergency Fund

UNOHCHR: United Nations Office of the High Commissioner for Human Rights

UNDP-RSC: United Nations Development Programme-Regional Service Centre

UN-RCO: United Nations-Resident Coordinator’s Office

UNSDF: United Nations Sustainable Development Framework

USA: United State of America

USD: United States Dollar

WLSA: Women and Law in Southern Africa

|  |
| --- |
| **Executive Summary** |

**Purpose**

The main purpose of this evaluation is to assess UNDP’s role in contributing to efforts by state and non-state agencies and organizations in conflict prevention, peacebuilding and political stabilization in Lesotho. It is intended to: (a) measure the level of achievement (or lack thereof) of the intended outcomes of the conflict prevention and political stabilization portfolio and its programmatic strategies; (b) provide substantive input and direction to the formulation of future strategies, including at the programmatic level; (c) support greater UNDP accountability to national stakeholders and partners in Lesotho; (d) serve as a means of quality assurance for UNDP interventions at the country level; and (e) contribute to learning at corporate, regional and country levels (see Annex 1: Terms of Reference).

**Methodology and Performance Rating**

The evaluation was conducted by an independent consultant over a period of 31 days between July and September 2022. The stakeholders consulted during the evaluation were primarily those identified in the programme/project documents as implementing and responsible parties. These included both state and non-state actors (see Annex 2 for the full list of stakeholders consulted). A three-pronged data collection methodology was used namely documentation review (secondary data collection), interviews (primary data collection) and field visits (primary data collection).

In line with the Terms of Reference (ToRs), the programme performance rating used is as follows:

* 1. HS: Highly Satisfactory
  2. S: Satisfactory
  3. U: Unsatisfactory
  4. HU: Highly Unsatisfactory
  5. NA: Not Applicable

The above performance rating is more applicable to three of the four criteria used namely relevance, effectiveness and efficiency. In respect of the fourth criterion, sustainability, given that it is futuristic, a slightly modified rating was used as follows:

1. HL: Highly Likely
2. L: Likely
3. HU: Highly Unlikely
4. NA: Not Applicable.

**Evaluation Criteria and Key Findings**

This exercise has followed UNDP evaluation guidelines (2021) as well as other international standards such as the OECD-DAC guidelines with special focus on four main criteria: relevance, effectiveness, efficiency and sustainability. The overall evaluation of the UNDP’s contribution to conflict prevention, peacebuilding and political stabilization in Lesotho is rated as **Highly Satisfactory**.

***Relevance***

Evaluating the relevance of the UNDP in conflict prevention and political stabilization in Lesotho entails as assessment of the extent to which its programmes and projects are designed and implemented in a way that responds directly and/or indirectly to the needs of beneficiaries and policy priorities of the country. It is about “doing the right thing” and “doing no harm”. Relevance is also assessed in terms of the extent to which programmes and projects resonate with interventions of local actors (both state and non-state) as well as other development partners.

Programme/project design and implementation has to be relevant to the specific socio-cultural, politico-economic and environmental context of Lesotho. Key to the relevance of the programme/project design is its context analysis, its value proposition and the theory of change. In order to maintain its relevance, the programme/project must continually adapt to either complex or changing environment, especially situations of conflict and instability, as is the case in the Lesotho context.

Assessed, based on their alignment to both the development context and the normative frameworks at global, regional, sub-regional and national levels, the performance rating for the UNDP programmes/projects to conflict prevention, peacebuilding and political stabilization in Lesotho, in relation to relevance, is **Highly Satisfactory**.

***Effectiveness***

Measuring effectiveness entails an assessment of the extent to which a particular programme/project intervention has achieved or is reasonably expected to achieve its intended results. It is about evaluating how the programme/project contributed to the overall objective of the development intervention at either the output level, the outcome level or the impact level.

Did the intervention achieve the intended output? Did the intervention achieve the expected outcome? Or did the intervention achieve a particular impact (either positive or negative)? What has worked and under what conditions? What has not worked and due to what conditions? Assessment of effectiveness of development interventions is crucial for, inter alia, institutional learning. The starting point for assessment of effectiveness is the programme logical framework, feasibility studies, M&E reports, implementation reports etc. Assessing effectiveness requires the availability of reliable and up-to-date data.

Assessed on the basis of the level of achievement of outcomes and outputs of the UNDP thematic area on governance and peacebuilding and taking into account the challenges encountered thereby hampering the full realization of expected results, the performance rating for the thematic area in relation to effectiveness is **Satisfactory**.

***Efficiency***

Assessment of the efficiency entails evaluating the extent to which the programme/project intervention delivers (or is likely to deliver) expected results in the most economical and timely manner to achieve intended results. Related to this is the assessment of whether the same results could have been achieved with even lesser resources and in a lesser duration of time. Additionally, in assessing efficiency, due regard has to be paid to the quality versus quantity of the outputs emanating from the development intervention.

Evaluated on the degree of the efficacy of the implementation of programmes and projects in respect of use of resources, coordination, management and harnessing partnerships and networks, the performance rating for the UNDP thematic area on governance and peacebuilding in relation to efficiency is **Highly Satisfactory**.

***Sustainability***

Evaluating sustainability of a programme/project relates to the assessment of the durability (or prospects thereof) of its net benefits beyond the intervention itself (i.e. upon completion of the development assistance). Its essence transcends the short-term results of the development intervention. It entails assessment of the institutional capacities of beneficiaries to sustain programme outputs even in the medium to long term horizon after the expiry of the programme period. Sustainability has financial, institutional, economic, social, technological and environmental dimensions.

In terms of guaranteeing continuity of the results and milestones registered by the UNDP thematic area on governance and peacebuilding in support of efforts by state and non-state actors towards conflict preventions, peacebuilding and political stabilization in Lesotho, the rating in respect of sustainability is **likely**.

**Lessons Learnt and Recommendations**

The evaluation also draws lessons learnt emanating from programme/project implementation. These lessons are worth considering when conceptualizing, designing and implementing future iterations of the programme/projects. From these lessons, appropriate recommendations are proffered with a view to further enhance the contribution of UNDP towards conflict prevention, peacebuilding and political stabilization as detailed below.

|  |
| --- |
| **Relevance** |
| ***Lesson*** |
| The review of the base documents of the main programme (PREGA) and its various projects (i.e. national dialogue, national reforms, justice sector, security sector, support to government ministries and departments, support to democracy promotion institutions, support to elections and support to non-governmental organisations) that inform UNDP’s contribution in support of conflict prevention, peacebuilding and political stabilization in Lesotho, their relevance, while well-articulated, is confined to only national and international normative frameworks. Either by design or by default, this approach imposes a limitation of the scope of relevance of the programme and projects. |
| ***Recommendation I*** |
| UNDP should consider expanding the scope of relevance of its governance and peacebuilding programme and projects to include sub-regional (SADC) and regional (AU) normative frameworks, more so given that Lesotho is a Member State of both the Southern African Development Community (SADC) and the African Union (AU) as inter-governmental organisations much the same way that it is a Member States of the United Nations (UN). |
| ***Recommendation II*** |
| With a view to enhancing the relevance of its governance and peacebuilding portfolio and contributing to the inculcation of a culture of human rights, democracy and peace, UNCT should regularly commemorate, jointly with local state and non-state actors, key historical days such as the International Human Rights Day (10 December), the International Day of Democracy (15 September), the International Day of Peace (21 September), International Women’s Day (8 March) and International Anti-Corruption Day (9 December). |
| **Effectiveness** |
| ***Lesson I: Dialogue*** |
| The consultative and dialogue processes that kick-started the Lesotho reforms journey were inclusive, participatory and broadly representative adopting the whole-of-society approach and ensuring that that no one is left behind. This consultative and participatory approach led to a historic national consensus on the form, scope and substance of the constitutional, institutional and sectoral reforms. Importantly, marginalized and vulnerable social groups such as women, youth, children and persons with disabilities contributed their own common positions ensuring that their voices inform the reform agenda. |
| ***Recommendation I*** |
| Key Lesotho stakeholders (both state and non-state alike) should revive the pitso (citizen-based deliberative fora) tradition (King Moshoeshoe I’s signature social dialogue) to expand the frontiers of democratic and participatory democracy, anchor social cohesion and social contract and advance peacebuilding, national unity, transitional justice, social healing and reconciliation. The traditional face-to-face physical social dialogue fora (pitsos) should be enhanced through digital communication platforms as well. All these efforts should be pursued with effective support from development and diplomatic partners including the UN, EU, SADC, Commonwealth and AU. |
| ***Lesson II: Reforms*** |
| The reform agenda was well defined as articulated in Plenary II report of the national multi-stakeholder forum of November 2019 cutting across seven thematic areas and mainstreaming gender equality, women’s empowerment and the empowerment of the youth and persons with disabilities. A dedicated statutory body was established in the form of the NRA to superintend the reform, reporting to parliament through the Minister of Law and Justice as per the 2019 NRA Act. However, the outcome of the reform process in the form of the Tenth Amendment of the Constitution Act, 2022 does not seem faithful to the national consensus as reflected in Plenary II report as well as the Consensus Agreement signed by Senate and Leaders of parties represented in parliament in August 2022. As such the reform agenda seems to have been caught in partisan party-political battles particularly at the twilight of the Tenth Parliament and in the context of heated politicking by the political elite ahead of the 7 October general election. It is possible that the reform suffered the unfortunate fate of becoming an electioneering gimmick to the detriment of the original intentions of citizens that they should serve a national purpose of entrenching democratic and participatory governance, inculcating a culture of peace, ensuring social cohesion, national unity, transitional justice, social healing, reconciliation and political stabilization. The reform agenda needs to be salvaged and the recent SADC Summit held in Kinshasa, DRC also acknowledged this reality its resolute decision to deploy its Panel of Elders (PoE) supported by the Mediation Reference Group (MRG) to oversee Lesotho’s reform process going forward. |
| ***Recommendation II*** |
| Key Lesotho stakeholders (state and non-state) should make concerted efforts to revive national ownership of the reform. To this end, following the 2022 general elections, multi-stakeholder consultations are required in order to provide feedback to the people on the outcome of the NRA-led reform process and chart a new path in line with the recommendations of the recent SADC Summit held in August 2022 in Kinshasa, DRC. Similar institutions that drove the reform process from the beginning such as the National Leaders Forum, National Dialogue Plenaries as deadlock-breaking mechanisms should be resuscitated. A new coordinating structure to provide a technical steer for the reforms has to be established to replace the NRA. Civil society engagement in the reform process should be enhanced. Requisite technical and financial support should be mobilized from the development and diplomatic partners including the UN, EU, SADC, Commonwealth and AU. |
| ***Lesson III: Infrastructures for Peace (I4Ps)*** |
| National peace in Lesotho is threatened by both structural (e.g. poverty, unemployment, inequality, a culture of violence etc) and proximate factors (e.g. weak intra-party democracy, fractious inter-party relations, politicized security sector and securitised political institutions, youth vigilante groups known locally as Manomoro-loosely translated as ‘those with numbers’, famo music gangs linked to illegal mining in South Africa and with strong ties to some political parties and some elements within the security establishment, etc). Despite its perennial and pervasive historical trends of instability, insecurity and crises, Lesotho has not developed formal and coherent national infrastructures for peace (I4Ps). Existing institutional arrangements (both state and non-state) promoting peacebuilding, peace-making and reconciliation in the country remain disjointed, uncoordinated and ineffective. Consequently, since 1994, Lesotho’s crisis situations have seen the heavy and direct involvement of South Africa and SADC in terms of peace-making, peace-building and peacekeeping. Interventions by South Africa and SADC have not completely eradicated Lesotho’s entrenched culture of violence that has seen the country jump from number 6 in 2021 to number 3 presently on the top ten countries with the highest homicide rate globally. In any case, Lesotho’s external dependence on efforts aimed towards conflict prevention, peacebuilding and political stabilization is unsustainable and undesirable. |
| ***Recommendation III*** |
| Key stakeholders in Lesotho (both state and non-state) should wean the country from the overwhelming dependence on South Africa and SADC in terms of efforts towards conflict prevention, peacebuilding and political stabilization. They should, therefore, establish and/or strengthen existing national and/or community-based local peace architectures. The UNDP/CCJP peacebuilding and social cohesion initiative in Ribaneng should be nurtured, consolidated, scaled up and replicated elsewhere in the Mafeteng District (into other areas beyond Matelile, such as Thabana-Morena and Likhoele) and subsequently expanded to other poverty-stricken Districts such as Mohale’s Hoek, Quthing, Thaba Tseka and Qacha’s Nek where Famo gang wars are also rife. At the national level, Lesotho should establish the National Peace Commission as per the recommendations of the NRA national consultative forum of July 2021. UNDP, DPPA, UNCT in collaboration with government and no-governmental organisations, should mobilise technical and financial support for the development and operationalization of the I4Ps in Lesotho at national and community levels in the form of a National Peace Commission (NPC), in line with recommendations of the NRA Consultative Forum of July 2021 and with important lessons learnt from success stories of national I4Ps from Ghana, Kenya and South Africa. The NPC’s mandate should include, inter alia, conflict prevention, early warning and early response; peace training and education; negotiation, mediation and arbitration; research and documentation etc. Central to the mandate of the NPC should be robust and victim-centred transitional justice and reconciliation programme and strategies developed in line with the 2010 United Nations Approach to Transitional Justice and the 2019 AU Transitional Justice Policy. In implementing a transitional justice programme, partnerships with other regional organisations such the Centre for the Study of Violence and Reconciliation (CSVR) and the Institute for Justice and Reconciliation (IJR) should be explored. Furthermore, the armed vigilante groups and militias should be banned by an act of Parliament and political parties should be barred from aligning themselves with these militia groups such as Famo musical gangs. Lesotho should learn important lessons on enactment of a ban on vigilante groups from Ghana through its 2019 legislation known as ‘Vigilantism and Related Offences Act, 2019’. |
| ***Lesson IV: Security Sector Reforms*** |
| Politicization of the security agencies (LMPS, LDF, NSS and LCS) and securitization of political institutions, including political parties, forms one of the core elements of the country’s instability, insecurity and instability. In his address to the SADC Summit of 17 August 2022, the Prime Minister, Dr. Moeketsi Majoro, recognised this problem noting that there is “a symbiotic alliance between sections of the security forces and factions of the political elites … that has led to … the politicization of the military and militarization of politics”[[1]](#footnote-1). One of the perils of the reforms project in Lesotho is the pushback from some political leaders against the idea of depoliticization of the security establishment and de-securitisation of political institutions. One of the political leaders who has publicly led this pushback is the Deputy Prime Minister, Mathibeli Mokhothu, leader of the DC (a key partner in the current coalition government). In the absence of their depoliticization and professionalisation, the security agencies are likely to continue being mired in partisan politics. Conversely, politicians are likely to continue meddling in internal affairs of the security agencies with dire consequences for conflict prevention, peacebuilding and political stabilization. |
| ***Recommendation IV*** |
| UNDP, DPPA, UNCT, in collaboration with the EU, Commonwealth, SADC and AU should leverage their diplomatic power to implore Lesotho stakeholders (state and non-state) to stay the course of security sector reforms aimed at professionalizing and depoliticizing the security agencies to dissuade politicians from interfering in affairs of the security agencies for partisan interests. Heads of the security agencies should not be appointed and dismissed by the Prime Minister. They should be appointed and dismissed by an independent oversight body established through an act of Parliament in order to insulate the security sector from undue political influence and control. |
| ***Lesson V: Justice, Rule of Law and Human Rights*** |
| A culture of constitutionalism, rule of law, human rights and justice is critical for democratic and participatory governance, conflict prevention, peacebuilding and political stabilization. Lesotho’s is a case of a country with a constitution without a culture of constitutionalism, i.e. a constitution exists, but its lived experience is deficient. A clear example here is the overwhelming hegemony of the executive over the other two organs of the state (judiciary and legislature), creating an imperial Prime Minister. This trend undermines the separation of powers and checks and balances as enshrined in the 1993 Constitution (as amended). This essentially means that while Lesotho has a constitution, its culture of constitutionalism, rule of law and human rights is not sufficiently institutionalized. In this situation where institutions are weak and personalities (especially the Prime Minister) are omnipotent, a culture of constitutionalism, rule of law, justice and human rights is enfeebled. Thus, while the country’s Constitution has a bill of rights (Chapter II), a culture of human rights is weak. |
| ***Recommendation V*** |
| The establishment of the Human Rights Commission (HRC) with technical support from UNDP, DPPA and UNOHCHR should form part of the reform agenda following the forthcoming general election of 7 October 2022. Institutional capacity of key democracy promotion institutions such as the DCEO, the Ombudsman and the Auditor-General should be enhanced and their independence safeguarded against undue influence and control by the political elites. In advancing the culture of constitutionalism and rule of law, these institutions should work collaboratively and harmoniously with the proposed National Peace Commission (NPC) in order to promote and protect human rights as well as advancing human rights, transitional justice, social harmony and reconciliation at national and local levels with requisite technical support from the UNDP, UNOHCHR, UNWomen, DPPA, EU, SADC, AU, the Commonwealth and other development/diplomatic partners. |
| ***Lesson VI: Elections*** |
| Elections are a double-edged sword: under favourable conditions, they advance democracy and peace. But under unfavourable conditions, they become triggers for violent conflicts leading to insecurity, instability and political crises. Lesotho’s post-independence political history bears this reality out: some of its previous elections advanced democratization and peacebuilding (e.g. 1993 & 2002) and became assets to participatory and stable governance, while others became catalysts for violent conflict (e.g. 1970 & 1998), thus translating into liabilities to inclusive and stable governance. Ahead of the 2022 general election, Lesotho is at the crossroads: will the election become an asset or a liability for democratization, conflict prevention, peacebuilding and political stabilization? The signing of the Electoral Code of Conduct by political parties ahead of the polls has given the nation a glimmer of hope. Even the formal endorsement of the candidates by the Independent Electoral Commission (IEC) across all the 80 constituencies on Friday 8 September 2022 was conducted peacefully with colourful pomp and ceremony. At the time of writing this report, leaders of various political parties were engaged in interesting public debates and holding rallies outlining their manifestos in order to win the hearts and minds of voters ahead of the general election of 7 October 2022. Hopefully the peaceful nature of the events of that day are a harbinger of the election day and its aftermath. Will the reform agenda be preserved, revamped and effectively implemented after the general election? Will the reform agenda be protected against ‘partisan capture’ by the political elites? Will the popular interests of citizens as expressed in Plenary II report be respected? |
| ***Recommendation VI*** |
| Despite the late deployment of the CTA in support of the IEC by UNDP as well as delayed AU technical support to the IEC, these efforts aimed at enhancement of institutional capacity of the EMB should be sustained on a longer-term duration across the entire electoral cycle (pre-election, election and post-election phases) and not restricted merely to the election phase. Domestic and international observers should be deployed early enough in order to ensure the democraticness, credibility, integrity and peacefulness of the 7 October general election. LCN should organize a post-election national consultative forum on the reforms including imperatives for conflict prevention, peacebuilding, human rights, transitional justice, all aimed at recalibrating social cohesion and strengthening the state-society social contract. This forum should be all-inclusive and broadly representative including women, youth, children, persons with disability, minorities, the elderly and the diaspora to ensure that no one is left behind. Requisite technical and financial support should be mobilized from the development and diplomatic partners including the UN, EU, SADC, Commonwealth and AU. |
| ***Lessons Learnt VII: Cross-Cutting Issues-Towards broader representation and inclusiveness*** |
| Participatory and representative governance is hinged on a plethora of principles including, inter alia, inclusiveness and constructive management of diversity along various fault-lines such as gender, age, region, religion, race, political affiliation, ethnicity, disability, etc. Women form more that 50 percent of Lesotho’s population. Young people between the ages of 18 and 24 constitute about 70 percent of the population. It is important that the Lesotho reform process is the gender sensitive, empowers the youth and people with disabilities as well as children and elders. In this regard, institutions charged with responsibility for conflict prevention, peacebuilding and political stabilization have to ensure meaningful representation and inclusion of all key sectors of society especially marginalised and vulnerable social groups such as women, youth, persons with disabilities, children, the elderly and minority groups. |
| ***Recommendations VII*** |
| Existing institutions (such as the Ombudsman) and envisaged one (such as the National Human Rights Commission and the National Peace Commission) should pay particular attention to issues of broad representation and inclusion of marginalised and vulnerable social groups such as women, youth, children, people with disabilities to promote and protect their human rights and freedoms in all efforts aimed at entrenching democratic governance, preventing conflicts and advancing political stabilization. |
| **Efficiency** |
| ***Lesson*** |
| Coordination and coherence of UNDP programming with responsible parties is one of the core elements of the efficiency of its role in contributing towards conflict prevention, peacebuilding and political stabilization. Some of the interlocutors expressed misgivings that the development and operationalization of the Country Programme Document (CPD) is heavily laden in favour of government and less so with respect to non-governmental organisations. |
| ***Recommendation*** |
| While the UNDP programme was efficiently executed during the evaluation period, women’s organisations implored the UN to establish a gender desk in Maseru with a view to enhance coordination, particularly given that UN Women does not have a permanent office in Lesotho. This request could be considered favourably within the office of the UN-RCO along the same lines as the arrangement with the deployment of the Huma Rights Advisor from OHCHR. |
| **Sustainability** |
| ***Lesson*** |
| Of the major threats to sustainability of the milestones and results of the UNDP programmes/projects aimed at conflict prevention, peacebuilding and political stabilisations is political polarization which, in turn, undermines the functioning and resilience of institutions. |
| ***Recommendation*** |
| There is an urgent need for the enhancement of capacities and resilience of governance and peacebuilding institutions at national and local levels, insulating them from undue political control and influence to ensure sustainability of the national comprehensive reforms. |

|  |
| --- |
| **1. Introduction** |

1. Governance and peacebuilding form part of the core mandate of the United Nations Development Programme (UNDP) globally, regionally and nationally through its Country Offices (COs). This is primarily because democracy and peace are the key ingredients for inclusive and sustainable human development. The democracy-peace-development nexus is evident in the 2020 Africa’s Promise: The UNDP’s Renewed Strategic Offer in Africa. Two of the six (6) signature solutions proposed by the Offer to address Africa’s development challenges are (a) peace and security and (b) governance[[2]](#footnote-2). These signature solutions dovetail neatly into the Sustainable Development Goal (SDG) number 16 on Peace, Justice and Strong Institutions.
2. At country level, UNDP works in close partnership with government and non-state actors in pursuit of their specific group interest (e.g. women, youth, people with disabilities etc) or broader public interest (e.g. civil society, faith-based organisations etc). Thus, UNDP engagement at country level involves both state and non-state actors alike with a view to ensuring that no one is left behind in striving towards sustainable human development.
3. Because of the sacrosanct United Nations (UN) principle of Delivering as One, UNDP delivers on its mandate of governance and peacebuilding in close partnership, collaboration and coordination with other UN agencies which collectively constitute the United Nations Country Team (UNCT) at country level. This approach helps to ensure that development interventions by various UN agencies at country level are synergized, complement each other and are coherent since they are all aimed at assisting countries achieve the 2030 agenda for sustainable development with its seventeen (17) Sustainable Development Goals (SDGs).
4. All the above principles and *modus operandi* of UNDP support towards governance and peacebuilding as key components towards realizing sustainable human development through SDGs, apply in the case of UNDP-Lesotho. Governance and peacebuilding, therefore, occupies centre-stage of UNDP programming in Lesotho anchored upon national ownership and leadership and sensitive to the peculiar socio-cultural and politico-economic circumstances of the country. In Lesotho, UNDP and UNCT have also partnered and collaborated with the sub-regional intergovernmental body, the Southern African Development Community (SADC) and the regional intergovernmental body, the African Union (AU) in order to leverage inter-state diplomacy from these organisations to which Lesotho is a member state.
5. This evaluation assesses the role of the United Nations Development Programme (UNDP) conflict prevention, peacebuilding and political stabilization in Lesotho. The evaluation spans the period 2019-2021 and covers all UNDP’s governance and peacebuilding initiatives in Lesotho, which have involved other UN agencies as well as the EU, and implemented in close partnership with the government and various non-governmental stakeholders. These include the Programme on Reform of Governance, Rights and Empowerment for Sustained Stability (PROGRESS) over the period 5 April 2016 - 31 December 2020; and the Programme on Renewal and Enhancement of Governance Architecture (PREGA) over the period January 2019-December 2023. Within the overall rubric of PREGA various projects were developed and implemented including National Dialogue and Stabilization Project to Catalyse Comprehensive National Reforms: 15 May 2018-30 October 2019; Support to Implementation of Lesotho National Reforms Programme: 1 November 2020 – 31 October 2022; Support to Implementation of the Justice Sector Reforms Project: 1 May 2020 – 30 April 2021; Effective Implementation of Lesotho National Security Sector Reforms for Peacebuilding Project: 1 April 2021 – 31 October 2022; and besides the institutional capacity enhancement of the Independent Electoral Commission (IEC), an electoral cycle support project has been development entitled “Fostering Peaceful, Credible and Inclusive 2022 General Elections in Lesotho”, which is to be implemented upon its endorsement by the IEC.
6. The overall objective of PROGRESS was to strengthen democratic governance and civil society institutions and processes in order to undertake peaceful resolution of disputes, deepen democratic governance, respect for human rights and active citizen participation. Its specific objectives were to (a) support the execution of a credible, participatory and inclusive reform agenda in Lesotho through provision of technical and advisory support; (b) enhance the participation of citizens in all stages of the reform process through facilitating citizens’ inputs, support to joint government-civil society forums, and supporting alternative and complementary forums of civil society organisations; (c) deepen a culture of good governance (parliament, election management body, the Human Rights Unit and the National Human Rights Commission) and ensuring civil society participation; (d) support the development of a sustainable national capacity for conflict prevention and peaceful management and resolution of conflicts through the established of multi-stakeholder national mechanism for peace under the framework of a ‘national peace architecture’; and (e) enhance youth empowerment and participation through UN-wide youth targeted programming around priority areas of Sustainable Development Goals and through youth mobilization, sensitization and education on the country’s reform agenda.[[3]](#footnote-3)
7. PREGA is the current governance and peacebuilding programme of UNDP which contributes directly to outcome 1 of the Lesotho United Nations Development Assistance Framework (UNDAF) namely that ‘by 2023, government and non-governmental institutions deliver their mandates and uphold good governance, rule of law and human rights, with all people having improved access to justice and participating in social and political decision-making processes in a peaceful environment.[[4]](#footnote-4) Its two key outputs are (a) legal, policy and institutional reforms are implemented for national transformation; and (b) enhanced capacity of government and national stakeholders for sustained gender-responsive, inclusive and participatory institutional and governance reform processes.
8. UNDP has commissioned an independent consultant to undertake a mid-term evaluation of its contribution conflict prevention, peacebuilding and political stabilization mainly through PREGA. The evaluation covers the period, 2019-2021. The evaluation exercise was undertaken over a period of 31 days between July and September 2022. This evaluation report assesses the performance of the PREGA towards achieving its stated outcome and outputs. It highlights achievements and milestones registered. It identifies challenges and constraints towards realizing the overall purpose and objectives of the programme. It draws lessons learnt for future programming and decision-making. It also offers recommendations.

|  |
| --- |
| **2. Development Context** |

1. Lesotho’s history of instability, insecurity and cyclical crises since its independence in 1966 is extensively recorded[[5]](#footnote-5). It includes a brief period (1966-1970) of a fragile democracy following installation of self-government from the British colonial rule; an extensive period of one-party rule (1970-1986); another period of military rule (1986-1993) and the current unstable multi-party dispensation since 1993 to date. Election-related disturbances (especially post-election violence) have been a major feature of the country’s instability and insecurity over the years. The securitization of politics and politicization of the security agencies have remained a constant threat to the country’s stability despite the transition from military rule to multi-party democracy, resulting in the assassination of two commanders of the army by the known soldiers in a space of two years apart (2015 and 2017). The onset of coalition politics since 2012 and the mismanagement of coalition governance has compounded instability and insecurity, resulting in the collapse of two governments and the holding of three snap elections in a space of five years (2012, 2015 and 2017).
2. Largely as a result of either lack of or weak institutional capacity of infrastructures for peace (I4Ps), Lesotho has not been able to prevent, manage and resolve its cyclical crises. Consequently, the country has leaned heavily on efforts by its neighbours, particularly South Africa and the Southern African Development Community (SADC) with support from the African Union (AU), the United Nations, the Commonwealth as well as the country’s development partners (notably the European Union-EU) and bilateral diplomatic partners. Unsurprisingly, Lesotho has been on the agenda of SADC in earnest since 1994 (barely a year after its transition from miliary rule of eight years), resulting in external supervision of the country’s governance by SADC (notably the appointment of four SADC presidents Nelson Mandela of South Africa, Robert Mugabe of Zimbabwe, Ketumile Masire of Botswana and Joachim Chissano of Mozambique as guarantors of Lesotho’s democracy); the military intervention by South Africa and Botswana following the 1998 electoral crisis and political disturbances as well as SADC mediation efforts in the post-election political impasse of 2007.
3. When the instability and insecurity intensified following the onset of coalition politics in 2012, SADC became more and more involved, deploying the SADC Observer Mission in Lesotho (SOMILES) in the country in 2014; appointing South Africa as the SADC facilitator in Lesotho during the same year; establishing the SADC Commission of Inquiry on the assassination of Lt. Gen Maaparankoe Mahao, the then commander of the Lesotho Defence Force (LDF) in 2015; deployment of the SADC Oversight Committee in 2016; and the deployment of the SADC Prevention Mission in Lesotho (SAMPIL) following the assassination of Lt. General Khoantle Motsotso, the then commander of the LDF in 2017.
4. Emanating from these various SADC engagements with and interventions in Lesotho since 1994, the regional body, with support of the development partners, including the UN and the EU, and with concurrence from both the state and non-state actors, recommended that Lesotho embark upon inclusive and comprehensive institutional and governance reforms. Laying the foundation for the inclusive reform process, the Government of Lesotho development the guiding document entitled “The Lesotho We Want: Dialogue and Reforms for National Transformation: Vision, Overview and Roadmap” issued on 30 November 2017. The vision of the inclusive dialogue and reform agenda is articulated as ‘the transformation of the Kingdom of Lesotho into a just, prosperous and stable country marked by effective and people-focused institutions; national unity of purpose; rule of law, good governance and human rights”.[[6]](#footnote-6)
5. Evidently, Lesotho faces a multiplicity of development challenges, chief among which instability and insecurity loom large[[7]](#footnote-7). Instability and insecurity have characterized the country’s political economy over the past fifty-six (56) years of its independence since 1966. Structural (deep-seated) drivers of instability and insecurity in Lesotho include, among others, socio-economic challenges, such as low human development, poverty, unemployment and inequality. About 49.7% of Lesotho’s population of 2.2 million live below the poverty datum line. Unemployment rate stands at 22.5% and youth unemployment is at 33.68%. Lesotho’s socio-economic predicament is compounded by climate change (drought, extreme temperatures, heavy rains, floods, hailstorms) as well as health pandemics such as HIV/AIDS and COVID-19.
6. Besides structural drivers, there are proximate (catalytic) triggers of instability and insecurity. These are the factors that provide the immediate spark for conflicts and violence including, inter alia, weak governance institutions, elite-dominated and personality-based politics, fractious intra-party and inter-party relations, splintering and proliferation of parties, politicization of the security establishment, election-related conflicts as well as the mismanagement of coalition governance. While both structural drivers and catalytic triggers of instability and insecurity as well as their deleterious consequences are well known and documented, sustainable solutions have continued to elude the country despite several efforts aimed at governance reforms and structural transformation. The intractable instability and insecurity manifest the twin-problem of declining state-society social contract and weakening social cohesion.

1. Some of the manifestation of declining state-society social contract include declining citizens’ faith in elections and dwindling public trust in the country’s governance structures. The moment citizens begin to lose faith in elections and trust in governance institutions, democracy itself is imperilled. Table 1 below illustrates citizens’ loss of faith in election as demonstrated by declining voter turnout despite the change of the electoral system from the First-Past-The-Post to the Mixed Member Proportional system since the 2002.

Table 1: Declining Voter Turnout, 1965-2017[[8]](#footnote-8)

|  |  |  |
| --- | --- | --- |
| Year | Electoral System | % Voter Turnout |
| 1965 | First-Past-The-Post (FPTP) | 62.32 |
| 1970[[9]](#footnote-9) | First-Past-The-Post (FPTP) | 81.90 |
| 1993 | First-Past-The-Post (FPTP) | 72.28 |
| 1998 | First-Past-The-Post (FPTP) | 71.83 |
| 2002 | Mixed Member Proportional (MMP) | 66.69 |
| 2007 | Mixed Member Proportional (MMP) | 49.00 |
| 2012 | Mixed Member Proportional (MMP) | 50.04 |
| 2015 | Mixed Member Proportional (MMP) | 46.61 |
| 2017 | Mixed Member Proportional (MMP) | 46.37 |

1. It is clear from table 1 above that since the onset of the current multi-party democracy, voter turnout has dropped considerably from its high of 72 percent in 1993 to its lowest ebb of 46 percent in 2017. A recent study undertaken for the Independent Electoral Commission of Lesotho confirms the centrality of voter turnout to the health of democracy[[10]](#footnote-10). It, therefore, goes without saying that decline in voter turn implies the declining health of a democratic system.
2. Loss of faith in elections has been accompanied by increasingly negative citizen’s perception towards democracy. The findings of a recent Afrobarometer survey (Feb-March 2022) are instructive in this regard. According to this survey:
   1. Only half (49%) of Basotho say democracy is preferable to any other kind of government.
   2. Seven in 10 (69%) approve of a government ruled by the King and 55% endorse one-party rule.
   3. More than half (54%) prefer methods other than elections for choosing their leaders.
   4. Only 34% endorse multiparty competition.
   5. Only one-quarter (26%) say they are “fairly satisfied” or “very satisfied” with their democracy.[[11]](#footnote-11)
3. The flipside of loss of confidence in elections and declining citizens’ faith in democracy is the phenomenon of dwindling public trust in governance institutions as illustrated in Table 2 below.

Table 2: Public Trust in Leadership Institutions, March 2022[[12]](#footnote-12)

|  |  |
| --- | --- |
| Institutions | % Public Trust |
| Religious leaders | 67 |
| King | 63 |
| Army | 58 |
| Traditional Leaders | 53 |
| Courts of Law | 44 |
| Community/urban councillors | 39 |
| Independent Electoral Commission | 37 |
| Police | 34 |
| Directorate on Corruption and Economic Offences (DCEO) | 28 |
| National Reforms Authority (NRA) | 26 |
| National COVID-19 Secretariat (NACOSEC) | 24 |
| Prime Minister | 20 |
| Parliament | 18 |
| Opposition Parties | 15 |
| Ruling Parties | 15 |

1. Only few institutions enjoy popular support above the 50 percent mark. These are religious leaders (67%), the King (63%), the army (58%) and traditional leaders (53%). Institutions with the lowest public trust are ruling parties (15%), opposition parties (15%), Parliament (18%) and the Prime Minister (20%). It is worth noting, therefore, that non-elective institutions enjoy more public trust than elective institutions.
2. One of the indicators of enfeebled social cohesion is the phenomenal upward spiral of violent criminality including sexual and gender-based violence. Data from the World Population Review shows that Lesotho is ranked number one in Africa and number three globally among the top ten countries with the highest homicide rates, behind El Salvador (no.1) and Jamaica (no.2). Only three African countries feature on this unenviable list of countries considered dangerous destinations in the world (Lesotho, no.3, South Africa, no. 8 and Nigeria, no. 10). Because violence is strongly correlated with socio-economic circumstances, it is not surprising that it is more embedded in some rural and mountainous districts (notably Mafeteng, Mohales’ Hoek, Quthing, Qacha’s Nek, Mokhotlong and Thaba Tseka) which are the hardest-hit parts of the country by poverty as illustrated in table 3 below. This is an indication that structural roots of instability and insecurity run deep.

Table 3: Poverty Rate by District, 2017/2018[[13]](#footnote-13)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| District | Population | % Food Poverty | % Poverty Lower Bound | % Poverty Upper Bound |
| Botha Bothe | 118, 242 | 22.00 | 44.11 | 50.47 |
| Leribe | 337, 521 | 19.21 | 40.09 | 46.35 |
| Berea | 262, 616 | 21.03 | 41.15 | 46.98 |
| Maseru | 519, 186 | 14.93 | 32.13 | 37.65 |
| Mafeteng | 178, 222 | 26.70 | 49.23 | 55.41 |
| Mohales’ Hoek | 165, 590 | 29.71 | 52.53 | 58.59 |
| Quthing | 115, 469 | 28.30 | 50.95 | 57.03 |
| Qacha’s Nek | 76, 230 | 25.99 | 48.91 | 55.20 |
| Mokhotlong | 100, 736 | 30.96 | 55.07 | 61.23 |
| Thaba Tseka | 133, 389 | 38.29 | 63.36 | 69.22 |

1. Lesotho’s instability and insecurity have assumed a particular pattern: crises followed by mediation and reform proposals. This has been a consistent pattern in Lesotho’s governance process since 1993[[14]](#footnote-14). While several reforms have been undertaken with the aim of addressing instability and insecurity, ironically, the culture of violence has not receded. Violence remains a constant feature of Lesotho’s political economy. Following the post-election violence of 1998, the Interim Political Authority (IPA) was established. The IPA proposed some far-reaching electoral reforms. This is how the First-Past-The-Post electoral (FPTP) system that the country had used since independence was transformed into the current Mixed Member Proportional (MMP) system in 2001. This was done with the main objective of addressing instability. The UNDP played a significant role in this process by providing both technical and financial support to the electoral reform conference as well as the reform process which was spearheaded by IPA.
2. The electoral system reform had its net effect on the country’s party system too. Prior to 1993 (especially between 1970 and 1986), Lesotho was a de facto one-party state. During the military rule of 1986-1992, Lesotho embraced a political system premised upon the no-party system as political parties were banned by the military junta. Between 1993 and 2012, Lesotho experienced the dominant party system under two governments: (a) Basotho Congress Party, 1993-1997 and (b) the Lesotho Congress for Democracy, 1997-2012. Following the 2011 reforms to the National Assembly Elections Act, the 2012 general election did not produce a clear-cut winner for a single party government to be formed. This development set the stage for the current trend of coalition governments. This incidence of instability has multiplied manifold since the recent past with the onset of coalition politics in 2012. Linked to the party system is Lesotho’s pervasive problem of proliferation, fragmentation and splintering of political parties. At independence in 1966, Lesotho had only four political parties. Upon transition from military rule to multi-party democracy in 1993, Lesotho had 12 political parties. As of August 2022, there are about 165 political parties registered with the Law Office, 65 of which have also registered with the Independent Electoral Commission (IEC) with intention to contest the general election slated for 7 October 2022. While establishment of political parties is one of the human rights of citizens, especially the freedom of association, proliferation of parties at this rate in a country with a population of 2.2. million is a threat to democracy. This phenomenon may be one of the reasons why citizens are losing faith in elections. It may also explain, in part, the loss of public trust in governance institutions including political parties themselves.
3. Lesotho has adopted three out of five known party systems[[15]](#footnote-15): (a) one-party system (1970-1986 under the BNP rule); (b) dominant party system, 1993-1997 under the BCP rule; 1998-2011 under the rule of Lesotho Congress for Democracy-LCD; and (c) multi-party system under various coalition governments since 2012. Despite lessons learnt from other countries that have an embedded political culture of coalitions, such as New Zealand, coalition politics in Lesotho have contributed to the collapse of governments way before the expiry of their constitutional mandate in office (5 years). Between 2012 and 2017, two coalition governments collapsed prompting three elections at an enormous cost to the public fiscus. The 2012 election cost the country M245, 000, 000; the 2015 election cost about M236, 403, 590 and the 2017 election cost M247, 389, 290[[16]](#footnote-16). The collapse of another coalition government in May 2020 did not lead to a snap election because of the Amendment of the Constitution that barred the Prime Minister from advising the King to dissolve parliament and call for a snap election[[17]](#footnote-17). Instead that coalition government was replaced by another one through a parliamentary process.
4. In part as a result of both instability and insecurity, Lesotho’s ranking on various democracy, governance and development indices, between 2019 and 2021 (the period of this evaluation), has remained poor at worst or moderate at best. According to the 2020 Human Development Report of the United Nations Development Programme (UNDP), Lesotho is ranked number 165 out of 189 countries and territories globally placing the country in the low human development category. The Global Peace Index, which measures the state of peace in the world, shows that Lesotho’s ranking improved between 2019 and 2020, but worsened in 2021. In 2019, Lesotho was ranked 60th less peaceful country out of 163 countries globally; this ranking improved to 65th less peaceful country in 2020; but the country slipped to the 51st less peaceful country in 2021. Throughout the evaluation period (2019-2021), the annual Freedom in the World Report of Freedom House, which measures the state of civil liberties and political rights in several countries around the world, ranked Lesotho among Partly Free countries an indicator of the fragility of its democratic governance. A similar pattern is manifest with regard to Lesotho’s ranking on the Economic Intelligence Unit’s Democracy Index. Over the evaluation period (2019-2021), Lesotho was ranked no 60 with a score of 6.54 (2019), 64 with a score of 6.30 (2020) in both 2020 and 2021 under the category of countries classified as flawed democracies. In 2019 and 2020, the Ibrahim Index on African Governance covering 54 African countries measuring four key domains of governance (namely security and rule of law; participation, rights and inclusion; foundations for economic opportunity; and human development), ranked Lesotho no.20. An even more telling governance performance of Lesotho is its ranking at no. 96 out of 180 countries on the Transparency International’s Corruption Perception Index. Corruption is corroding democracy and governance in the country and this scourge has increased in scale and intensity since the onset of COVID-19 in May 2020 and still remains a major development challenge today.
5. Since 2016, with the support of the United Nations Development Programme (UNDP), Southern African Development Community (SADC) and other international partners, Lesotho has embarked on a journey aimed at wide-ranging governance reforms. The process kicked off with broad-based multi-stakeholder consultations at community and national levels which were widely inclusive of marginalized and vulnerable social groups such as women, youth, children and persons with disabilities. Following the Multi-Stakeholder National Dialogue Plenary I of 2018, these consultations culminated in the Multi-Stakeholder National Dialogue Plenary II held at Manthabiseng Convention Centre, Maseru on 25-27 November 2019. This second national dialogue adopted its report entitled “The Lesotho We Want-Dialogue and Reform for National Transformation”. The National Dialogue set the stage for the development of the reform agenda, hence the establishment of a statutory body through the National Reforms Authority Act, of 8 November 2019. Sequel to its enactment, the National Reforms Authority (NRA) embarked on a process of the reform covering seven (7) key thematic areas (constitution, security, economy, public service, justice, parliament, and media).
6. This is the context that informed the strategic significance of the UNDP programming on governance and peacebuilding in Lesotho through PREGA. The next section introduces the key elements of PREGA.

|  |
| --- |
| **3. Programme Description and the Problems it Seeks to Address** |

1. The Programme on Renewal and Enhancement of Governance Architecture (PREGA) is a five-year initiative through which UNDP aims to contribute to the Country Programme Document (CPD), 2019-2023. It is through PREGA that UNDP aims to contribute to ongoing efforts by key stakeholders towards comprehensive national reforms. These reforms constitute a firm foundation for conflict prevention, peacebuilding and political stabilization. Implementation of this programme began in January 2019. Its completion is planned for December 2023.
2. The programme’s theory of change is that the enhancement of the institutional capacity of key stakeholders (both state and non-state alike) is facilitative of the effective and efficient delivery on their mandates, especially in relation to nurturing and deepening democratic governance and peacebuilding. The assumption is that weak institutions (both state and non-state) are contributory factors to Lesotho’s political crises, instability and insecurity.
3. It, therefore, goes without saying that strong and resilient institutions are a *sine qua non* for the development and implementation of national reform agenda articulated in the 2019 Plenary II Report of the Multi-Stakeholder Dialogue. The programme’s focus on strengthening or enhancing the governance architecture is important because part of the weakening of governance institutions has a lot to do with personality-based politics wherein institutions are synonymous with the leaders of political parties and vice versa.
4. Two further dividends emanate from strong, effective and resilient institutions namely (a) enhanced people-centred, gender-responsive and pro-poor governance in which no one is left behind and inclusive of marginalized and vulnerable social groups such as women, youth, children, persons with disabilities, minorities; and (b) institutionalized (as against personalized) governance is more facilitative of inclusive socio-economic advancement that improves lives and livelihoods of people contributing to political stability and durable peace.
5. The greater assumption of this theory of change is the recognition of the mutual interdependence, synergy and complementarity between and among democratic governance, peace and socio-economic development, a reality reinforced by the seventeen Sustainable Development Goals (SDGs). The 2022 SDG Report raised an alarm bell that besides the COVID-19 pandemic, one of the threats that could potentially hamper progress towards achieving all the SDGs, especially SDG 16 (Peace, Justice and Strong Institutions) is protracted violent conflicts in various parts of the globe[[18]](#footnote-18), an observation that reinforces the democracy-peace-development nexus.

|  |
| --- |
| **4. Risk Analysis** |

1. There are several assumptions and risks identified in the programme document with implications for its implementation.
2. At the output level, the assumptions include the following:
   1. Reforms and dialogue remain a national priority
   2. There is consistent commitment by stakeholders to promote and increase participation, inclusion and gender responsive reforms
   3. Domestic funding for reforms will increase
   4. International funding and technical assistance will be accessible to cover resource gap for effective programme implementation
   5. Accountability and participatory mechanisms increase.
3. Output level risks identified include the following:
   1. Limited financial investment for institutional capacity development
   2. Possible delays in completion of dialogue and agreement on the reform implementation plans
   3. Collapse of government leading to lack of continued political support and buy-in
   4. High turn-over in staff affecting interventions and timely delivery of results
   5. Slow pace of enabling policies and incentives regime.
4. Documentation review and interviews show that most of the assumptions came to fruition. Government of Lesotho and civil society actors have remained consistently committed to the reform agenda with dialogue as its core element, inclusive of marginalized and vulnerable social groups such as women, children, youth, persons with disability. However, funding for the efficient and effective implementation of the programme remained a challenge.

1. In terms of risks, financial constraints have remained a challenge. However, despite this challenge major milestone of the dialogue phase of the reform was completed with the adoption of the Plenary II report in 2019 together with its roadmap. The National Reforms Authority (NRA) was established to spearhead the national reform agenda. The NRA included dialogue as one of the mechanisms of undertaking its mandate. In 2020, the coalition government which was formed following the 2017 general elections collapsed. Although this did not prompt a snap election, due to a constitutional amendment barring the Prime Minister to advise the King to dissolve parliament and call for an early election, this development caused a temporary delay in reform implementation. The new coalition government continued to show commitment to the reform agenda working in collaboration and partnership with UNDP, the UN system, the European Union (EU), the African Union (AU) and the Southern African Development Community (SADC).
2. An even greater risk was the slow pace of initiation, development and implementation of enabling legislative and policy frameworks required for the effective implementation of reforms. It took a long time to establish the NRA following its enactment, including the setting up of the NRA Secretariat as well as recruiting its core staff complement. A major setback was that even though the NRA completed the development of its proposals for the amendment of the Constitution to give effect to the reforms, Parliament failed to enact the reforms until its dissolution by the King in preparation for the general election slated for 7 October 2022. This single and unfortunate development poured ice-cold water on the entire reform agenda and left most key stakeholders (including the UN, EU, bilateral diplomatic partners, civil society, political parties) with an enormous amount of disappointment. Although Parliament was recalled to complete the reform process, uncertainty still surrounds the process, including various lawsuits challenging the constitutionality of the recall of Parliament as well as the proposed Tenth Amendment of the Constitution.

|  |
| --- |
| **5. Scope & Focus, Purpose & Objectives and Criteria of the Evaluation** |

1. The scope of this evaluation is limited to PREGA as the current governance and peacebuilding programme which is being implemented by various partners, including Government under the overall coordination of the Ministry of Development Planning and non-state actors, including the civil society umbrella body, the Lesotho Council of Non-Governmental Organisations (LCN). The evaluation assesses the contribution of UNDP to efforts of key national stakeholders in advancing conflict prevention, peacebuilding and political stabilization. It also assesses how the programme mainstreamed UN programming principles such as Gender Equality and Women Empowerment GEWE), human rights and capacity development.
2. The main purpose of the evaluation is to assess performance of PREGA through its various projects. The evaluation is meant to:

* Measure the impact of the conflict prevention and political stabilization project portfolio and its programmatic strategies;
* Provide substantive input and direction to the formulation of future strategies, including at the programmatic level;
* Support greater UNDP accountability to national stakeholders and partners in Lesotho;
* Serve as a means of quality assurance for UNDP interventions at the country level; and
* Contribute to learning at corporate, regional and country levels.

1. The twelve (12) specific objectives of the evaluation are to:

* Assess progress towards advancing conflict prevention and political stabilization;
* Assess whether or not, the project/programme constitutes the appropriate solution to identified problems;
* Assess the relevance of and progress made in terms of the UNDP outputs, including sustainability of the results;
* Assess the alignment of the peacebuilding portfolio to national development priorities, Country Programme Document (2019-2023), UNDAF (2019-2023); UNDP’s Strategic Plan, 2018-2021; and the new UNDP’s Strategic Plan, 2022-2025;
* Evaluate the contribution that UNDP has made/is making to the progress towards achievement of the thematic area;
* Reflect on how efficient the use of available resources has been towards realizing the objectives of this thematic area;
* Document and provide feedback on lessons learnt and best practices generated by the programmes/projects during their implementation;
* Identify unintended results that emerged during the implementation of projects/programmes beyond what was initially planned for;
* Ascertain whether or not, UNDP’s partnership strategy has been appropriate and effective;
* Provide feedback and recommendations for subsequent decision-making and necessary steps that need to be taken by the national stakeholders to ensure sustainability of the programme’s results;
* Assess the level of gender mainstreaming and human rights-based approach to programming and progress against gender equality and other human rights expected results;
* Identify possible areas of further engagement and potential intervention strategies.

1. The criteria used for evaluation are four, namely relevance, effectiveness, efficiency and sustainability.
2. Evaluating the relevance of the UNDP in conflict prevention and political stabilization in Lesotho entails as assessment of the extent to which its programmes/projects are designed and implemented in a way that responds to the needs of beneficiaries and policy priorities of the country. It is about “doing the right thing” and “doing no harm”. Relevance is also assessed in terms of the extent to which programmes resonate with interventions of other development partners. Programme design and implementation has to be relevant to the specific socio-cultural, politico-economic and environmental context of Lesotho. Key to the relevance of the programme design is its context analysis, its value proposition and the theory of change. In order to maintain its relevance, the programme has to continually adapt to either complex or changing environment, especially situations of conflict and instability, as is the case in the Lesotho context.
3. Measuring effectiveness entails an assessment of the extent to which a particular programme intervention has achieved or is reasonably expected to achieve its intended results. It is about evaluating how the programme contributed to the overall objective of the development intervention at either the output level, the outcome level or the impact level. Did the intervention achieve the intended output? Did the intervention achieve the expected outcome? Or did the intervention achieve a particular impact (either positive or negative)? What has worked and under what conditions? What has not worked and due to what conditions? Assessment of effectiveness of development interventions is crucial for, inter alia, institutional learning. The starting point for assessment of effectiveness is the programme logical framework, feasibility studies, M&E reports, implementation reports etc. Assessing effectiveness requires the availability of reliable and up-to-date data.
4. Assessment of the efficiency entails evaluating the extent to which the programme intervention delivers (or is likely to deliver) expected results in the most economical and timely manner to achieve intended results. Related to this is the assessment of whether the same results could have been achieved with even lesser resources and in a lesser duration of time. Additionally, in assessing efficiency, due regard has to be paid to the quality versus quantity of the outputs emanating from the development intervention.
5. Evaluating sustainability of a programme relates to the assessment of the durability (or prospects thereof) of its net benefits beyond the intervention itself (i.e. upon completion of the development assistance). Its essence transcends the short-term results of the development intervention. It entails assessment of the institutional capacities of beneficiaries to sustain programme outputs even in the medium to long term horizon after the expiry of the programme period. Sustainability has financial, institutional, economic, social, technological and environmental dimensions.
6. The evaluation also draws lessons learnt, innovations as well as best practices emanating from programme implementation worth replicating in future iterations of the programme. It also includes recommendations aimed at improving UNDP interventions aimed at contributing towards conflict prevention, peacebuilding and political stabilization.

|  |
| --- |
| **6. Evaluation Process: Methodology, Limitations and Performance Rating** |

1. This evaluation was conducted by an independent consultant over a period of 31 days between July and September 2022. It has followed UNDP evaluation guidelines for evaluation (2021) as well as other international standards such as the OECD-DAC guidelines with special focus on four main criteria: relevance, effectiveness, efficiency and sustainability.

1. The stakeholders consulted during the evaluation were those identified in the programme document as implementing and responsible parties. These included both state and non-state actors.
2. A three-pronged data collection methodology was used namely documentation review, interviews and field visits. The documents reviewed included UNDP/UN reports, reports from the Government of Lesotho, newspapers and books. Some interviews were conducted face-to-face with selected respondents or through a questionnaire sent via email. Two field visits were undertaken to Ribaneng, Matelile in the Mafeteng District where UNDP jointly with the Catholic Commission on Justice and Peace (CCJP) are implementing a community-level peace and social cohesion initiative.
3. The evaluation exercise faced four main limitations and constraints.
4. *Timing:* The evaluation was undertaken fairly close to the general election slated for 7 October 2022. Political parties were already on a campaign trail. Although, it was recalled briefly, Parliament had been dissolved. The IEC and civil society organisations were busy with preparations for elections. This situation presented a challenge in that almost all the interlocutors were involved in one way or the other in preparations for the election. It proved difficult for them to avail time to respond to the evaluation questions. However, the consultant was able to leverage the solid and mutually beneficial relations that the key stakeholders have with UNDP to implore them to participate in the evaluation.
5. *The risk of the COVID-19 pandemic***:** much as the severity of COVID-19 has receded considerably, the pandemic remains a risk that adversely affected the pace of execution of this assignment. The national state of disaster was lifted by the government in the middle of the evaluation exercise. During the evaluation period, he majority of stakeholders continued to adhere to the practice of working from home; a trend that persisted even after the lifting of the state of disaster. The consultant resorted to the use of online interactions with key stakeholders (including email, WhatsApp, and telephone correspondence etc) to mitigate against this risk.
6. *The paucity of accurate and up-to-date data*: the issue of accurate, reliable, verifiable, up-to-date data aggregated by gender posed a challenge. This challenge was mitigated by gathering data from various sources through a triangulation methodology in order to validate its authenticity and veracity.
7. *Time Frame*: Undertaking an evaluation of a programme implemented so far over a three-year period (2019-2021) within a time frame of one (1) month presented a major challenge. This is more so because the evaluation was not reliant mainly on documentation review alone. It involved interviews with about 30 respondents and 2 field visits to Ribaneng, Matelile, Mafeteng District. In fact, originally, the consultant had planned to conduct a Focus Group Discussion (FGD) with a select group of stakeholders, namely women, youth and persons with disabilities. However, the FGD was ultimately cancelled as these stakeholders were busy preparing project proposals for submission to the Independent Electoral Commission (IEC) related to the election of 7 October 2022.
8. In line with the Terms of Reference (ToRs), the rating used to measure programme performance is five-pronged as follows:
   1. HS: Highly Satisfactory
   2. S: Satisfactory
   3. U: Unsatisfactory
   4. HU: Highly Unsatisfactory
   5. NA: Not Applicable
9. The above performance rating is more applicable to three of the four criteria used namely relevance, effectiveness and efficiency.
10. In respect of the fourth criteria, sustainability, given that it is futuristic, a slightly modified rating is as follows:
    1. HL: Highly Likely
    2. L: Likely
    3. HU: Highly Unlikely
    4. NA: Not Applicable.

|  |
| --- |
| **7. Evaluation Findings: How has the Programme Performed?** |

## ***Relevance***

1. All the programmes and projects of UNDP that constitute its governance and peacebuilding portfolio are relevant to Lesotho’s political economy landscape. This is a landscape that has been characterized by pervasive crises, instability and insecurity with dire consequences for the lives and livelihoods of ordinary citizens. Thus, context relevance of the UNDP’s governance and peacebuilding programmes and projects towards conflict prevention, peacebuilding and political stabilization is abundantly evident. UNDP, therefore, has contributed significantly to efforts by both state and non-state actors towards conflict prevention, peacebuilding and political stabilization in Lesotho. This was confirmed by both documentation review and interactions with interlocutors during the course of the evaluation.
2. Furthermore, the UNDP governance and peacebuilding programmes and projects aimed at contributing to Leasotho’s efforts towards conflict prevention, peacebuilding and political stabilization resonate with international, regional, sub-regional and national normative and policy frameworks.
3. At the international level, PREGA contributes to SDG 5 on Gender Equality aimed at achieving gender equality and empowerment of all women and girls with a view to “ensure women’s full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life”; SDG 8 on Decent Work and Economic Growth, with a view to “promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all”; SDG 10 on Reduced Inequality within and among countries aimed at promoting “social, economic and political inclusion of all irrespective of age, sex, disability, race, ethnicity, origin, religion, or economic or other status”; SDG 16 on Peace, justice and Strong Institutions, with a view to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”; and SDG 17 on Partnership for the Goals aimed at strengthening “the means of implementation and revitalise the global partnership for sustainable development”.
4. The programme is related to the UNDP Strategic Plan (2018-2021) Outcome aimed at accelerating structural transformation for sustainable development and it resonates with the UNDP’s next Strategic Plan (2022-2025) particularly in relation to its development offerings on governance, resilience and gender equality.
5. The programme falls under Strategic Pillar 1 of UNDAF namely on Accountable Governance, Effective Institutions, Social Cohesion and Inclusion. It also dovetails into two other Strategic Pillars of UNDAF namely Sustainable Human Capital Development and Sustainable and Inclusive Economic Growth for Poverty Reduction.
6. PREGA contributes directly to outcome 1 of the UNDAF which envisions that “by 2023, government and non-governmental institutions deliver their mandates and uphold good governance, rule of law, and human rights, with all people having improved access to justice and political participation in social and political decision-making processes in a peaceful environment”.
7. At the regional level, the programme resonates with African Union (AU) normative frameworks such as the 1981 African Charter on Human and Peoples’ Rights, the 2002 Protocol Establishing the Peace and Security Council and the 2007 African Charter on Democracy, Elections and Governance all of which aim at inculcating a culture of human rights, peace and democratic governance.
8. The 2014 Agenda 2063: The Africa We Want has seven aspirations two of which are germane to the goals of PREGA. Aspiration no.3 of Agenda 2063 envisages an ‘Africa of good governance, democracy, respect for human rights, justice and the rule of law’. Aspiration 4 envisions ‘a peaceful and secure Africa’. Both aspirations dovetail into SDG 16 illustrating the synergy between Agenda 2063 and SDGs.
9. At the sub-regional level, PREGA aligns with the 2001 SADC Protocol on Politics, Defence and Security Cooperation which has as one of its noble goals to “promote the development of democratic institutions and practices within State Parties and encourage the observance of universal human rights as provided for in the charters of the Organisation of African Unity and the United Nations respectively”.
10. At national level, PREGA is in sync with major policy and legal instruments. Lesotho, as a nation, was founded by King Moshoeshoe 1 anchored on such principles as peace, unity, reconciliation, social harmony, dialogue and justice. It is no consternation, therefore, that King Moshoeshoe 1 bequeathed to contemporary Lesotho the motto Khotso (Peace), Pula (Rain), Nala (Prosperity). However, the three are in short supply in Lesotho today. The 2020 National Vision proclaims that by that year Lesotho was supposed be stable democracy, a united and prosperous nations at peace with itself and its neighbours. Since 2020, Lesotho’s democracy remains fragile, Basotho are polarized largely around political fault-lines and the country’s economic conditions continue to deteriorate.
11. The National Strategic Development Plan (2013-2018) re-affirms Vision 2020 in its quest for the promotion of peace, democratic governance through building strong, resilient and effective governance institutions, an idea that is at the heart of the country’s reform agenda. Inspired by this Strategic Plan as well as the recommendation of the SADC Double Troika of 28 June 2016, with support from the UN and other development partners, Lesotho developed a reform agenda known as “The Lesotho We Want: Dialogue and Reforms for National Transformation-Vision, Overview and Roadmap”.
12. Assessed on the basis of its alignment to both the development context and the normative frameworks at global, regional, sub-regional and national levels, the performance rating for the programme in relation to relevance is **Highly Satisfactory**.

## ***Effectiveness***

**National Dialogue and Stabilization Project to Catalyse Comprehensive National Reforms in Lesotho (NDSP)**

1. The overarching outcome of this eighteen-months project was a more united Lesotho with commitment to implement political reforms aimed at addressing the causes of recurrent crisis and building sustainable peace and stability in the country. It had three (3) main outcomes namely:
   1. Outcome 1: By 2019, there is a national agreement on the content and processes of comprehensive political reforms and national reconciliation in Lesotho with increased public and donor support;
   2. Outcome 2: By 2019, tensions and divisions within the and among the security services are reduced thereby enhancing the participation of the sector in national dialogue and reform processes and enhancing public trust; and
   3. Outcome 3: By 2019, a more informed Lesotho constituency is actively participating in political reforms and reconciliation efforts due to greater access to timely and accurate information on the national dialogue and reform processes.
2. On 18 January 2016, the Southern African Development Community (SADC) held its Double Troika[[19]](#footnote-19) Summit in Gaborone, Botswana. Lesotho was represented at this Summit by the then Prime Minister, Pakalitha Bethuel Mosisili. A major agenda item of this Summit was the tabling of the report of the Commission of Inquiry which investigated circumstances upon which the then Commander of the Lesotho Defence Force (LDF), Lt. General Maaparankoe Mahao was assassinated on 15 June 2015. The report was tabled by the Chairperson of the Commission of Inquiry, Justice Mpaphi Passevil Phumaphi. At the same Summit, the SADC Facilitator to Lesotho, the then Deputy President Matamela Cyril Ramaphosa presented a progress report on his facilitation role.
3. Concerned by the sluggish pace of towards constitutional, public sector and security reforms, Double Troika Summit “urged the Kingdom of Lesotho to prepare, with support from the Organ Troika and the Secretariat, a roadmap for the implementation of the reforms as contained in the SADC Facilitator’s Final Report. The Government of the Kingdom of Lesotho is to submit a progress report to the Summit in August 2016”[[20]](#footnote-20).
4. The Government of Lesotho submitted a draft roadmap on constitutional, security sector, parliamentary and judiciary reforms during the 36th Summit of SADC Heads of State and Government held in Mbabane, Swaziland on 30-31 August 2016. As it did during the Double Troika Summit of January, the ordinary Summit of August 2016 further “encouraged the Kingdom of Lesotho to continue implementing SADC decisions, and all stakeholders to participate in the reform processes”[[21]](#footnote-21).

1. However, the political landscape in Lesotho at this time seemed inauspicious for meaningful, all-inclusive dialogue and reforms to take place. Some key political figures, including Motsoahae Thomas Thabane, then leader of the All-Basotho Convention (ABC), the main opposition, were in exile in South Africa since 2015. Besides, in November 2016, a number of senior members of the Democratic Congress (DC), led by Monyane Moleleki, withdrew their support to the government citing corruption and government’s failure to implement comprehensive reforms as per SADC’s recommendations. Following the resignation of four DC ministers, Monyane Moleleki established a breakaway party from DC known as Alliance of Democrats (AD). Moleleki’s AD signed a pact with Thabane’s ABC signalling the birth of a possible future coalition government. Moleleki announced his intention to table a motion of no confidence in the DC-led coalition government.
2. The DC-led coalition government was further weakened by the split of one of the major allies, Lesotho Congress for Democracy (LCD) when in January 2017, Sedibe Mochoboroane, the party’s then Secretary-General, broke ranks and formed his own party, the Movement for Economic Change (MEC). The three opposition leaders that had sought political asylum in South Africa (Thomas Thabane, Kekeletso Rantso of Reform Congress of Lesotho (RCL) and Thesele Maseribane of the Basotho National Party (BNP) returned home in February 2017 to support the AD move to table a no-confidence vote in the DC-led coalition government. Indeed, the no confidence vote was tabled and passed on 1 March 2017. Subsequently, the then Prime Minister Mosisili advised His Majesty King Letsie III to dissolve parliament and declare a date for a snap election. The snap election (the third in a space of five years) was conducted on 3 June 2017.
3. The Mosisili-led coalition government was dislodged from power through the 2017 snap election. It was replaced by another coalition government led by the All-Basotho Convention (ABC) under the leadership of Motsoahae Thomas Thabane who took over as the Prime Minister. ABC’s coalition partners were the BNP and RCL. It is evident that the precariousness of coalition politics, the fragility and/or collapse of coalition governments contributed immensely to the painstaking sluggish pace towards national dialogue and comprehensive reforms between 2016 and 2018.
4. From the literature reviewed and interviews conducted, it is evident that despite the slow start of the dialogue and reform processes, UNDP, the UN system, development partners, diplomatic corps, the AU and SADC all invested a lot of effort and resources nudging the coalition governments, CSOs and other national stakeholders to stay the course of reform. For instance, SADC scaled up its political diplomacy in pursuit of the reforms by re-affirming the role of the current President of South Africa Matamela Cyril Ramaphosa as its point man and facilitator of the reform programme in Lesotho in 2017. Subsequently, President Ramaphosa designated former Deputy Chief Justice of South Africa, Dikgang Moseneke, as his right-hand man on the Lesotho file.
5. As a signal of its commitment to the national dialogue and reforms, the Thabane-led coalition government adopted the first ever comprehensive articulation of its vision and action plan for dialogue and reform. This came in the form of “The Lesotho We Want: Dialogue and Reforms for National Transformation: Vision, Overview and Roadmap” which was adopted by Cabinet on 30 November 2017. The government articulated the vision of reform agenda as “the transformation of the Kingdom of Lesotho into a just, prosperous and stable country marked by effective and people-focused institutions; national unity of purpose; rule of law, good governance and human rights”.[[22]](#footnote-22) The Roadmap established structures including the two-tier national dialogue platform (Leaders’ Forum and Plenary Forum). The National Dialogue Planning Committee (NDPC) was established in August 2018 to drive and coordinate the dialogue process. Plenary I dialogue forum was held at the end of November 2018.
6. The vision and roadmap for dialogue and reforms was presented and officially endorsed by the Double Troika Summit of Heads of State and Government held in Luanda, Angola on 24 April 2018. In endorsing the Roadmap, the Summit “urged the Government of Lesotho to prioritse the constitutional and security sector reforms, which should be completed by May 2019, and a progress report to be presented to the Summit in August 2018”...[and]… called upon political parties and stakeholders in the Kingdom of Lesotho to accord the needed seriousness to National Dialogue and the reforms processes, and find lasting solutions to the political and security challenges facing the Kingdom”[[23]](#footnote-23). It was this SADC endorsement of the vision and roadmap that paved the way for national dialogue that set the reform processes in motion.
7. In order to kick-start the reform process, the Parliament passed an enabling legislation in the form of the National Reform Dialogue Act of 2018. The Act established three key structures to drive the dialogue process around the national reforms, chief among which were three namely: (a) the National Leaders’ Forum (NLF), (b) Dialogue Plenary and (c) the National Dialogue Planning Committee (NDPC).
8. The NLF was meant to facilitate consensus on reforms and reconciliation; build trust and confidence among political leaders; provide a forum for leaders to meet from time to time and deliberate on the reforms; facilitate national dialogue. It comprised 33 leaders of political parties registered with the IEC; 33 women representatives of political parties; 18 representatives of the National Assembly; 7 representatives of the Christian Council of Lesotho (CCL); 4 representatives of the College of Chiefs; 2 representatives of civil society organisations; 2 members representing the former and serving Speakers of National Assembly; 3 members representing former and serving Presidents of the Senate. The total membership of NLF was 103, of which 84 or 81 percent were politicians[[24]](#footnote-24).
9. Two plenary sessions were convened. Plenary I was convened in late 2018. This was followed by in-district consultations, as well as sectoral consultations and outreach to the diaspora leading up to Plenary II of November 2019. The NDPC comprised 18 members, of which 8 (or 53.33%) were members of political parties[[25]](#footnote-25). NDPC was the central coordinating structure for the dialogue stage of the reforms and was later replaced by the National Reforms Authority (NRA).
10. The policy brokerage role of UNDP towards the development and subsequent adoption of this base document for national dialogue and reforms is confirmed through documentation review and interviews undertaken by the consultant. UNDP already had PROGRESS in place in support of dialogue and reforms since 2016. It further enhanced its support by initiating the Lesotho National Dialogue and Stabilization Project (LNDSP) which was implemented over 18 months between 4 June and 4 December 2018 with financial support from the UN Peacebuilding Fund (PBF) to the tune of USD2, 000, 000.00. UNDP also engaged in discussions with the European Union (EU) for a Contribution Agreement of Euro 3, 000, 000.00.
11. Significantly, in order to guarantee the participatory and inclusive nature of the dialogue, and by extension, national reform processes, UNDP facilitated the convening of consultations involving special interest groups representing marginalized and vulnerable social groups such women, youth, children, persons with disabilities, all of whom developed their own position papers which in turn informed national dialogue, especially the National Multi-Stakeholder Dialogue Plenary II. On 18-19 October 2018, with support of the UN and SADC, and in collaboration with relevant government ministries and non-governmental organisations, the Lesotho National Youth Conference was convened at Avani Lesotho Hotel in Maseru which came up with the position paper of the youth on the reform process and content. UN Women in collaboration with SADC and relevant government ministries and CSOs convened the National Women’s Conference on 23-24 October 2018 which came up with the Basotho Women’s Common Position on the Lesotho We Want. With support provided by the United Nations Children’s Fund (UNICEF) and World Vision, working in collaboration with relevant government ministries, the National Children’s Conference was convened on 18 November 2018 culminating on a position paper of the children on the reforms. The Lesotho Federation of Organisations of the Disabled (LNFOD) also developed the position paper of the persons with disabilities covering all the seven thematic areas. All these sectoral position papers expressing the views of various interest groups were submitted to the National Dialogue Planning Committee (NDPC).
12. In order to mobilise views of civil society actors and generate public debate, the Transformation Resource Centre (TRC) published a special issue of its flagship journal ‘Work for Justice’, under the theme ‘Let Reforms be Desires and Aspirations of the People’, Volume 31, Issue 01 of November 2018. This publication covered a broad range of issues including:
    1. Constitutional reforms design and process;
    2. Depoliticization of the public service;
    3. Patronage vs merit-based recruitment in the public service;
    4. Strengthening accountability structures in the reform agenda;
    5. The right to public participation in the reform process;
    6. Regulation of the referendum process;
    7. The need for fixed term of Parliament;
    8. Parliamentary reforms; and
    9. Pre-requisites for a successful dialogue process[[26]](#footnote-26).
13. From March to May 2019, UNDP and the Lesotho Council of Non-Governmental Organisations (LCN)[[27]](#footnote-27) facilitated in-district consultations covering the seven thematic areas of the reform agenda under the leadership of the National Dialogue Planning Committee (NDPC). The report of the in-district consultations was prepared by LCN and submitted to the NDPC on 2 July 2019. Between 6 and 11 June 2019, LCN conducted 54 consultations involving Basotho diaspora in 6 provinces of South Africa (Free State, Western Cape, Kwazulu-Natal, North West, Gauteng and Eastern Cape) covering a total of 2 435 participants (of which 647 were women). From these consultations, the position paper of Basotho diaspora on the reform agenda of the country emerged. All these sectoral conferences and position papers fed into the plenary fora and ensured that the reform agenda is participatory and all-inclusive.
14. UNDP provided requisite technical backstopping for the establishment and operationalization of the National Dialogue Planning Committee (NDPC) which became the key coordination hub of the entire dialogue process. UNDP also partnered with LCN to facilitate training of 33 facilitators, 11 supervisors, 11 coordinators, 76 Gateway consultations, 389 community consultations, 36 diaspora consultations and 7 sectoral consultations all in all reaching 400, 000 Basotho.
15. From the documentation review and interaction with interlocutors, the consultant found that the LNDSP registered some concrete milestones that contributed significantly to the reform agenda. Technical support and policy advisory services were provided for the convening of six (6) National Leaders’ Forum which solidified the political buy-in on national dialogue as a critical pre-condition for the reforms.
16. Two (2) National Dialogue Plenaries were also convened with UNDP brokerage and technical support. The first one was held in 2018. On 25-27 November 2019, the second Multi-Stakeholder National Dialogue (MSND) was convened at Manthabiseng Convention Centre in Maseru, with technical support from UNDP, UNCT, EU, SADC and other development and diplomatic partners. A key outcome of this dialogue was the Plenary II Report. This report encapsulates the national consensus on form, scope and substance of the reforms needed for the transformation of Lesotho away from the culture of instability, insecurity and cyclical crises towards peacebuilding, reconciliation, social harmony and inclusive governance. The MSND Plenary II Report is therefore the defining base document for the reforms across seven main thematic areas, namely:
    1. Constitution
    2. Parliament
    3. Security Sector
    4. Justice Sector
    5. Public Service
    6. Economy
    7. Media
17. In part as a result of implementation of the LNDSP, three main positive results are worth noting: (a) broad-based and all-inclusive dialogue facilitated a national agreement and consensus on the form and substance of the required reforms towards achieving sustainable peace, political stability and prosperity in Lesotho; (b) the project contributed to the stabilization and improved inter-relationships between and among the various security agencies (notably the LDF and LMPS) resulting in their meaningful contribution to the dialogue and reform content formulation especially during Plenary II in November 2019; and (c) almost all segments of society (including women, youth, children, persons with disabilities, diaspora, etc) were mobilized to speak in unison, through their position papers, on the kind of future Lesotho they want marked by inclusive socio-economic development, peace, stability and prosperity in line with the national motto: Khotso (Peace), Pula (Rain), Nala (Prosperity).
18. From the review of the relevant documentation and interaction with key stakeholders during the evaluation exercise, it emerged that despite the successful multi-stakeholder dialogue that culminated with the MSND Plenary II report, these early stages of Lesotho’s reform agenda encountered several challenges chief among which were the following: slow decision-making process of the new coalition government; the culture of violence continued to muddy the political environment, including, for instance, the assassination of the estranged wife of the then Prime Minister on 14 June 2017; internal leadership struggles within the ABC, leading party in the new coalition government following the 2017 snap election, which accentuated the fragility of the government; competing political interests and attempts by some actors to gain political mileage out of the dialogue process; intra-party and inter-party conflicts and politicization of the security agencies.

**Support to Implementation of Lesotho National Reforms Project**

1. This project contributes to outcome 1 of the Country Programme Document (CPD): by 2023, government and non-governmental institutions deliver their mandates and uphold good governance, rule of law, and human rights, with all people having improved access to justice and participating in social and political decision-making processes in a peaceful environment. The project aims at achieving two main outputs: (a) output 1: National Reforms Authority is operationalized and effectively discharging its mandate in close collaboration with Basotho; and (b) output 2: improved democratic governance and economic performance through targeted short-term legal, policy and institutional reforms.
2. Plenary II Report provided a basis for the mandate of the National Reform Authority (NRA) which was subsequently established by the NRA Act no. 4 of 8 November 2019. NRA was tasked to coordinate, lead and manage the implementation of the reforms process in line with the resolutions and decisions of Plenary II report over a period of 12 to 18 months. Its mandate is three-pronged: (a) initiate constitutional and legal reforms; (b) propose reforms of public institutions; and (c) recommend mechanisms for peacebuilding, national unity, reconciliation and transitional justice. It was accountable to the two houses of Parliament: National Assembly and Senate.
3. The overall purpose of the reform agenda was to anchor a future Lesotho that is politically stable so that every Mosotho can freely attain their aspirations; a future where all our institutions and sectors are allowed and enabled to excel and are fully accountable under democratic norms. The specific objectives of the reforms were:
   1. Promotion of stakeholder consensus on the reforms and long-term national unity and reconciliation;
   2. Re-organisation of the security establishments to ensure fitness for purpose and responsiveness to the country’s needs;
   3. Creation of an effective, efficient, professional and results-oriented civil service for enhanced service delivery and development;
   4. Review of the justice sector to ensure greater justice, rule of law and promotion of human rights;
   5. Review of critical institutions such as parliament and relevant legislation, including that pertaining to elections and representation, to ensure enhanced institutional independence and stability of politics;
   6. Generation of consensus on an inclusive mechanism to undertake a review of the Constitution to ensure its alignment to the needs of present-day Lesotho.
4. The key principles guiding the work of the NRA were:
   1. The facilitative role of the government;
   2. National ownership by all Basotho;
   3. Inclusivity and participation;
   4. Transparency and accountability; and
   5. Dialogue and consensus-building.
5. NRA was a two-layered structure comprising 59 members at the highest (political) level supported by the technical layer (secretariat). The highest (political) structure was headed by the Chairperson, Mr. Pelele Letsoela who was supported by the Deputy Chairperson, Mrs Liteboho Kompi. It comprised 35 political parties registered with the Independent Electoral Commission (IEC) by 2019, 18 non-governmental organisations, 3 representatives of Chiefs and 3 representatives of the government. The Secretariat was headed by the Chief Executive Officer, Advocate Mafiroane Motanyane, who was supported by the Deputy Chief Executive Officer, Mr. Tsiu Khathibe. The Secretariat had a staff complement of 4 of which 2 were males and 2 females ensuring gender parity. The Secretariat was supported by experts in 4 of the 7 seven thematic areas of the reform agenda (parliamentary reforms, security sector reforms, economic sector reforms and media sector reforms). All the 4 experts (special advisors) were males. The Commonwealth had promised to support about three experts, to no avail. Only as late as January 2022, the Commonwealth supported two experts: one on Parliamentary Reforms and another one on Anti-Corruption.
6. NRA started operating, in earnest, since 6 February 2020. At the beginning, NRA did not have the requisite financial, infrastructural and human resources, resulting in the Chairperson operating from a Boardroom at the National Library. For their sessions, NRA used the Old Parliament building. Much of its business went to development of regulations and operating procedures that would facilitate implementation of the 2019 NRA Act and the resolutions of Plenary II forum. These, together with the establishment and operationalization of the NRA Secretariat took an inordinate amount of time, energy and resources. Through negotiations with the Ministry of Justice and Law, UNDP supported NRA with a consultancy to establish the Secretariat. The Institute for Development Management (IDM) was commissioned to undertake this assignment. NRA leadership recruited the Chief Executive Officer (CEO) and the Deputy Chief Executive Officer (DCEO). In turn, the CEO was mandated to recruit the other staff members. The NRA regulations and procedures were approved by the Minister of Justice and Law in November 2020 whereupon NRA only became fully operational.
7. NRA operated through 9 technical committees each led by a chairperson. These were: (a) the constitutional reforms committee, (b) the parliamentary reforms committee, (c) the security sector reforms committee, (d) justice sector reforms committee, (e) economic sector reforms committee, (f) public sector reforms committee, (g) media sector reforms committee, (h) rules and ethics committee and (i) budget committee. Of the 9 chairpersons of the technical committees, 5 were males and 4 females. Each committee had its own chairperson and supported by either an expert and reform clerk or reform clerk alone where there was no expert. Each committee studied its area of jurisdiction, familiarized itself with relevant sections of the Plenary II Report, studied international best practices on the issue, invited key stakeholders on the theme and developed legal principles and made appropriate recommendations to NRA Plenary Sessions. Plenary and NRA committees operated on the basis of consensus or two-thirds majority in taking decisions.
8. In October 2021, NRA submitted the first batch of about 40 proposals for the amendment of the Constitution that require simple majority to parliament via the office of the Minister of Justice and Law. In February 2022, the Parliamentary Portfolio Committee on Justice and Law returned the initial submission and requested a full dossier of proposals. Hence the NRA subsequently submitted what was then referred to as the Eleventh Amendment to the Constitution in March 2022 (which as later corrected to the Tenth Amendment to the Constitution). NRA engaged a Mosotho constitutional lawyer/scholar to provide technical assistance in compiling the amendment proposals. Initially, the Parliamentary Council wanted to cut down the NRA proposals arguing that the dossier was too long. NRA protested and with the intervention of the head of the SADC facilitation team, Justice Dikgang Moseneke, the Parliamentary Council accepted the NRA proposals as they were.
9. On 11 April 2022, NRA submitted formally about 90 proposals for constitutional amendments to the Minister of Justice and Law in terms of Section 8 (1) (h) of the NRA Act. On 26 April 2022, the Minister tabled the proposals before the National Assembly. There were ten proposals that were still outstanding which were never finalised until the expiry of the NRA’s tenure of office on 30 April 2022. These were:
   1. Referendum issues
   2. Redesignation of the Chiefs of Thaba Tsoeu and Likoeneng (Mohale’s Hoek) as Principal Chiefs
   3. Reclaiming Lesotho’s Conquered Territory
   4. Review of Sections 52 and 53 of the Constitution to allow the College of Chiefs to recommend the removal of the King from Office
   5. Resuscitation of the position of the Paramount Chief
   6. Dividing Matsieng into two wards
   7. Referring female succession to Chieftainship to referendum
   8. Powers of the King under Section 91(3)
   9. Establishment of the Electoral Court
   10. Amendment of Section 85 of the Constitution of Lesotho[[28]](#footnote-28)
10. A week before expiry of its mandate, the NRA had planned country-wide consultations to provide feedback to the people regarding its proposals as guided by Plenary II Report and the NRA Act. UNDP and EU had initially promised to support these consultations. But later, they did not avail such resources. Considering non-availability of resources and refusal of government to extend the mandate of the NRA by six months, the consultations never saw light of day. NRA also sought to brief the two houses of parliament about its proposals for constitutional amendments. The National Assembly did not avail an opportunity for the NRA briefing. Through UNDP and EU support, Senate received a briefing from NRA a week before it considered the draft bill.
11. Review of the documentation and interviews with key stakeholders reveal that since its operationalization, NRA has registered the following milestones:
    1. NRA processed and submitted of about 96 constitutional amendments and legislation which were certified by the Parliamentary Council, approved by Cabinet and tabled in Parliament constituting the 10th Amendment of the Constitution (commonly referred to as the Omnibus Bill) to Parliament for endorsement and promulgation into law giving legal effect to the reform agenda;
    2. 8 enabling legislations, policies and strategies developed namely: the Human Rights Commission Bill, the Anti-Corruption and Economic Crimes Commission Bill, the Political Parties Registration Bill, the Independent Electoral Commission Amendment Bill, the National Security Sector Policy and Strategy (draft finalised in April 2022), Referendum Bill (enacted as Referendum Act, 2022 on 8 July 2022), Media Policy, and Media Code of Conduct and Practice;
    3. Other Bills concluded include: Human Rights Commission, Independent Electoral Commission and Directorate on Corruption and Economic Offences;
    4. Development and launching of a website on Lesotho National Reforms, which is accessible at [www.nra.org.ls](http://www.nra.org.ls);
    5. Three multi-stakeholder fora were convened under the aegis of the NRA namely: the Stakeholder Engagement Forum on the Development of National Media Policy and Code of Conduct and Practice, 3 March 2021; the National Stakeholder Consultative Forum on Sustainable Peace, Stability, National Unity, Healing and Transitional Justice, 21-23 July 2021; Consultative Stakeholders’ Engagement on Formulating the Roadmap for the Development of National Security Sector Policy and Strategy 30 August-1September 2021.
    6. 31 experts, technical managers and support staff with UNDP policy advisory provided technical backstopping to NRA to deliver on its core mandate.
12. It also emerged from desk research and interviews with key stakeholders that despite the above achievements, NRA encountered a plethora of challenges chief among were the following:
    1. Delayed operationalization of the NRA Secretariat due in part to prolonged negotiations on the Terms and Conditions of the Secretariat Staff and slow pace of the adoption of the NRA regulations and operating procedures;
    2. Delayed acquisition of office space and requisite office equipment impacting adversely delivery of its mandate in a timely manner;
    3. Inadequate and unpredictable resources at the disposal of NRA hence its financial unsustainability;
    4. Prolonged debate and discussion in NRA plenary as well as the need to reach consensus on contentious issues resulted in delays in the processing and finalization of bills, policies and strategies before their submission to Parliament;
    5. Delay in the deployment of experts and recruitment of qualified personnel in support of the NRA adversely impacted execution of its mandate;
    6. Tight timeframe which was not commensurate with the scale and magnitude of the mandate (one of the interlocutors observed that allotting 18 months for the comprehensive reforms was a mistake as such reforms would have ideally required a minimum of 3 and a maximum of 5 years);
    7. Marginalisation of citizens and domination of the political elites hence the lack of popular support and ownership of the reforms by Basotho and low public trust of the people in the NRA;
    8. Restrictions imposed by the onset of the COVID-19 pandemic;
    9. Lack of consensus, slow pace of consensus-building, conflicting interests as well as disagreements between and among various institutions (such as the NPDC, NRA, National Assembly, Senate, Council of State, college of chiefs, political parties, civil society organisations etc) threatened and slowed the pace of enactment of the Omnibus Bill into law;
    10. Achieving a common ground and/or compromises involving a plethora of political parties now estimated at 65 registered with the IEC on the comprehensive reforms covering the selected 7 thematic areas proved a daunting task.
13. On 29 May 2022, political parties represented in the National Assembly signed a pledge committing themselves to ensure that the NRA proposals on Constitutional amendments (Omnibus Bill) is passed into law before end of July 2022. According to stakeholders consulted, the NRA’s expectation was that Parliament would only concern itself with whether or not its proposals for the amendment of the Constitution complied with the resolutions of Plenary II report. But Parliament, especially the National Assembly, re-opened the proposals anew as if they were proposals from the Minister of Justice and Law. The NRA was not involved in the deliberations of Parliament. Essentially, the Minister for Justice and Law took over the NRA process through parliament without NRA involvement. This approach, either by default or by design, turned NRA proposals into those of the Executive through the office of the Minister of Justice and Law. In the process, the proposals agreed upon by parliament were largely not faithful to either Plenary II report or NRA Act. One of the respondents from NRA observed that what the National Assembly did “is a major disservice to the people’s interests as expressed in Plenary II report”. Yet another respondent to this disservice as “a parliamentary coup”.
14. On 11 July 2022, Prime Minister declared a National State of Disaster occasioned by “floods due to heavy rainfall which threatens the livelihood of the people of Lesotho and the infrastructure, agricultural production, food security and environment in Lesotho” to be in force between 17 February to 16 August 2022. As Parliament was still deliberating on the proposals, its term of office expired on 13 July 2022 and the King dissolved it on the same day through Legal Notice number 61. The 11 July declaration of the state of disaster could not facilitate the recall of Parliament. That, in part, explains why on 16 August 2022, through Legal Notice volume 67 number 66, the Prime Minister declared the State of Emergency on the following grounds: (a) to forestall the adverse impact of imminent sanctions and loss of financial and investment support from Lesotho’s international partners due to failure to pass the two bills; (b) concern about the post-election killings and other inhuman attacks caused and perpetrated by political factionalism; (c) concern about post-election instability and the impossibility to address it under the current legal framework; (d) Parliament’s failure to pass the Tenth Amendment of the Constitution Bill, 2022 and the National Electoral Amendment Bill, 2022 due to the lapse of time; (d) concern over the adverse socio-economic and politico-security impacts of instability. LCN then organized a consensus building workshop involving members of Senate and leaders of political parties represented in Parliament on 3-4 August 2022[[29]](#footnote-29). The consensus was reached through this workshop for the recall of Parliament to complete its work on the amendments of the Constitution. On 23 August 2022, the King recalled Parliament through Government Gazette volume 67 number 68 to attend to only two main legal instruments: the enactment of the Tenth Amendment of the Constitution Bill, 2022 and the National Assembly Electoral Act Bill, 2022 between 24 August to 29 August 2022.
15. At the time of writing this report, the reform process was in a state of both paralysis and uncertainty. Consequently, Lesotho’s governance and peacebuilding agenda was at the crossroads. Three lawsuits were lodged with the courts of law challenging the constitutionality of the declaration of the state of emergency, the recall of parliament and signing into law the Tenth Amendment of the Constitution Bill, 2022 by His Majesty the King. A local journalist and activist, Kananelo Boloetse, approached the courts challenging Prime Minister’s state of emergency as unconstitutional. Media Institute for Southern Africa (MISA) also filed an urgent application to the High Court to declare the state of emergency, recall of parliament and the subsequent bills passed into law as null and void. On 6 September 2022, the Law Society of Lesotho, through its president, Advocate Tekane Maqakachane, lodged another lawsuit pleading with the courts to nullify all the bills signed into law by the King. The added significance of the Law Society lawsuit is that Adv. Maqakachane is a member of the Council of State which approved the state of emergency that gave the King the greenlight to recall Parliament. Lesotho Law Society has pleaded with the courts to nullify the two main bills that the Parliament was recalled to deal with namely, the Tenth Amendment of the Constitution Bill, 2022 and the National Electoral Act Amendment Bill, 2022. The Law Society seemed also peeved by the fact that Parliament also passed five other bills besides the above two for which it was recalled and requested the court to also nullify them as well. These are:
    1. The Millennium Challenge Account-Lesotho Authority (Winding Up and Repeal) Act, No.16 of 2022
    2. Specified Offices Defined Contribution Pensions Fund (Amendment) Act, No.17 of 2022
    3. Public Officers’ Defined Contribution Pension Fund (Amendment)Act, No. 18 of 2022
    4. Harmonization of Rights of Customary Widows with Legal Capacity of Married Persons Act, No.19 of 2022; and
    5. Metolong Authority (Amendment) Act, No.20 of 2022.
16. The High Court (sitting as the Constitutional Court) considered the case by Boloetse (represented by Adv. Lintle Tuke) challenging the constitutionality of the state of emergency, recall of Parliament and the laws passed and assented to by His Majesty the King. In its judgement, the three-person panel of judges, comprising Justices T.E. Monaphathi and M.P. Ralebese together with Chief Justice S. Sakoane, ruled that:
    1. The Declaration of the State of Emergency by the Prime Minister was null and void for failing to meet the threshold in section 23 (1) of the Constitution;
    2. The Recall of the Tenth Parliament Notice, 2022 in terms of which the dissolved Parliament was recalled to pass two Bills is *ultra vires* the power of His Majesty;
    3. The Recalled Parliament had no constitutional authority to debate and pass the two Bills[[30]](#footnote-30).
17. The Government, through the Minister of Justice and Law, Lekhetho Rakuoane, appealed the judgment by the High Court (sitting as the Constitutional Court). Government lawyers Adv. Monaheng Rasekoai and Adv. Moeketsi Rampai have challenged the High Court (sitting as the Constitutional Court) on at least three grounds: (a) that the High Court erred and misdirected itself when it concluded that Boloetse and Tuke had the legal right to challenge the state of emergency; (b) that the Court erred and misdirected itself interrogating the merits that informed the declaration of the state of emergency resulting in judicial overreach and violation of the doctrine of separation of powers; (c) the Court erred and misdirected itself in failing to weigh public interest dynamics against the alleged breaches of the Constitution[[31]](#footnote-31).
18. The Appeal Court considered the appeal by the government for the nullification of the judgment by the Constitutional Court. Sitting in a virtual session, the five member apex court (comprising its President, Kananelo Mosito, Justices Phillip Musona from Zambia, Petrus Damaseb from Namibia, Moses Chinhengo from Zimbabwe and Johann Van Der Westhuizen from South Africa) delivered a verdict in which it upheld the judgment of the Constitutional Court arguing that the government “had failed to make a case and therefore the appeal is dismissed. It said the reasons for its decision would be issued on 12 November 2022”[[32]](#footnote-32). Subsequently, during a press conference, Samuel Rapapa, Science, Technology and Communications Minister, accepted the Court of Appeal verdict and reconfirmed that Government would uphold the rule of law and discard all the laws enacted by recalled parliament[[33]](#footnote-33).
19. In the final analysis, the reform process that started with enthusiastic involvement of citizens is in a state of paralysis caught in the never-ending power contestation by Lesotho’s political elites as their eyes are more focused on who wins state power during the general election of 7 October 2022. The original national purpose that the reform agenda sought to pursue has degenerated into an inter-party power tussle with some of the substantive reform proposals from NRA and Plenary II resolutions either thrown out of the window or watered down considerably. During its latest Summit held in Kinshasa, Democratic Republic of Congo on 17 August 2022, SADC was cognizant of the reality that Lesotho’s reform journey is still long. It is not surprising that the SADC Summit implored the Government of Lesotho to “expedite completion of the ongoing reforms, and to continue with peace, transitional justice and reconciliation processes to engender national unity and bring about national healing and cohesion”[[34]](#footnote-34). To this end, the Summit “approved the establishment of an oversight committee made up of the SADC Panel of Elders (PoE) and the Mediation Reference Group (MRG) to ensure continuity and oversight on the implementation of reforms in the Kingdom of Lesotho”[[35]](#footnote-35). This was SADC’s diplomatic way of passing a vote of no confidence in Lesotho’s own ability to resolve its own governance and peacebuilding challenges. Because Lesotho lacks political commitment and institutional capacity, SADC has decided to deploy the PoE with technical backstopping by MRG to oversee Lesotho’s reform agenda and its effective implementation.
20. It may not come as a complete surprise that the national reforms process is currently in a state of paralysis in the context of Lesotho’s polarised polity. Several recent studies have shown some of the serious deficiencies of the process and predicted that the reform may be flawed and as such may lead to a flawed and highly contested outcome. In 2020, the late Moletsane Monyake of the NUL, predicted the possible paralysis of the national reforms process due, largely, to the history of political fragmentation, zero-sum mentality of the political elite and the absence of trust and reciprocity among the elites[[36]](#footnote-36). Motlamelle Kapa, also from NUL has advanced a persuasive argument that part of the tragedy of the national reform process was the numerical and substantive dominance of the process and its outcome by the political elite who in the process elbowed out citizens. He decried the fact that the structures that drove the reform process were dominated by the elite serving their interests at the expense of those of the nation on whose taxes they live[[37]](#footnote-37). For Hoolo Nyane of the University of Limpopo, the Lesotho national reform process failed to adhere to the five basic principles of governance (constitutional) reforms namely (a) agenda-setting, (b) awareness and consultation; (c) dialogue and deliberation; (d) negotiation, bargaining and mediation; (e) implementation. The political elite dominated all these five-pronged processes marginalising the citizens and the result was a flawed outcome which was inconsistent with citizens’ demand and interests[[38]](#footnote-38). With a view to bring back the voices of the people, in a WhatsApp interview, Tlohang Letsie opined that the outcomes of the work of NRA should have been subjected to deliberations at the level of the NLF before it was subjected to Parliament. In that way, maybe, Lesotho would not have experienced the paralysis of the national reform. According to him, this paralysis manifests Lesotho’s democratic deficit.

**Effective Implementation of Lesotho National Security Sector Reforms for Peacebuilding**

1. Contributory factors to instability, insecurity and crises emanating from the security sector include, inter alia, politicization of the security sector and securitization of politics; impunity in respect of human rights violations; sexual and gender-based violence; overlap of mandates of various security sector agencies; weak security sector oversight bodies; and an absence of a national human rights institution and independent oversight body, both envisaged in the Omnibus Bill. It is evident from the documentation review and interactions with interlocutors that stabilization of the security sector became a major focus area during the dialogue stage and has remained at centre-stage during the subsequent stage of constitutional, institutional and governance reform processes. This has been a prudent strategy given that Lesotho’s security agencies, the Lesotho Defence Force (LDF), Lesotho Mounted Police Service (LMPS), National Security Service (NSS) and Lesotho Correctional Service (LCS) have historically been enmeshed (to varying degrees) in partisan party politics.
2. It is behind this backdrop that UNDP working in collaboration with the OHCHR, UN Women, UNDPPA, UNICEF, SADC, AU, EU and Government ministries and non-governmental organisations, has been implementing the Lesotho National Security Reforms for Peacebuilding (NSSRP) since January 2021, initially for 18 months, with an extension to March 2023. It is funded by the UN Peacebuilding Fund (PBF).
3. NSSRP strives towards realizing five (5) results as follows:
   1. A national security policy and strategy are developed, in line with Lesotho’s international human rights and gender commitments and obligations with the engagement of civil society and the sustained commitment of key political and security actors in order to provide a concrete framework for peacebuilding, professionalization, depoliticization of security instruments and de-securitization of political institutions;
   2. Strengthened internal and public oversight mechanisms that eliminate partisanship from within security institutions and protect human rights, including those of women, strengthen the rule of law and significantly reduce the levels of SGBV;
   3. Increased capacity for informal/community conflict resolution, negotiation, management and peacebuilding;
   4. Increased population awareness of buy-in to and participation in security sector reforms, and publicly set standards of professionalism and public service for security institutions and standards of sectors transparency and accountability for the Government of Lesotho; and
   5. Provide briefings, led by the relevant Ministries and security institutions of Lesotho, to international development partners on the proposed reforms of the security sector and quarterly progress briefings to the diplomatic community.
4. From the documentation review and interaction with key stakeholders, some milestones have been registered by the NSSRP, including the following:
   1. The NRA Omnibus Bill submitted to Parliament for enactment contains elements of security sector reforms. Of the 49 proposed amendments and new legislations, 9 or 20% are security sector specific, with 3 or 33% aimed at gender equality and empowerment of women;
   2. One security sector expert was deployed to support the NRA in relation to security sector reforms, initially commissioned by the AU and subsequently by UNDP;
   3. A policy brief emanating from a workshop on Women, Peace and Security aimed at integrating gender perspectives in the security sector reform agenda and since June 2022, UN Women has deployed a consultant to develop the Women, Peace and Security National Action Plan;
   4. Through a consultative process, the first ever draft National Security Policy and Strategy has been developed (to be finalized in 2022);
   5. Passage of the Omnibus Bill will also facilitate the establishment of the National Human Rights Commission, the Independent Security Sector Inspectorate, Oversight and Complaints Authority;
   6. With technical support from OHCHR, the Human Rights Due Diligence was undertaken in 2019 with a view to ensure that the security sector operates in conformity with international human rights instruments and conventions
   7. 135 Corrections Officers were trained on human rights with a view to become change agents within the Service and another training of police prosecuting and presiding officers enhanced needed institutional capacity for the Service;
   8. All 300 NSS field operatives were also trained on human rights;
   9. Development of human rights manuals for police, corrections and the military;
   10. Human rights training for civil society organisations was undertaken to enhance their capacity to lobby and advocate for observance of human rights by security institutions with a view to expose violations and encourage responsiveness, transparency and accountability of the security institutions;
   11. Enhanced institutional capacity of oversight institutions including the Parliamentary Portfolio Committee on Human Rights, Police Complaints Authority, Office of Ombudsman and the Police Inspectorate;
   12. In order to enhance citizen participation and public confidence in the security sector institutions, National Security Service (NSS, the intelligence service) consultative workshops (the first ever in Lesotho and the SADC region) were organized involving NGOs and the media;
   13. Written recommendations for revisions to the four security agency acts (to be reviewed technically and legally in late 2022 / early 2023.

100. Working in close collaboration with OHCHR and the Ministry of Defence, UNDP engaged in capacity building of the security agencies. To this end, following a long delay, the two UN agencies undertook the Human Rights Due Diligence Policy Assessment (HRDPA) for the security sector. The human rights approach to security sector reform, throughout the whole programme, is one of the best practices of the programme worth deepening and cascading to all other components of the programme. The HRDPA provided a basis for the provision of capacity development of the security sector. Consequently, Training of Trainers (ToT) was conducted and facilitated by a security expert from SADC. The training programme covered, inter alia, the following topics:

* 1. Inter-agency coordination and collaboration;
  2. Code of Conduct for Security in democratic settings as Standard Operating Procedures;
  3. Civil-Security relations;
  4. Human rights and UN Conventions; and
  5. Leadership and crisis management.

1. All in all, 254 Trainers were trained. There is no readily available gender and age disaggregated data to illustrate how many women and youth were part of the 254 trainers. Furthermore, the trainers were able to train other security personnel to the tune of 1, 800. There is not clearly disaggregated data to illustrate how many of these beneficiaries were women and youth. Evidence-based reporting on programme performance is important, but the evidence needs to be disaggregated so it provides a clearer picture in respect of gender mainstreaming and youth empowerment, among others.
2. From the documentation review and interviews the following challenges constrained the effectiveness of this project. Systemic challenges included politicization of security institutions and securitization of political institutions; lack of or weak political commitment to transform the security sector to embrace the culture and values of democratic control and oversight; an overly ambitious mandate for the National Reforms Authority (including in the security sector) and current lack of a politically empowered national SSR authority; a pervasive culture of violence, homicide (the third highest in the world according to a 2022 World Population Review report), rape (one of the highest in the world) and gender based violence; armed youth vigilante groups (Manomoro), murderous Famo music and Zama Zama criminal gangs with links to some political parties and some elements with the security establishment; enfeebled or yet to be established oversight institutions superintending operations of the security establishments and lack of an established National Human Rights Commission as well as the deep-seated culture of impunity within the security establishments that forms the foundation for, among others, torture and inhumane treatment of suspects and prisoners in violation of national, regional and continental human rights instruments.

**Support to the Implementation of the Justice Sector Reforms Project**

1. Politicization of institutions in Lesotho is not only confined to the security sector. It is a pervasive problem that has also extended to the justice sector with adverse effects for the entrenchment of constitutionalism, the rule of law, adjudication of criminal cases and fair access to justice for all. In partnership with UNOHCHR, UN Women, UNDPPA, EU, South Africa and SADC, UNDP has been implementing the justice reforms project since May 2020 which is likely to be extended further by six months between October 2022 to March 2023. The project document identifies three main problems impacting negatively the independence of the judiciary that it seeks to address namely (a) compromised separation of powers coupled with resource constraints; (b) weak international institutional safeguards leading to negative public perception and (c) lack of external institutional support exacerbated by a hostile and unstable political environment.
2. While the historical evolution of the above problems is traceable to the colonial era, their roots are entrenched in the 1993 Constitution of Lesotho (as amended), including the appointment and security of tenure of the heads of key judicial institutions such as the Chief Justice and the President of the Court of Appeal. Both key figures at the apex of Lesotho’s judicial system are appointed into and removed from office by the Prime Minister with little or no direct role of the Judicial Service Commission. This is one of most glaring examples of the politicization of the judiciary, which also in part illustrates the level of hyper-centralization of governmental power in the hands of the Prime Minister, a cancer that the 10th Amendment of the Constitution (the Omnibus Bill) was meant to cure. The enfeeblement of the administration of justice is vividly illustrated by the lack of a key institution, the National Human Rights Commission, which is envisaged in the 10th Amendment of the Constitution Act, 2022.
3. With a view to address the above problems, the justice sector reform project has two main outputs namely: (a) Impartial, efficient and expeditious disposal of high-profile security-related criminal cases for the enhanced stability of Lesotho; and (b) Efficient and effective project management.
4. Documentation review shows that the project managed to support the recruitment of one foreign judge from Zimbabwe (Justice Charles Hungwe) to try criminal cases involving high-profile former LDF command and officers accused of wrongdoing. The project covers the salary and allowances of the judge. The project has also supported the process of case allocation and management system, conduct of the criminal trials and the monitoring of trail proceedings. Technical assistance has been provided to judges in the form of research and stenographic services, among others.
5. From the progress reports which were availed to the consultant as well as the interviews with stakeholders the milestones of project implementation include the following:
   1. Recruitment of one foreign judge;
   2. Commissioning of a consulting firm to develop Needs Assessment for Civil Stream Procedures for the Case Management System;
   3. Development of the five-year Strategic Plan (2022-2027) for the Judiciary which has been finalized, adopted and officially launched on 3-4 September 2022;
   4. Website development (www.jud.gov.ls), content uploaded, and website officially launched on 3-4 September 2022[[39]](#footnote-39).
   5. Publication of a think piece on “the European Union’s contribution supports Lesotho’s justice reforms in the media;
6. Expeditious and effective implementation of the project was constrained and hampered by a few challenges, chief among which were four as follows:
   1. Politicization of the judiciary;
   2. The onset of COVID-19 in 2020 affected the pace of trials of high-profile criminal cases.
   3. The pace of trials of high-profile criminal cases was further constrained by power cuts; and
   4. Backlog of cases estimated at 4000 in the context of high rate of criminality including sexual and gender-based violence.

**Programme on Renewal and Enhancement of Governance Architecture (PREGA)**

**Output 1: Inclusive and gender-responsive legal, policy and institutional reforms for peacebuilding and national transformation supported.**

**Support to the National Peace Architecture**

1. The section on development context makes clear that at the heart of Lesotho’s major socio-economic and political challenges rests cyclical crises, persistent instability and pervasive insecurity. Clear evidence is the sheer enormity and devastating impact of armed criminality, violent youth vigilante groups, famo music gangsters as well as the rising tide of sexual and gender-based violence. The intensity of this culture of violence accounts for Lesotho being ranked no.1 in Africa and no.3 in the world among the top 10 countries with the highest homicide rates[[40]](#footnote-40).
2. Lesotho’s National Vision 2020 identified peace as one of its core priorities. The Vision proclaimed that by 2020 “Basotho shall be a peaceful nation living in harmony with their neighbours. The nation will have long, and lasting peace characterized by truthfulness, love, tolerance, justice, honesty, unity and plenty. Basotho will be a coherent society with fair distribution of income of wealth”[[41]](#footnote-41). This vision was not realized and Lesotho is still mired in protracted conflicts anchored upon an entrenched culture of violence.
3. In an effort to advance the noble aspirations of Vision 2020, the Second National Strategic Development Plan 2018/19-2022/23 (NSDP II) has, as one of its outcomes, Peace, Security and Stability which identifies the following interventions aimed at peace-making, peacebuilding and social cohesion:
   1. Strengthening institutional capacity for inclusive conflict resolution mechanisms;
   2. Establishing effective social dialogue mechanisms;
   3. Upholding cultural practices that unite families, communities and societies;
   4. Promoting social dialogue and patriotism;
   5. Promoting involvement of women in peace-making processes;
   6. Devising strategies to monitor and prevent hate speech; and
   7. Strengthening civic education to improve social cohesion and stability[[42]](#footnote-42).
4. From the available evidence gathered by the consultant from the documentation review and interaction with interlocutors, it is abundantly clear that a major hindrance to Lesotho’s inclusive socio-economic development and structural transformation lies in protracted violent conflicts. Meaningful and inclusive development is not possible without durable peace and political stability. It is in recognition of this reality that UNDP programming has a strong component aimed supporting efforts of Lesotho and Basotho towards conflict prevention, peacebuilding and political stabilization. It is therefore understandable why UNDP working with other stakeholders has invested effort, time and resources towards the development and operationalization of infrastructures for peace (I4Ps) aimed to constitute the country’s peace architecture at local (community), district (sub-national) and country (national) levels.
5. Evidence gathered from documentation review, interviews and field missions point to the reality that while Lesotho has not yet developed a robust I4Ps architecture at all layers of society, there is a microcosmic experiment from which a national peace architecture could germinate. This experiment relates to the joint initiative of UNDP and Catholic Commission for Justice and Peace (CCJP) of the Christian Council of Lesotho (CCL) aimed at peacebuilding, peace-making, conflict management and social cohesion in Ribaneng in the Mafeteng District, which is one of the poorest districts in Lesotho.
6. The consultant found that Ribaneng community has been beset by protracted violent conflicts since 2004[[43]](#footnote-43). The structural root causes of these conflicts include the socio-economic deprivation such as poverty, unemployment (especially youth unemployment), inequality, land ownership patterns, agricultural crisis and patriarchy. The immediate triggers or proximate causes of these conflicts include poor public service delivery, dysfunctional local governance, stock theft and divisive politics. The particularity of the Ribaneng conflict is that it is mainly between and among various Famo musical groups which are also involved in illegal mining in South Africa.
7. Evidence points to the multivariate impacts of these gang-related conflicts in Ribaneng. These include difficulty to provide public services and access health facilities; an entrenched culture of fear; hunger, malnutrition, food insecurity; increasing incidence of school drop-out; high incidence of child marriage and child-headed households; sexual and gender-based violence; high incidence of prostitution etc. Records from the LMPS indicate that as a result of these famo music gang conflicts, to date, more than 100 people have lost their lives and more than 50 have been displaced from their places of normal residence. A respondent from CCJP pointed out that the most adversely affected social groups by the gang-related wars in Ribaneng are women, youth, children, persons with disability and the elderly. Due to the gang wars, Ribaneng community is divided along gang groups and traumatized. Initiation schools in Ribaneng are aligned to the various gangs and therefore have become breeding grounds for gang-related violence.
8. Another respondent from Ribaneng High School emphasized the crisis of education in this community as a result of the famo gang-related violent conflicts. School children are ill-disciplined and have lost respect for teachers and elders in the community. They have lost interest in schooling as they do not perceive education as important to their lives and livelihoods. This disinterest in education is reinforced by the high unemployment of youth even those with tertiary education. This desolate picture is contrasted with apparently easy lives of the uneducated famo gangsters who engage in illegal mining in South Africa and come back to Ribaneng with a lot of cash and driving cars. This image gives the impression that gangsterism is a more lucrative and a quicker route to becoming rich through violence and illegal mining in South Africa.
9. Evidence gathered from documentation and interviews shows that the complexity of these Famo gang conflicts is deepened by their spider-web of linkages with political parties and security establishment. The dominant group known as Terene (the Train) has two factions. One faction is allied to the All-Basotho Convention (ABC)[[44]](#footnote-44) and another faction has built a strong alliance with the Democratic Congress (DC)[[45]](#footnote-45). Both parties have formed the current grand coalition government since May 2020. The irony is that while leaders of these parties (ABC and DC) embrace these famo music gangs, the Prime Minister has condemned them declared them as ‘internal terrorist groups’, a position supported by Lesotho’s security agencies, especially the LDF. The consultant learnt from interviews with stakeholders that since these parties’ form government, efforts by CCJP to bring rival famo gangs together, in a mediated consultative meeting, with a view to end the conflict have not borne palatable fruit. The CCJP efforts have thus far failed because the famo gangs tend to shield themselves behind the political cover of the ruling parties to which they are aligned. It may be useful for the UNDP and UNCT to leverage their diplomatic power and implore parties to facilitate a mediated consultative meeting with rival famo gangs to end the violent conflict currently ravaging the Ribaneng community.
10. There is evidence that these various gangs have links with some elements within the security establishment, most notably the LMPS and LDF. In November 2021, 75 guns went missing at a police station in Mafeteng District[[46]](#footnote-46). Five months later, additional 180 guns went missing at another police station in the Mohale’s Hoek District. Anecdotal evidence suggests that these guns have found their way to armed Famo Musical Gangs which are also linked to gang wars over illegal mining (Zama-Zamas) in South Africa. Consequently, in March 2022, the Lesotho Defence Force (LDF) intervened by deploying the army in Matelile in the Mafeteng District at the request of the community to deal with the Famo Music Gang violence. In that operation, one person was killed, and two others injured. LDF recovered 3 rifles, 11 cartridges and 7 rounds of ammunition from residences raided this operation and plans to roll it out nationally.
11. It was in 2016, when CCL/CCJP, in partnership with UNDP, started the Peacebuilding and Social Cohesion Initiative in Ribaneng. The primary goal of the initiative was “to engage different sections of the community in bringing about long-term peace and social cohesion through elimination of gang-related conflicts, violence, and killings that have characterized the area for a long period of time”.[[47]](#footnote-47)
12. A major innovation of the CCL/CCJP initiative was the establishment of the 30-person Ribanang Peace-Making Committee (RPMC) - a community-based infrastructure for peace (I4P). The RPMC has representation from various sectors of the community including churches, schools, traditional leaders, local government, community policing forum, etc. While the RPMC started off well developing and implementing its plans, the momentum was disrupted by the on-set of COVID-19 in May 2020. The COVID-19 led to severe scaling down of the RPMC activities resulting in an upward spiral of gang-related violent conflicts.
13. However, since 2021, the RPMC has regained its momentum. It meets every month to make plans and review progress on its peace-making and social cohesion mission. Consequently, there has been a noticeable reduction of gang-related violent conflicts to date. A review report of the CCJP initiative observed that “the situation of violent conflict has generally improved in that there is a significant decrease in the number of killings”[[48]](#footnote-48). One of the respondents from Ribaneng informed the consultant that it was because of the lobby and advocacy of the RPMC that presently the LDF has established two camps in Ribaneng to compliment the work of the LMPS with its station in Matelile, Ha Seesiso. During a field visit to Ribaneng by the United Nations Country Team (UNCT) on 10 June 2022, the respondent from CCJP reported that the presence of the security agencies is one of the factors contributing to the reduction of incidents of gang-related violent conflicts in Ribaneng. Both “the police and the military normally patrol the community, giving members of the community a sense of security. This has also given the community confidence to give tip-offs with the hope to get timely response”[[49]](#footnote-49). In collaboration with the LMPS, UNDP, in partnership with CCJP, has tested early warning digital applications with community policing forum with a view to facilitate early response aimed at conflict prevention[[50]](#footnote-50). When additional resources are available, the Ribaneng peace initiative has be scaled up to cover more areas in the Mafeteng Districts. Subsequently, it has to be expanded to a national level to incorporate a formal national peace architecture, which is currently non-existent.
14. With a view to arresting the educational crisis, caused in part by the gang-related violent conflicts on 7 July 2022, the Prime Minister officially launched a project for the refurbishment of a dilapidated Phocha Primary School in Ribaneng funded by a Mosotho business tycoon and a philanthropist, Ms Loisa Mojela of the Mafeteng District. When the project was successfully completed, the Prime Minister officially handed over the refurbished school to the school management and the community on 2 September 2022. This is one of the modest efforts towards rebuilding the broken social fabric and social cohesion in Ribaneng through efforts of the private sector and Basotho philanthropists. UNDP and CCJP should leverage such initiatives with a view to tap on private sector to support peacebuilding initiatives as part of their corporate social responsibility.
15. Despite the considerable reduction of gang-related violent conflicts in Ribaneng, challenges still remain. These include:
    1. Lack of adequate resources by the LMPS and LDF (especially vehicle);
    2. The voluntary nature of the RPMC;
    3. Lack of requisite equipment and resources by RPMC;
    4. Lack of psycho-social support for victims of gang-related violence;
    5. Lack of permanent station of LMPS in Ribaneng despite a site allocated to the police near the Local Magistrate Court;
    6. Polarisation of the community especially along rival gangs which also mirror party-political affiliations; and
    7. Poor communication and road infrastructure in Ribaneng.
16. Documentary evidence indicate that in 2020, UNDP secured funding from UNDPPA to the tune of $300, 000 in support of a gender and peacebuilding project. In partnership with the Resident Coordinator’s Office (RCO), UNDP has provided training on conflict prevention, management and resolution to Heads of Churches, the College of Chiefs and the Senate (Upper House of Parliament) since 2019.
17. At the national level, despite the commitment towards establishing the national peace architecture as envisioned in Vision 2020 and the National Strategic Development Plan II, little effort and resources have been invested in this direction. But commendable effort was undertaken by UNDP working in close collaboration with UN-RCO and DPPA in commissioning two assessment studies on "Conflict, Peacebuilding and Gender Context in Lesotho” and “intra-party and inter-party democracy in Lesotho”. The first study analysed conflicts in Lesotho, sketched the existing infrastructure for peace (I4P) in terms of conflict prevention ad management mechanisms as well as avenues for conflict transformation into durable peace and political stability. The second study interrogated the interface between and among conflict, peacebuilding, and gender. It assessed the impact of conflict on gender equality as well as possible pathways for enhancing women’s effective participation in peacebuilding initiatives.
18. The two studies had enormous value to the UN support to conflict prevention and political stabilization in Lesotho in two ways. Firstly, the findings provided vital information to the UNCT on what has worked, what has not worked and what needs to be changed in Its governance and peacebuilding programming in Lesotho. Secondly, the studies developed a context-specific curriculum on prevention, management and transformation of conflicts, intra-party democracy and inter-party relations. These are important studies that deal with the causes, course and consequences of crises, instability and insecurity in Lesotho highlighting how key stakeholders can address these challenges. Their findings should inform policy making as well as the ongoing governance reforms, if their impact is to be felt. Following the launch of these reports by the Prime Minister, UNDP, working closely with DPPA and UN-RCO, has embarked on capacity development in the form of training for CSOs, political parties both inside and outside parliament as well as women leaders between 2021 and 2022.
19. On 21-23 July 2021, the NRA convened a National Stakeholder Consultative Forum on “The Path Towards Sustainable Peace, National Unity and Reconciliation” with technical and financial support from UNDP and the EU[[51]](#footnote-51). Five key recommendations were made at this Forum aimed at advancing peace, national unity and reconciliation as follows: (a) Basotho need to rediscover and embrace the values and principles of Moshoeshoe I (Moshoeshoe-ism or se-Moshoeshoe) which include human dignity (Botho or Ubuntu), equality, tolerance, dialogue, and reconciliation as building blocks for nation-building and national unity; (b) traditional justice mechanisms such as the chief councils which used to act as local courts of arbitration be revived and revamped so that the judicial civil justice is balanced with restorative justice; (c) an independent national peace commission[[52]](#footnote-52) be established to lead the efforts towards peacebuilding, unity, social cohesion, conflict prevention and transitional justice; and (d) the National Peace and Unity Bill, which had generated enormous amount controversy and outcry from victims and survivors of human violations, should not be considered by parliamentary portfolio committee on law and justice, but rather be referred back to the National Reforms Authority (NRA) before it is enacted into law; and (e) because peace-building is a process and not an event, a lot of effort and resources have to be invested towards civic education (peace education) and social dialogue (lipitso-citizen based deliberative fora).

**Output 2: Enhanced capacity of government and national stakeholders for sustained gender-responsive, inclusive and participatory governance**

**Support to Government**

**Ministry of Gender and Youth, Sports and Recreation**

1. Besides the Ministry of Defence, which is covered under output 1, UNDP has a partnership with the Ministry of Gender and Youth, Sports and Recreation. The focus of the support is towards institutionalizing gender equality and youth empowerment through governance reforms. From documentation review, it emerged that UNDP, in collaboration with UN Women and Women and Law in Southern Africa (WLSA), partnered with the Ministry providing technical assistance towards the development of the Lesotho National Youth Policy, 2017-2030, which was endorsed by Cabinet in 2017.
2. It also emerged from progress reports that several initiatives by the UNDP to support the Ministry following the adoption of the policy included the mapping of youth organizations and the translation of the youth policy into the local language. Given the political division in the country, and the emotive subject of youth empowerment and development, the lessons learnt from UNDP’s previous work with the Ministry is that the National Youth Policy 2017-2030 needs to be enacted for it to be effective. The eighth Thematic Area of the policy lays emphasis on need for establishment of the Institutional Structures for Youth Development, and these includes the National Youth Development Agency (NYDA), National Youth Council (NYC), National Youth Service (NYS), National Youth Work Council (NYWC). If supported through Enactment, the establishment of these key components would immediately become operational, and more sustained support could be provided.
3. However, proliferation of too many institutions may compound rather resolve the problem to be addressed. Utmost caution needs to be exercised in respect of creation of institutions more particularly when the ones in existence are found wanting in terms of institutional capacity. UNDP ought to tread carefully and cautiously regarding the creation and proliferation of various institutions which may result in the white elephant syndrome.

**Ministry of Law and Justice**

1. It emerges from documentation review and interviews that the Human Rights Unit of the Ministry of Law and Justice has far reaching capacity issues, from office equipment to human resources, yet it remains a strategic department for UNCT, most notably UNDP, OHCHR and UN Women.
2. Reporting on international treaties and obligations is a constant challenge leading to either backlog of reporting or delayed reporting. UNDP has supported the Unit with reporting, but the challenge remains.
3. In partnership with the OHCHR, UNDP’s technical support has also been earmarked towards the establishment of a National Human Rights Commission designed in compliance with the Paris Principles. In collaboration with the Government and CSOs, UNCT has facilitated the revision of the 2016 Human Rights Commission Act. The enactment of the Human Rights Commission forms part of the 10th Amendment of the Constitution Act, 2022.
4. UNDP and other UN agencies have collaborated with CSOs, and youth associations, building a critical mass for lobby and advocacy towards the establishment and operationalization of the National Human Rights Commission. To this end, UNDP has also signed a letter of intent with the National University of Lesotho (NUL), paving the way for a Memorandum of Agreement that would facilitate a partnership with NUL to support Government as a think tank on human rights issues, including support towards the establishment of the Human Rights Commission.

**Parliament**

1. The Parliament of Lesotho is structured along the lines of the Westminster bicameral system bequeathed on Lesotho by the British colonialists. The Upper House (Senate) comprises 33 members 22 of whom are Principal Chiefs and 11 others appointed by the King. The Lower House (National Assembly) has 120 members, 80 of whom are elected on the basis of the British-style First-Past-The-Post (FPTP), while 40 more are elected on the basis of the compensatory Proportional Representation (PR) system since 2002 when Lesotho started implementing a new Mixed Member Proportional (MMP) electoral system.
2. The national reform agenda had significant aspects that had a direct bearing on Parliament. The first of these relates to floor-crossing. Floor crossing undermines democratic representation of voters by elected MPs. It has to be tightly regulated. Secondly, MPs have a tendency to abuse state resources for their own self-serving interests such as the interest-free loans of M500, 000.00. Such loans have to be abolished as per Plenary II report. Third, Parliament needs to be more broadly representative and inclusive by bringing in persons with disability, ensuring gender equality and introducing children’s parliament. Thirdly, Lesotho has far too many political parties both within and outside Parliament which are not regulated by any formal piece of legislation besides the electoral laws. There is need to promulgate a political parties registration act which will establish the Registrar of Political Parties to manage both intra-party and inter-party relations including registration and de-registration of parties. There is also need for introduction of a threshold for parties to enter parliament through elections. Fourth, the size of the National Assembly is far too large and therefore expensive. The people’s calls for reducing the size of the 120-member National Assembly from 120 to 80 was rejected by the politicians, the same way that the proposals for the recall of MPs by the people on account of non-performance and introduction of educational qualifications were also rejected by the political elite. Fifthly and finally, there is no separation of powers and effective checks and balances between Parliament and the Executive with the latter exercising dominance and hegemony of the former. There is need to establish the Parliamentary Service Commission, limit the undue influence of the executive over Parliament and exploration of excluding MPs from becoming Ministers and/or Deputy Ministers.

1. The UNDP partnership with Parliament covers both Houses: (a) the National Assembly (Lower House) and (b) the Senate (Upper House). In both cases, documentation review and interviews show that the support is focused on capacity enhancement, although the reports indicate that the results are not commensurate with the resources invested. Reports also show that in 2019, the support to Parliament experienced a decline due to more resources that were earmarked for the reform process in support of the NRA. Between 2020 and 2021, the support to Parliament faced another challenge in the form of COVID-19. As a result, the major support was in the form of IT equipment to facilitate the holding of virtual parliamentary sessions.

**Support to Democracy Promotion Institutions**

**IEC**

1. UNDP provides the enhancement of the institutional capacity of the Independent Electoral Commission (IEC) as well as periodic electoral cycle support. Between 2019 and 2021, there was no major electoral cycle support to the IEC given that no elections were held during this period. In 2021, the Government of Lesotho cancelled by-elections that were supposed to be held in six constituencies and postponed local government elections on the grounds of financial constraints. By-elections were supposed to be held in ‘Makhoroana, Maliepetsane, Thupa-Kubu, Mohales’ Hoek, Kolo and Qacha’s Nek constituencies without parliamentary representation due to either death or redeployment of their representatives. Consequently, in late 2021 and early 2022, speculation was rife that the 2022 general elections could be held together with local government elections in a harmonized manner. However, this was not to be the case.
2. Documentation review and interaction with stakeholders, including the IEC, reveal that in February 2021, the IEC requested the UN for a needs assessment to be undertaken ahead of the general elections of 2022. In response, the UN Electoral Assistance Division of the Department of Political and Peacebuilding Affairs (DPPA) deployed the Needs Assessment Mission (NAM) to Lesotho on 14-22 June 2021. The deployment was aimed at assessing institutional capacity needs of the Election Management Body (EMB) in preparation for the October general elections. In its report, the NAM made several recommendations addressed to both the IEC and the UN.
3. The NAM recommended that IEC should strengthen its engagement, communication strategy and partnership with key stakeholders, including the government, parliament, and notably with political parties and civil society, as well as the international community, in order to increase transparency and visibility of its activities – while also seeking to establish broad partnerships that can hold it in good stead within the potentially volatile political environment[[53]](#footnote-53).
4. The NAM recommended that the United Nations should provide electoral assistance through a targeted electoral assistance programme focusing on both political and technical areas, subject to availability of funding. Given the long experience in this field in the country, UNDP is the agency best placed to establish an electoral assistance project, with associated basket fund and take the lead on electoral assistance activities. The electoral project should cover the period from *August 2021 to December 2023*, during which period local by-elections and a possible constitutional referendum, civil and voter registration processes, and a boundary delimitation exercise, are expected to take place[[54]](#footnote-54).
5. Following the NAM, a project document has been developed for UNDP support to the IEC entitled “Fostering Peaceful, Credible and Inclusive 2022 General Elections in Lesotho”. As it awaits endorsement of the above project document, at the present moment, the UNDP support includes technical assistance through an Information and Technology (IT) specialist and website administrator and IT equipment including software and hardware. In early September 2022, UNDP deployed the Chief Technical Advisor (CTA) to beef up its technical support to the IEC.
6. The major challenge is that this support is coming at a slow pace and rather late given that the election is on 7 October, about a month away from the time of compiling this report. Given the sensitivity of an election, it is advisable that support to the IEC be provided well ahead of the actual election at best two years or at worst one year before the polls. This is more so for normal general elections which are held every five years. The exception to the rule could be snap elections that are generally unpredictable.
7. Noticeable progress has been made towards the holding of the general elections: (a) On 13 April 2022, the IEC published the list of new constituencies for the elections, through Legal Notice (Government Gazette) volume 67, number 24; (b) on 13 July 2022, His Majesty King Letsie III dissolved the Tenth Parliament through Legal Notice (Government Gazette) volume 67, number 54; (c) on 19 July 2022, His Majesty King Letsie III proclaimed 7 October 2022 as the date of the general elections through Legal Notice (Government Gazette) no. 67 volume 56 and in the same Legal Notice, the Director of Elections, published the election calendar; (d) on 24 July 2022, political parties signed the Electoral Code of Conduct and (d) on 5 August 2022, the Director of Elections, Adv. Mpaiphele Maqutu appointed a three-person Electoral Tribunal to attend to all complaints relating to the violations of the Electoral Code of Conduct namely Mr. Sofonea Shale (Chairperson), Ms Mantsoaki Moorosi (Member) and Adv. Moeti Marai; and (e) on 12 August 2022, the IEC published the revised list of new constituencies following a court challenge through Government Gazette volume 67, number 65.
8. Various uncertainties surrounded the election itself: (a) the new Commissioners resumed during in late 2020 and have been in office for less than 2 years; (b) by-elections and local government elections were not conducted casting a shadow of doubt on the general election itself; (c) for a long time, there was uncertainty of the forthcoming election would be a harmonized one combing both parliamentary and local government polls; (d) IEC faces a financial constraint; of its total budget of M329 million, Parliament allocated only M261.5 million, of which only M152.7 million has been provided by the Government, leaving a shortfall of M176,3 million; (e) in abuse of state resources and vote-buying were rampant leading to the IEC reprimanding some government officials; (f) high incidences of crime (including armed criminality) ahead the election environment that prompted the LDF to deploy the military across the country to complement efforts by the LMPS; (g) poor civic and voter education by the IEC, CSOs, political parties etc, ahead of the elections; (h) delayed adoption of the amended Electoral Act which also has implications for civic and voter education ahead of the polls.; and on August 22 the IEC was told to cough up over M2 million to get the electronic version of the voters’ roll.
9. Another challenge that confronted the IEC was the Constitutional Court case lodged by the DC (one of the main coalition partners in the current government) and Mr. Sedibe Mochoboroane (current Minister of Development Planning) over the delimitation of Constituencies. In essence, DC and Mochoboroane pleaded with the Court to nullify and set aside the new delimitation of constituencies by the IEC and use the constituencies as applied during the previous general elections in 2017. The Court did not grant this plea. Instead, the Court ruled that the IEC revisits delimitation of 20 constituencies[[55]](#footnote-55) and re-demarcate them accordingly before the 7 October elections. Subsequently, the IEC revisited and rectified the identified anomalies in respect of the 20 constituencies. These anomalies were rectified by the IEC leading to the issuance of a new list of constituencies through the government Gazette of 12 August[[56]](#footnote-56). With respect to the IEC preparedness and whether the EMB will conduct a democratic, credible and peaceful election, the general public mood is marked by scepticism, confirmed by the recent survey of March 2022. In a recent press interview, the IEC Public Relations Manager, Tuoe Hantsi, stated that “I cannot specifically state whether the elections will be credible, free and fair, but I will get feedback from the people I work for whether this election will be free, fair and credible”[[57]](#footnote-57).
10. From interviews with stakeholders, there is a concern that the upcoming general election presents both threats and opportunities for reforms, conflict prevention and political stabilization. It is imperative that threats are mitigated, and opportunities are exploited to the fullest. Interlocutors consulted identified two such opportunities that need to be leveraged. First, it was proposed that CCL, working in collaboration with LCN, explore the possibility of consulting all political parties contesting the general election of October 2022 to sign a pledge to commit to the reform agenda as it did ahead of the 2017 snap election. Secondly, it was also proposed that LCN, working in collaboration with CCL, consult key national stakeholders with a view to convene a post-election national consultative forum aimed at safeguarding the reform agenda and acting as platform for constructive dialogue on conflict prevention, peacebuilding, social cohesion and reconciliation. The international community, including the UNCT, EU, South Africa, SADC and the AU should be encouraged to support these two initiatives.

**DCEO**

1. Corruption is one of the challenges facing Lesotho’s governance, peace and development agendas. The strategic nature of UNDP support to DCEO is therefore incontrovertible. From desk review and interaction with interlocutors, the consultant found that much of the UNDP technical support has gone towards the development and review of the National Anti-Corruption Strategy and Action Plan (NACSAP) 2014/15 – 2018/19 though its implementation started effectively in 2015/16 ending in 2019/20.
2. From interviews with DCEO, it emerged that along with the NACSAP framework, UNDP has supported Lesotho’s commemoration of the International Anti-Corruption Day on 9th December 2021. Anti-corruption campaign is coordinated by DCEO, working together with the Lesotho Mounted Police Service (LMPS) and the Lesotho Revenue Authority (LRA), lately involving the Financial Intelligence Unit (FIU) as well. The campaign involves a number of activities and events usually starting in May, but the main ones being the annual Anti-Corruption Symposium (held first Monday of December) and the National Anti-Corruption Walk led by the Prime Minister (on or around the 9th December), respectively.
3. Furthermore, the NACSAP framework was evaluated with technical assistance from UNDP in 2019/20. The greatest achievement of the framework has been the creation of the platform for all the key sectors of society to join hands and tackle the scourge of corruption both in their individual and their collective responsibilities, thus setting the county’s efforts against corruption on a better level as time goes on. The 2nd phase of the NACSAP framework for the next 5 years is supposed to have been developed already but owing to financial limitations this has not been the case to date.
4. The challenge is that anti-corruption institutions on their own lack the requisite institutional capacity to curb, let alone eradicate, corruption. While supporting them individually to enhance their institutional capacity is an appealing strategy, it is also worth pursuing a complementary strategy of strengthening the synergy and better coordination among all the four anti-graft institutions namely DCEO, LMPS, LRA and FIU.
5. Assessed on the basis of the level of achievement of outcomes and outputs of the UNDP thematic area on governance and peacebuilding and taking into account the challenges encountered thereby hampering the full realization of expected results, the performance rating for the thematic area in relation to effectiveness **Satisfactory**.

## ***Efficiency***

1. The resources earmarked for various programmes and projects under the UNDP thematic area on governance and peacebuilding were received from different UN agencies, the EU, SADC and the Government of Lesotho supplemented by technical support from the Commonwealth and the AU. Evidently, the totality of these resources contributed in no small measure to the milestones and results registered by the governance and peacebuilding portfolio of UNDP.
2. The partnership towards delivering the expected outcomes and outputs of the portfolio involved government agencies coordinated by the Ministry of Development Planning and non-governmental actors through the coordination of the Lesotho Council for Non-Governmental Organisations (LCN). This approach facilitated national ownership and leadership of the programmes and projects.
3. The typical coordination and management arrangement for the programmes and projects was two-pronged: (a) at the higher and political level was the programme/project board or steering committee which was co-chaired by a government minister on the one hand and the UN-RC on the other and (b) at the lower technical level was the programme/project implementation committee co-chaired by the UNDP on the one hand and the Principal Secretary of the Ministry of Development Planning on the other.
4. In the specific case of the Justice Sector Project, a Project Management Unit was set up within the judiciary to facilitate the management of the project. It involved the project team which was led by the Project Manager/Team Leader. Besides the recruitment of project staff, the Project Management Unit had to be furnished with the requisite office equipment.
5. Regular internal monitoring and evaluation of programmes and projects were undertaken for purposes of quality control and ensuring that the implementation remains consistent with their intended outcomes and outputs. This was complemented by programme/project reports highlighting progress in implementation on quarterly and annual basis.
6. All the programmes and projects had an element of knowledge management, communications and information components which facilitated dissemination their milestones and results. This ensured visibility of the interventions including their impact. Knowledge management is also useful for lessons-learning and institutional memory. These took the form of publications and other products including (a) policy briefs, (b) print and electronic media products; (c) research products; (d) data and statistical analysis and (e) information, communications and educational material, including development o websites (e.g. NRA and Judiciary).
7. However, efficient delivery of the various programmes/projects and interventions were constrained by a number of factors. These included the following:
   1. The onset of COVID-19 pandemic slowed down programme/project implementation;
   2. Delays in mobilization and delivery of financial, human and technological resources in support of programmes/projects;
   3. High staff turn-over among implementing/responsible partners/parties impacting negatively on programme/project deliverables;
   4. Slow take-off of the reform process through the NRA;
   5. Lukewarm commitment of the political elites to the reform agenda; and
   6. Multiple lawsuits challenging the constitutionality of the 10th Amendment of rhe Constitution Act, 2022.
8. Evaluated based on the degree of the efficacy of the implementation of programmes and projects in respect of use of resources, coordination, management and harnessing partnerships and networks, the performance rating for the UNDP thematic area on governance and peacebuilding in relation to efficiency is **Highly Satisfactory**.

## ***Sustainability***

1. Central to the UNDP Direct Implementation Modality (DIM) lies such principles as national ownership, national leadership and broad representation of key stakeholders in the spirit of ‘leaving no one behind’. This approach, in and of itself, directly and indirectly contributes to sustainability of results of programmes and projects aimed at conflict prevention, peacebuilding and political stabilisation in Lesotho.
2. From interviews with key interlocutors and review of the available literature, the consultant found that SADC interventions following the 2014 political turbulence in Lesotho was sustained through the initiation of a multi-stakeholder conversation on the state of the country and exploration of possible pathways out of the country’s cyclical crises. These conversations culminated in Plenary 1 of the Multi-Stakeholder National Dialogue followed by in-district and sectoral consultations all of which culminated in Plenary II of the National Multi-Stakeholder Dialogue of November 2019. Plenary II Report closed the dialogue phase of the collective efforts by Lesotho stakeholders to find home grown solutions to their country’s multivariate socio-economic and political challenges.
3. The consultant further learnt from interviews and documentation review that the dialogue phase laid the firm foundation and was sustained by the actual reform process under the aegis of the NRA as from 2019. The reform agenda covered seven key thematic areas and to some degree kept the consultative element of the earlier dialogue phase. This second phase of the process towards institutionalizing conflict prevention, peacebuilding and political stability culminated in a raft of constitutional, legislative, institutional and systemic reforms which the NRA subsequently submitted to Parliament in the form the Tenth Amendment of the Constitution Bill. While Parliament’s tenure expired before conclusion the enactment of the Bill into law, it was recalled finishing the outstanding job, which was done on 29 August.
4. The second phase which was marked by the crafting of reforms across the seven areas must be sustained through the effective and efficient implementation of the new laws and operationalization of the new institutions and new governance systems proposed by the 10th Amendment to the Constitution Act, 2022. Two key questions are key for sustainability here. First, since the NRA’s existence has expired, it is imperative that another dedicated institution is put in place to continue monitoring the implementation of the Act emanating from the Omnibus Bill. Second, the political commitment of the new government that will emerge following the general elections of 7 October 2022 is key to sustainability of the results registered so far on this journey since the first phase of dialogue in 2018. Will the new government nurture the reform baby, or will it throw the baby out with the bath water? Time will tell.
5. Sustainability faces some challenges, including, inter alia, (a) the absence of an institutional framework driving the process after the expiry of the mandate of the NRA in July 2022; (b) politicization of the process especially linked to the 2022 general election, including the controversy surrounding the powers of the Prime Minister; (c) the dominations of the reform process by the political elite which has in turn weakened the broad-based participation and inclusiveness of the process; and (d) lack of internal institutional mechanisms driving the reform agenda resulting in the process being propelled mainly by external actors (mainly SADC).
6. A more fundamental challenge for sustainability of the results of the UNDP programmes and projects towards conflict prevention, peacebuilding and stabilization relates to whether Lesotho’s insecurity and instability can be resolved by merely tinkering with the constitutional, legal and institutional aspects of its governance system. While necessary as part and parcel of improving Lesotho’s governance and peacebuilding architecture, these reforms have to be accompanied by inculcating a culture of democracy and peace predicated upon transformative and visionary leadership i.e., the type of leadership that places national purpose above personal interests. At present, personality-based leadership in Lesotho tends to always ask the wrong questions of ‘what my country can do for me’ instead of ‘what I can do for my country’. The current stand-off between and among the National Assembly, Senate, political parties and the College of Chiefs around the Omnibus Bill, 2022 is a vivid illustration of a historical trend of weakening governance institutions and strengthening personality cult of leaders including the Prime Minister. At the level of political parties, the leader is the party, and the party is the leader. This amounts to personalization of politics that goes against institutionalization. This engrained culture in Lesotho politics constitutes a major threat to the sustainability of the on-going reform process in the short-, medium- and long-term perspective. Until and unless this problem of self-serving leadership style is addressed, the sustainability of reforms for conflict prevention, peacebuilding and stabilization may not be realized.
7. In terms of guaranteeing continuity of the results and milestones registered by the programmes and projects contributing to the UNDP’s role in conflict preventions, peacebuilding and political stability in Lesotho, the rating in respect of sustainability is **likely**.

|  |
| --- |
| **8. Conclusion** |

1. One of the major development challenges in Lesotho is instability. It has marked the country’s political landscape over the past fifty-six (56) years of its independence since 1966. There are structural (deep-seated) drivers of instability in Lesotho, including, among others, socio-economic challenges, such as low human development, poverty, unemployment and inequality. Additionally, there are proximate (catalytic) triggers of instability including, inter alia, personality-based politics as against issue-driven politics, fractious intra-party and inter-party relations, election-related conflicts as well as the mismanagement of coalition governance. While both structural drivers and catalytic triggers of instability as well as their deleterious consequences are well known, sustainable solutions have continued to elude the country despite several efforts aimed at reforms. The intractable instability and insecurity manifest the twin-problem of declining state-society social contract[[58]](#footnote-58) and weakening social cohesion[[59]](#footnote-59).
2. Evidently, instability and violence are intensifying rather than abating. For instance, data from the World Population Review shows that Lesotho is ranked number one in Africa and number three globally among the top ten countries with the highest homicide rates. It is, therefore one of the countries considered dangerous destinations in the world both for tourism and doing business. Because violence is strongly correlated with socio-economic circumstances, it is not surprising that it is more embedded in such districts as Mafeteng, Mohale’s Hoek, Thaba Tseka, Quthing and Qacha’s Nek which are some of the hardest-hit parts of the country by poverty. This is an indication that structural roots of instability, insecurity and crises in Lesotho run deep. It is, therefore, not surprising that Mafeteng is the hotbed of Famo music gang wars with Matelile, Thabana Morena and Likhoele as the epicentres of this deadly wars.
3. If there is one consistent theme in Lesotho’s governance process since 1993, it is reform. While several reforms have been undertaken with the aim of addressing instability, and insecurity, ironically, the culture of violence has not receded. There has been a trend of only fluctuation where violence is either high or low. Following the post-election violence of 1998, the Interim Political Authority (IPA) was established. The IPA proposed some far-reaching electoral reforms. This is how the First-Past-The-Post electoral (FPTP) system that the country had used since independence was transformed into the current Mixed Member Proportional (MMP) system in 2001. This was done with the main objective of addressing instability. The UNDP played a significant role in this process.
4. The electoral system reform had its net effect on the country’s party system too. Prior to 1993 (especially between 1970 and 1986), Lesotho was a de facto one-party state. Between 1993 and 2012, Lesotho experienced the dominant party system under two governments: (a) Basotho Congress Party, 1993-1997 and (b) the Lesotho Congress for Democracy, 1997-2012. Following the 2011 reforms to the National Assembly Elections Act, the 2012 general election did not produce a clear-cut winner for a single party government to be formed. This development set the stage for the current trend of coalition governments. This incidence of instability has multiplied manifold since the recent past with the onset of coalition politics in 2012.
5. Despite lessons learnt from other countries that have an embedded political culture of coalitions, such as New Zealand, coalition politics in Lesotho have contributed to the collapse of governments way before the expiry of their constitutional mandate in office (5 years). Between 2012 and 2017, two coalition governments collapsed prompting three elections at an enormous cost to the public fiscus. The latest collapse of another coalition government in 2020 did not lead to a snap election because of the Amendment of the Constitution that barred the Prime Minister from advising the King to dissolve parliament and call for a snap election. Instead that coalition government was replaced by another one through a parliamentary process.
6. Since 2019, with the support of the United Nations Development Programme (UNDP), Southern African Development Community (SADC) and other international partners, Lesotho has embarked on a journey aimed at wide-ranging reforms. The National Reform Authority (NRA) has been set up and operationalized to spearhead the reform process spanning seven (7) key thematic areas (constitution, security, economy, public service, justice, parliament, and media). It has developed several bills aimed at constitutional amendments for appropriate action by the parliament.
7. The NRA developed several bills aimed at constitutional amendments for appropriate action by the parliament. An Omnibus Bill was submitted by the NRA to the Parliament through the executive. On 27 May 2022, leaders of all the parties represented in the National Assembly signed a declaration committing to expedite the passage of the Bill into law before the end of June 2022. As the country gears itself towards the elections in September/October 2022, concerns about instability, insecurity and violence abound armed criminality and violence are on the increase including (a) sexual and gender-based violence; and (b) armed gangsterism in the form of youth gangs (mananomoro) and accordion musical gang (Famo) wars linked to illegal mining (zama-zama/litotoma) in South Africa.
8. The United Nations Development Programme (UNDP), guided by its corporate Strategic Plan (2017-2021), the United Nations Development Assistance Framework (2019-2023), as well as the Country Programme Document (2019-2023), has supported Lesotho’s efforts in addressing its development challenges including conflict prevention and political stabilization. With a view to guaranteeing national ownership, UNDP efforts have been aligned with Lesotho’s Vision 2020 and the National Strategic Development Plan II or NSDP II (2018/19-2022/23). Coincidentally, this evaluation will be undertaken at a time when UNDP is moving into its new corporate Strategic Plan 2022-2025, when Lesotho Vision 2020 will be reviewed and when the development of the National Strategic Development Plan III or NSDP III (2024-2028) begins. UNDP participates in in three UNDAF working groups: Accountable governance and Social Cohesion, Sustainable and Inclusive Growth and Development, Humanitarian and Peace-Building Nexus. UNDP is the secretariat for the Development Partners’ Forum on Governance and Human Rights, which deals with, inter alia, issues relating to conflict prevention, peacebuilding and political stabilization. UNDP chairs the UNDAF Working Group on Accountable Governance and Social Cohesion.
9. UNDP, therefore, has invested an enormous amount of effort and resources towards conflict prevention and political stabilization in Lesotho. UNDP is commissioning this external thematic evaluation on its role in conflict prevention and political stabilization to assess the results registered and impact made, identify remaining challenges, draw lessons and re-imagine governance and peacebuilding in order to advance Lesotho’s development outcomes in line with the 2030 agenda on sustainable development goals (SDGs).
10. Additionally, UNDP has produced two important knowledge products on ‘conflict, peace and gender context’ and intra-and-inter-party democracy’ which were launched by the Prime Minister in June 2021. These were followed by targeted training workshops involving key stakeholders notably political parties within and outside parliament as part of capacity development for conflict prevention, peacebuilding and political stabilization within the context of the on-going governance reforms.
11. Cross-cutting issues in UNDP programming include gender equality and women empowerment (GEWE) and youth inclusion and empowerment both of which fall under the Sustainable and Inclusive Growth portfolio, human rights and capacity development. Given the significance of climate change as one of the cross-cutting issues, the evaluation will also cover the issue natural resource governance which falls under the Environment portfolio. It is within the GPU that this assignment was coordinated and managed. This external evaluation assessed and reviewed UNDP’s contribution, in collaboration with other key partners, to the advancement of conflict prevention and political stabilization in Lesotho during the period 2019-2021.
12. This report is, therefore, is the culmination of an independent evaluation of the role of UNDP in assisting stakeholders in Lesotho (both state and non-state actors) in their efforts towards institutionalizing governance reforms for peace, security and political stability needed for inclusive socio-economic development and structural transformation of the country. It has followed UNDP evaluation guidelines for evaluation (2021) as well as other international standards such as the OECD-DAC guidelines with special focus on four main criteria: relevance, effectiveness, efficiency and sustainability. The overall evaluation of the UNDP’s contribution to conflict prevention, peacebuilding and political stabilization is rated as **Highly Satisfactory**.

|  |
| --- |
| **9. Lessons and Recommendations** |

The evaluation also draws lessons learnt emanating from programme/project implementation. These lessons are worth considering when conceptualizing, designing and implementing future iterations of the programme/projects. From these lessons, appropriate recommendations are proffered with a view to further enhance the contribution of UNDP towards conflict prevention, peacebuilding and political stabilization as detailed below.

|  |
| --- |
| **Relevance** |
| ***Lesson*** |
| The review of the base documents of the main programme (PREGA) and its various projects (i.e. national dialogue, national reforms, justice sector, security sector, support to government ministries and departments, support to democracy promotion institutions, support to elections and support to non-governmental organisations) that inform UNDP’s contribution in support of conflict prevention, peacebuilding and political stabilization in Lesotho, their relevance, while well-articulated, is confined to only national and international normative frameworks. Either by design or by default, this approach imposes a limitation of the scope of relevance of the programme and projects. |
| ***Recommendation I*** |
| UNDP should consider expanding the scope of relevance of its governance and peacebuilding programme and projects to include sub-regional (SADC) and regional (AU) normative frameworks, more so given that Lesotho is a Member State of both the Southern African Development Community (SADC) and the African Union (AU) as inter-governmental organisations much the same way that it is a Member States of the United Nations (UN). |
| ***Recommendation II*** |
| With a view to enhancing the relevance of its governance and peacebuilding portfolio and contributing to the inculcation of a culture of human rights, democracy and peace, UNCT should regularly commemorate, jointly with local state and non-state actors, key historical days such as the International Human Rights Day (10 December), the International Day of Democracy (15 September), the International Day of Peace (21 September), International Women’s Day (8 March) and International Anti-Corruption Day (9 December). |
| **Effectiveness** |
| ***Lesson I: Dialogue*** |
| The consultative and dialogue processes that kick-started the Lesotho reforms journey were inclusive, participatory and broadly representative adopting the whole-of-society approach and ensuring that that no one is left behind. This consultative and participatory approach led to a historic national consensus on the form, scope and substance of the constitutional, institutional and sectoral reforms. Importantly, marginalized and vulnerable social groups such as women, youth, children and persons with disabilities contributed their own common positions ensuring that their voices inform the reform agenda. |
| ***Recommendation I*** |
| Key Lesotho stakeholders (both state and non-state alike) should revive the pitso (citizen-based deliberative fora) tradition (King Moshoeshoe I’s signature social dialogue) to expand the frontiers of democratic and participatory democracy, anchor social cohesion and social contract and advance peacebuilding, national unity, transitional justice, social healing and reconciliation. The traditional face-to-face physical social dialogue fora (pitsos) should be enhanced through digital communication platforms as well. All these efforts should be pursued with effective support from development and diplomatic partners including the UN, EU, SADC, Commonwealth and AU. |
| ***Lesson II: Reforms*** |
| The reform agenda was well defined as articulated in Plenary II report of the national multi-stakeholder forum of November 2019 cutting across seven thematic areas and mainstreaming gender equality, women’s empowerment and the empowerment of the youth and persons with disabilities. A dedicated statutory body was established in the form of the NRA to superintend the reform, reporting to parliament through the Minister of Law and Justice as per the 2019 NRA Act. However, the outcome of the reform process in the form of the Tenth Amendment of the Constitution Act, 2022 does not seem faithful to the national consensus as reflected in Plenary II report as well as the Consensus Agreement signed by Senate and Leaders of parties represented in parliament in August 2022. As such the reform agenda seems to have been caught in partisan party-political battles particularly at the twilight of the Tenth Parliament and in the context of heated politicking by the political elite ahead of the 7 October general election. It is possible that the reform suffered the unfortunate fate of becoming an electioneering gimmick to the detriment of the original intentions of citizens that they should serve a national purpose of entrenching democratic and participatory governance, inculcating a culture of peace, ensuring social cohesion, national unity, transitional justice, social healing, reconciliation and political stabilization. The reform agenda needs to be salvaged and the recent SADC Summit held in Kinshasa, DRC also acknowledged this reality its resolute decision to deploy its Panel of Elders (PoE) supported by the Mediation Reference Group (MRG) to oversee Lesotho’s reform process going forward. |
| ***Recommendation II*** |
| Key Lesotho stakeholders (state and non-state) should make concerted efforts to revive national ownership of the reform. To this end, following the 2022 general elections, multi-stakeholder consultations are required in order to provide feedback to the people on the outcome of the NRA-led reform process and chart a new path in line with the recommendations of the recent SADC Summit held in August 2022 in Kinshasa, DRC. Similar institutions that drove the reform process from the beginning such as the National Leaders Forum, National Dialogue Plenaries as deadlock-breaking mechanisms should be resuscitated. A new coordinating structure to provide a technical steer for the reforms has to be established to replace the NRA. Civil society engagement in the reform process should be enhanced. Requisite technical and financial support should be mobilized from the development and diplomatic partners including the UN, EU, SADC, Commonwealth and AU. |
| ***Lesson III: Infrastructures for Peace (I4Ps)*** |
| National peace in Lesotho is threatened by both structural (e.g. poverty, unemployment, inequality, a culture of violence etc) and proximate factors (e.g. weak intra-party democracy, fractious inter-party relations, politicized security sector and securitised political institutions, youth vigilante groups known locally as Manomoro-loosely translated as ‘those with numbers’, famo music gangs linked to illegal mining in South Africa and with strong ties to some political parties and some elements within the security establishment, etc). Despite its perennial and pervasive historical trends of instability, insecurity and crises, Lesotho has not developed formal and coherent national infrastructures for peace (I4Ps). Existing institutional arrangements (both state and non-state) promoting peacebuilding, peace-making and reconciliation in the country remain disjointed, uncoordinated and ineffective. Consequently, since 1994, Lesotho’s crisis situations have seen the heavy and direct involvement of South Africa and SADC in terms of peace-making, peace-building and peacekeeping. Interventions by South Africa and SADC have not completely eradicated Lesotho’s entrenched culture of violence that has seen the country jump from number 6 in 2021 to number 3 presently on the top ten countries with the highest homicide rate globally. In any case, Lesotho’s external dependence on efforts aimed towards conflict prevention, peacebuilding and political stabilization is unsustainable and undesirable. |
| ***Recommendation III*** |
| Key stakeholders in Lesotho (both state and non-state) should wean the country from the overwhelming dependence on South Africa and SADC in terms of efforts towards conflict prevention, peacebuilding and political stabilization. They should, therefore, establish and/or strengthen existing national and/or community-based local peace architectures. The UNDP/CCJP peacebuilding and social cohesion initiative in Ribaneng should be nurtured, consolidated, scaled up and replicated elsewhere in the Mafeteng District (into other areas beyond Matelile, such as Thabana-Morena and Likhoele) and subsequently expanded to other poverty-stricken Districts such as Mohale’s Hoek, Quthing, Thaba Tseka and Qacha’s Nek where Famo gang wars are also rife. At the national level, Lesotho should establish the National Peace Commission as per the recommendations of the NRA national consultative forum of July 2021. UNDP, DPPA, UNCT in collaboration with government and no-governmental organisations, should mobilise technical and financial support for the development and operationalization of the I4Ps in Lesotho at national and community levels in the form of a National Peace Commission (NPC), in line with recommendations of the NRA Consultative Forum of July 2021 and with important lessons learnt from success stories of national I4Ps from Ghana, Kenya and South Africa. The NPC’s mandate should include, inter alia, conflict prevention, early warning and early response; peace training and education; negotiation, mediation and arbitration; research and documentation etc. Central to the mandate of the NPC should be robust and victim-centred transitional justice and reconciliation programme and strategies developed in line with the 2010 United Nations Approach to Transitional Justice and the 2019 AU Transitional Justice Policy. In implementing a transitional justice programme, partnerships with other regional organisations such the Centre for the Study of Violence and Reconciliation (CSVR) and the Institute for Justice and Reconciliation (IJR) should be explored. Furthermore, the armed vigilante groups and militias should be banned by an act of Parliament and political parties should be barred from aligning themselves with these militia groups such as Famo musical gangs. Lesotho should learn important lessons on enactment of a ban on vigilante groups from Ghana through its 2019 legislation known as ‘Vigilantism and Related Offences Act, 2019’. |
| ***Lesson IV: Security Sector Reforms*** |
| Politicization of the security agencies (LMPS, LDF, NSS and LCS) and securitization of political institutions, including political parties, forms one of the core elements of the country’s instability, insecurity and instability. In his address to the SADC Summit of 17 August 2022, the Prime Minister, Dr. Moeketsi Majoro, recognised this problem noting that there is “a symbiotic alliance between sections of the security forces and factions of the political elites … that has led to … the politicization of the military and militarization of politics”[[60]](#footnote-60). One of the perils of the reforms project in Lesotho is the pushback from some political leaders against the idea of depoliticization of the security establishment and de-securitisation of political institutions. One of the political leaders who has publicly led this pushback is the Deputy Prime Minister, Mathibeli Mokhothu, leader of the DC (a key partner in the current coalition government). In the absence of their depoliticization and professionalisation, the security agencies are likely to continue being mired in partisan politics. Conversely, politicians are likely to continue meddling in internal affairs of the security agencies with dire consequences for conflict prevention, peacebuilding and political stabilization. |
| ***Recommendation IV*** |
| UNDP, DPPA, UNCT, in collaboration with the EU, Commonwealth, SADC and AU should leverage their diplomatic power to implore Lesotho stakeholders (state and non-state) to stay the course of security sector reforms aimed at professionalizing and depoliticizing the security agencies to dissuade politicians from interfering in affairs of the security agencies for partisan interests. Heads of the security agencies should not be appointed and dismissed by the Prime Minister. They should be appointed and dismissed by an independent oversight body established through an act of Parliament in order to insulate the security sector from undue political influence and control. |
| ***Lesson V: Justice, Rule of Law and Human Rights*** |
| A culture of constitutionalism, rule of law, human rights and justice is critical for democratic and participatory governance, conflict prevention, peacebuilding and political stabilization. Lesotho’s is a case of a country with a constitution without a culture of constitutionalism, i.e. a constitution exists, but its lived experience is deficient. A clear example here is the overwhelming hegemony of the executive over the other two organs of the state (judiciary and legislature), creating an imperial Prime Minister. This trend undermines the separation of powers and checks and balances as enshrined in the 1993 Constitution (as amended). This essentially means that while Lesotho has a constitution, its culture of constitutionalism, rule of law and human rights is not sufficiently institutionalized. In this situation where institutions are weak and personalities (especially the Prime Minister) are omnipotent, a culture of constitutionalism, rule of law, justice and human rights is enfeebled. Thus, while the country’s Constitution has a bill of rights (Chapter II), a culture of human rights is weak. |
| ***Recommendation V*** |
| The establishment of the Human Rights Commission (HRC) with technical support from UNDP, DPPA and UNOHCHR should form part of the reform agenda following the forthcoming general election of 7 October 2022. Institutional capacity of key democracy promotion institutions such as the DCEO, the Ombudsman and the Auditor-General should be enhanced and their independence safeguarded against undue influence and control by the political elites. In advancing the culture of constitutionalism and rule of law, these institutions should work collaboratively and harmoniously with the proposed National Peace Commission (NPC) in order to promote and protect human rights as well as advancing human rights, transitional justice, social harmony and reconciliation at national and local levels with requisite technical support from the UNDP, UNOHCHR, UNWomen, DPPA, EU, SADC, AU, the Commonwealth and other development/diplomatic partners. |
| ***Lesson VI: Elections*** |
| Elections are a double-edged sword: under favourable conditions, they advance democracy and peace. But under unfavourable conditions, they become triggers for violent conflicts leading to insecurity, instability and political crises. Lesotho’s post-independence political history bears this reality out: some of its previous elections advanced democratization and peacebuilding (e.g. 1993 & 2002) and became assets to participatory and stable governance, while others became catalysts for violent conflict (e.g. 1970 & 1998), thus translating into liabilities to inclusive and stable governance. Ahead of the 2022 general election, Lesotho is at the crossroads: will the election become an asset or a liability for democratization, conflict prevention, peacebuilding and political stabilization? The signing of the Electoral Code of Conduct by political parties ahead of the polls has given the nation a glimmer of hope. Even the formal endorsement of the candidates by the Independent Electoral Commission (IEC) across all the 80 constituencies on Friday 8 September 2022 was conducted peacefully with colourful pomp and ceremony. At the time of writing this report, leaders of various political parties were engaged in interesting public debates and holding rallies outlining their manifestos in order to win the hearts and minds of voters ahead of the general election of 7 October 2022. Hopefully the peaceful nature of the events of that day are a harbinger of the election day and its aftermath. Will the reform agenda be preserved, revamped and effectively implemented after the general election? Will the reform agenda be protected against ‘partisan capture’ by the political elites? Will the popular interests of citizens as expressed in Plenary II report be respected? |
| ***Recommendation VI*** |
| Despite the late deployment of the CTA in support of the IEC by UNDP as well as delayed AU technical support to the IEC, these efforts aimed at enhancement of institutional capacity of the EMB should be sustained on a longer-term duration across the entire electoral cycle (pre-election, election and post-election phases) and not restricted merely to the election phase. Domestic and international observers should be deployed early enough in order to ensure the democraticness, credibility, integrity and peacefulness of the 7 October general election. LCN should organize a post-election national consultative forum on the reforms including imperatives for conflict prevention, peacebuilding, human rights, transitional justice, all aimed at recalibrating social cohesion and strengthening the state-society social contract. This forum should be all-inclusive and broadly representative including women, youth, children, persons with disability, minorities, the elderly and the diaspora to ensure that no one is left behind. Requisite technical and financial support should be mobilized from the development and diplomatic partners including the UN, EU, SADC, Commonwealth and AU. |
| ***Lessons Learnt VII: Cross-Cutting Issues-Towards broader representation and inclusiveness*** |
| Participatory and representative governance is hinged on a plethora of principles including, inter alia, inclusiveness and constructive management of diversity along various fault-lines such as gender, age, region, religion, race, political affiliation, ethnicity, disability, etc. Women form more that 50 percent of Lesotho’s population. Young people between the ages of 18 and 24 constitute about 70 percent of the population. It is important that the Lesotho reform process is the gender sensitive, empowers the youth and people with disabilities as well as children and elders. In this regard, institutions charged with responsibility for conflict prevention, peacebuilding and political stabilization have to ensure meaningful representation and inclusion of all key sectors of society especially marginalised and vulnerable social groups such as women, youth, persons with disabilities, children, the elderly and minority groups. |
| ***Recommendations VII*** |
| Existing institutions (such as the Ombudsman) and envisaged one (such as the National Human Rights Commission and the National Peace Commission) should pay particular attention to issues of broad representation and inclusion of marginalised and vulnerable social groups such as women, youth, children, people with disabilities to promote and protect their human rights and freedoms in all efforts aimed at entrenching democratic governance, preventing conflicts and advancing political stabilization. |
| **Efficiency** |
| ***Lesson*** |
| Coordination and coherence of UNDP programming with responsible parties is one of the core elements of the efficiency of its role in contributing towards conflict prevention, peacebuilding and political stabilization. Some of the interlocutors expressed misgivings that the development and operationalization of the Country Programme Document (CPD) is heavily laden in favour of government and less so with respect to non-governmental organisations. |
| ***Recommendation*** |
| While the UNDP programme was efficiently executed during the evaluation period, women’s organisations implored the UN to establish a gender desk in Maseru with a view to enhance coordination, particularly given that UN Women does not have a permanent office in Lesotho. This request could be considered favourably within the office of the UN-RCO along the same lines as the arrangement with the deployment of the Huma Rights Advisor from OHCHR. |
| **Sustainability** |
| ***Lesson*** |
| Of the major threats to sustainability of the milestones and results of the UNDP programmes/projects aimed at conflict prevention, peacebuilding and political stabilisations is political polarization which, in turn, undermines the functioning and resilience of institutions. |
| ***Recommendation*** |
| There is an urgent need for the enhancement of capacities and resilience of governance and peacebuilding institutions at national and local levels, insulating them from undue political control and influence to ensure sustainability of the national comprehensive reforms. |

|  |
| --- |
| Annexes |

## ***Annex 1: Terms of Reference***

1. **BACKGROUND AND CONTEXT**

Lesotho experienced both political and security instability since independence from Britain in 1966. The fractious and personality-based politics intensified in the last decade, with emergence of coalition politics. Following collapse of coalition governments that failed to realize their constitutional mandates, the country’s leadership, with support from development partners, and UNDP, undertook a study tour to New Zealand to learn first-hand of coalition governments. This followed a collapse of three coalition governments in a space of five years.

Since then, Lesotho has embarked on far reaching national reforms process following the 2019 broad based national dialogue and stabilization process., which achieved consensus to undertake reforms in seven thematic areas namely: Constitutional Reforms, Security Sector Reforms; Economic Sector Reforms; Public Sector Reforms; Justice Sector Reforms; Parliamentary Sector Reforms and Media Sector Reforms. A comprehensive Omnibus Bill containing 49 amendments to the constitution as well as legislation providing a legal framework for implementation of constitutional reforms has been formulated and tabled before the National Assembly for discussion and passage. In addition, two High-level Consultations to; a) develop a National Roadmap on Security Sector Reform and b) Options for a National Peace and Reconciliation architecture were organized to complement ongoing reform efforts and to contribute to political stabilization and conflict prevention in Lesotho. Two assessment reports on ‘‘Conflict, Peace and Gender Context’’ and ‘‘Intra-and-Inter-Party Democracy’’ in Lesotho were launched by the Prime Minister in June 2021 and followed by series of training workshops with CSOs and political parties (both in and out of Parliament) to unpack key findings and recommendations and build stakeholder capacity as peace agents within the context of the ongoing reform. However, reform progress has been slow, and several challenges remain to political stabilization and conflict prevention efforts in the Kingdom of Lesotho.

In line with UNDP’s Strategic Plan 2017- 2021 and moving into the new Strategic Plan 2022 – 2025, inclusive and effective democratic governance and peacebuilding remains an important area of work for UNDP globally and UNDP Lesotho particularly as outlined in the UNDP Lesotho Country Programme Document 2019 – 2023. The current programming cycle is aligned to the Government of Lesotho’s National Strategic Development Plan – (NSDP II) and the United Nations Development Assistance Framework (UNDAF), both covering the 2019 -2023 period.

The 2019 -2023 UNDAF outlines a common vision, planning, and implementation on how the UN system can support the national needs and priorities as described in Vision 2020 and the National Strategic Development Plan 2019 – 2023 (NSDP II). UNDP Lesotho actively participates in three UNDAF Working Groups: Accountable Governance & Social Cohesion, Sustainable and Inclusive Economic Growth as well as Cross cutting pillar on Development, Humanitarian and Peace-building Nexus. UNDP chairs the Accountable Governance working group and co-chairs the Sustainable and Inclusive Economic Growth working group. In addition, UNDP provides the Secretariat for Development Partner Forum on Governance and Human Rights, which covers issues of peace building and governance.

This evaluation will be conducted at a time when broader development process, such as the review Lesotho of Vision 2020 and initiation of NSDP III (2024 – 2028) will be taking place. The 2019 -2023 UNDAF is centred around four key results areas: - Sustainable and Inclusive Growth – Accountable Governance – Human Development – One UN Business Operations. The democratic governance and peacebuilding portfolio of UNDP Lesotho is situated in Results Area 1 (‘Accountable Governance’). UNDP Lesotho acts as Chair of this Development Results Group, jointly with UNAIDS, and is the overall lead agency in this results area. UNDP Lesotho also acts as co-Chair of the Programmes Coordination Team (PCT) of the One UN Lesotho.

1. **PURPOSE, OBJECTIVE, SCOPE, FOCUS AND EVALUATION QUESTIONS**

* Rationale and Purpose for a Thematic Evaluation: UNDP conducts thematic evaluations to assess UNDP performance in areas that are critical to ensuring sustained contribution to development results. Thematic evaluations focus on one or several crosscutting themes that have significance beyond a particular project or initiative, across several outcomes or results areas in a country. These are independent evaluations carried out within the overall provisions contained in the UNDP Evaluation Policy.
* In line with the Evaluation Plan of UNDP Lesotho, a thematic evaluation will be conducted to assess UNDP performance in areas that are critical to ensuring conflict prevention and political stabilization. The area of conflict prevention and political stabilization is a broad area that brings together many different institutions and development results area. The proposed thematic evaluation will evaluate the UNDP Lesotho’s contribution to further advance conflict prevention and political stabilization in Lesotho during the period from 2019 to 2021.
* The main vehicles of UNDP’s Lesotho support are the projects within the Governance and Peacebuilding Unit, such as the Support to National Reforms Project; Security Sector Reforms, Conflict and Peacebuilding Project, Justice Project and Project to Support Governance Architecture in Lesotho. Other projects from the Sustainable and Inclusive Growth portfolio focused on youth and gender employment and from the Environment portfolio focused on improved natural resource management also contribute to conflict prevention. The goal of the thematic evaluation will be to assess how UNDP’s programmes contributed, together with the assistance of partners, to a change in development conditions.

1. **The purpose of the thematic evaluation is to:**

* Measure the impact of the conflict prevention and political stabilization project portfolio and its programmatic strategies.
* Provide substantive input and direction to the formulation of future strategies, including at programmatic level.
* Support greater UNDP accountability to national stakeholders and partners in Lesotho.
* Serve as a means of quality assurance for UNDP interventions at the country level;
* Contribute to learning at corporate, regional and country levels.
* The thematic evaluation will be conducted in the 1st quarter of 2022 and towards the end of the current programme cycle 2019-2023 with a view to providing strategic direction and inputs to the preparation of the new programming cycle starting from 2024 including the forthcoming new United National Development Sustainable Development Framework (UNSDF) scheduled to start the same year.
* **Objectives of the Thematic Evaluation –**

The evaluation will assess how UNDP Lesotho’s project and programme results contributed to a change in development conditions as it relates to conflict prevention and political stabilization in Lesotho in collaboration with other key actors in the area. The overall objective of the thematic evaluation is to measure UNDP’s contribution, through the projects and Programmes in the following area: (1) extent to which there are data-informed mechanisms in place to strengthen social cohesion and prevent risk of conflict at national and local levels; (2) citizen participation in conflict mitigation and prevention; (3) gender and youth inclusion in peacebuilding and political stabilization; (4) intra-and-inter-party conflict prevention, resolution and management mechanisms; (5) role of media and civil society entities in political stabilization and peacebuilding; and, (6) enabling framework for stabilization and peace consolidation.

* The specific objectives of the thematic evaluation are the following: (i) to assess progress (what and how much) progress has been made toward advancing conflict prevention and political stabilization (including supporting and constraints); (ii) to assess whether the programme/project is the appropriate solution to the identified problem(s); (iii) to assess the relevance of and progress made in terms of the UNDP outputs and assess sustainability of results and benefits (including an analysis of both programme/project activities and soft/technical-assistance activities); (iv) to assess the alignment of the peacebuilding portfolio to national development priorities, UNDAF and UNDP’s Strategy 2022 -2025; (v) evaluate the contribution that UNDP has made/is making to the progress towards the achievement of the thematic area (including an analysis of the partnership strategy); (vi) to reflect on how efficient the use of available resources has been; (vii) to document and provide feedback on lessons learned and best practices generated by the programmes during their implementation; (viiii) to identify unintended results that emerged during implementation (beyond what had initially been planned for); (ix) to ascertain whether UNDP’s partnership strategy has been appropriate and effective; (x) to provide feedback and recommendations for subsequent decision making and necessary steps that need to be taken by the national stakeholders to ensure sustainability of the programme’s results; (xi) assess the level of gender mainstreaming and human rights based approach to programming and progress against gender equality and human rights expected results; and, (xii) identify possible areas of further engagement and potential intervention strategies. ting from the current UNDP governance portfolio, the evaluation will be forward looking and outline options for a most optimal future portfolio balance and structure in the next programming cycle.
* **Scope and Focus of the Thematic Evaluation**
* The evaluation will look at UNDP’s intervention in a holistic and comprehensive manner, including SWOT analysis of different approaches and programmes. The primary scope of evaluation will focus on the contributions made by the Governance and Peacebuilding Programmes and Projects in advancing political stabilization and conflict prevention, while not excluding the contributions made by other units.
* The evaluation will be assessing how the programs mainstreamed the UN programming principles subscribed during the program elaboration phase with particular focus on Gender Equality and women empowerment (GEWE), human rights & capacity development. More specifically, the evaluation will focus on the following:
* Thematic status: Determine whether the theme (i.e. conflict prevention and political stabilization) has been achieved and, if not, whether there has been progress made towards its achievement, and identify the challenges to attainment of the thematic. Identify innovative approaches and capacities developed through UNDP assistance. Assess the relevance and adequacy of UNDP outputs to the theme. Evaluate if programme strategies and activities were relevant to achieve thematic results and what is their contribution to recorded thematic achievements. Identify changes in comprehension, practices, behaviours in relation to conflict prevention and political stabilization which could be attributed to programme activities and outputs.
* Underlying factors: Analyse the underlying factors beyond UNDP’s control that influenced the thematic areas. Distinguish the substantive design issues from the key implementation and/or management capacities and issues including the timeliness of outputs, potential financial constraints, the degree of stakeholders and partners’ involvement in the completion of outputs, and how processes were managed/carried out. Ascertain whether UNDP’s partnership strategy has been appropriate and effective. What were the partnerships formed? What was the role of UNDP and how it contributed to support programme activities? How did the partnership contribute to the achievement of the theme? What was the level of stakeholders’ participation including of Ips, UN agencies and development partners? Examine the interagency UN collaboration and partnership among development partners in the relevant field.
* Lessons learnt: Identify lessons learnt and best practices and related innovative ideas, in relation to management and implementation of programme activities to achieve the thematic objectives. This will provide learning lessons about UNDP’s contribution to the governance and peacebuilding thematic area. Identify cross -learning themes from the programme experimentation captured during programme activities implementation. Identify opportunities that could inform next programme design and programming.
* The Evaluations Questions - The consultants will pay consideration to the following:
* a) Relevance
* Relevance to the Country Programme Document (CPD 2019-2023)
* Extent to which UNDP support is relevant to Lesotho’s Vision 2020 agenda, NSDP II, UNDAF 2019 - 2023
* How relevant is UNDP’s support for different partners: national authorities of Lesotho, development partners, civil society, religious and church leaders, and the private sector?
* To what extent did the programme results contribute to the UNDAF and NSDP II results in the areas of peacebuilding?
* Were the strategies adopted and the inputs identified, realistic, appropriate, and adequate for the achievement of the results? Is there any need to change the focus in view of the next programming?
* Do the programmes continue to be relevant to the GoL priorities in conflict prevention and peacebuilding?
* b) Effectiveness
* Extent of UNDP’s effectiveness in producing results at the local levels and at the aggregate national level? Extent of UNDP support towards capacity development of partners, advocacy on governance issues and policy advisory services in Lesotho?
* Extent of the progress towards advancing political stabilization and conflict prevention?
* Assessment of UNDP’s work on advocacy to scale up best practices and desired goals; UNDP’s role and participation in national debate and ability to influence national policies?
* Extent of UNDP’s contribution to human and institutional capacity building of implementing partners as a guarantee for sustainability beyond UNDP interventions?
* Was the scope of interventions realistic and adequate to achieve results?
* Assess the programmatic approach with other approaches used by UNDP and in the sector (e.g. policy advisory services, technical assistance)?
* Contributing factors and impediments to the achievement of the thematic through related supported project outputs?
* Assessment of the capacity and institutional arrangements for the implementation of the UNDP governance portfolio in view of UNDP support to the GoL and within the context of Delivering as One?
* Extent of UNDP partnership with civil society and private sector in promoting peacebuilding in Lesotho?
* Are programmes effective in responding to the needs of beneficiaries, and what are result achieved?
* Extent to which established coordination mechanisms enabled achievements of programme results and outputs?
* b) Efficiency
* How much time, resources, capacities, and effort it takes to manage the programmes and, including the entire portfolio, and what were the gaps, if any? More specifically, how do UNDP policies, decisions, capabilities, practices, and constraints affect the performance of the programmes and the portfolio? Has UNDP’s strategy in producing the programme outputs been efficient?
* Extent of M&E contribution to achieve the programme thematic and outputs’ indicators
* Roles, engagement, and coordination among various stakeholders in the governance sector, One UN Programme in project implementation? Were there any overlaps and duplications?
* Extent of synergies among One UN programming and implementing partners?
* Synergies between national institutions for UNDP support in programming and implementation including between UNDP and development partners?
* Could a different approach have led to better results? What would be those approaches?
* Do the programmes’ activities overlap or duplicate interventions?
* d) Sustainability
* Extent to which UNDP established mechanisms ensure sustainability of the conflict prevention and peacebuilding interventions?
* Extent of the viability and effectiveness of partnership strategies in relation to the achievement of the thematic area?
* Provide preliminary recommendations on how the governance and peacebuilding portfolio can most effectively support appropriate central authorities, local communities and civil society in improving service delivery in a long-term perspective?
* Assess possible areas of partnerships with other national institutions, CSOs, UN Agencies, private sector and development partners in Lesotho?
* Assess how governance and peacebuilding studies and available data are used to build the sustainability of the programmes?
* What is the likelihood of continuation and sustainability of the programmes and benefits after the completion of the current program cycle?
* What are the main lessons that have emerged from each programme implementation?
* The consultant is expected to add and refine these questions in consultation with key stakeholders, and as part of the development of the evaluation methodology. Based on the above analysis, provide overall and specific recommendations on how UNDP Lesotho Country Office should adjust and orient its programming, partnership arrangements, resource mobilization strategies, monitoring and evaluation strategies, working methods, approaches and/or management structures and capacities to ensure that the governance and peacebuilding portfolio fully achieves its thematic by the end of the UNDAP period and beyond.

Methodology –

* An evaluation approach is indicated below, however, the evaluation team is responsible for revising the approach as necessary. Any changes should be in-line with international criteria and professional norms and standards (as adopted by the UN Evaluation Group). They must also be approved by UNDP before being applied by the evaluation team. The Thematic evaluation will be carried out in accordance with UNEG Evaluations Norms and Standards for Evaluation and OECD/DAG Principles. The evaluation must provide evidence-based information that is credible, reliable, and useful and must be easily understood by programme partners. Data will be mainly collected from the existing information sources through a comprehensive desk review that will include the analysis of relevant documents, information, data/statistics, interviews/focused group discussions with partners/stakeholders and triangulation of different studies. The key documents to be considered during the desk review are mentioned in Annex under List of Recommended documents.
* The in-depth desk review will be followed by:
* Interviews with all key partners and stakeholders
* Questionnaires where appropriate
* Field Visits to selected project sites and partner institutions, considering the geographic location of the participants’ beneficiaries and their involvement in the assessment of programmes results.
* Participatory observation, focus group discussions, rapid appraisal techniques
* Validation workshop including all stakeholders (partners and selected beneficiaries who participated in the programmes)
* The evaluation will include a wide participation through interviews, discussions, and consultations of all relevant stakeholders including the UN, the GoL institutions, CSOs as well as development partners, private sector representatives, and beneficiaries. Briefing and debriefing sessions with UN and the Government officials, and potentially development partners, are envisaged. Data collected should be disaggregated (by sex, age and location) where possible. Data should especially examine the programmes impact in terms of creating equal opportunities for women and men or addressing gender equality and women’s empowerment issues. A design matrix approach relating objectives and/or thematic to indicators, study questions, data required to measure indicators, data sources and collection methods that allow triangulation of data and information often ensure adequate attention is given to all study objectives. The formulated recommendations should be solution-oriented and as specific as possible.
* The evaluation ratings to be used are:
* HS - Highly Satisfactory
* S - Satisfactory
* U - Unsatisfactory
* HU - Highly Unsatisfactory
* NA - Not applicable

UNDP is looking for experienced local consultant to carry out Thematic Evaluation On Role of UNDP In Conflict Prevention And Political Stabilization In Lesotho.

The applications should be sent by e-mail to ls.procurement@undp.org, with the reference: Thematic Evaluation on Role of Role of UNDP In Conflict Prevention And Political Stabilization In Lesotho.

Detailed terms of refence and application guidance may be accessed on this link:

**3.0 Expected Outputs and Deliverables**

The schedule of outputs is expected to be as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Expected Output** | **Duration** | **Target Dates** | **Responsible for review** |
| 1. 1. Inception Report: The inception report which details the evaluator’s understanding of the evaluation and how the evaluation questions will be addressed. This is to ensure that the evaluator and the stakeholders have a shared understanding of the evaluation. The inception report will include the evaluation matrix summarizing the evaluation design, methodology, evaluation questions, key informants, data sources and data collection and analysis tools for each data source, and the measurements by which each question will be evaluated. | 5 | March 1 | UNDP |
| 2. Draft Political Stabilization and Conflict Prevention Thematic Evaluation Report to be put forward during pre-validation workshop (30 -50 pages). The report will be reviewed by all stakeholders to ensure that the evaluation meet quality criteria. | 8 | March 7 | Ministry of Development Planning |
| 3. Final Political Stabilization and Conflict Prevention Thematic Evaluation Report, integrating feedback voiced during pre-validation workshop should be submitted 10 days after receiving the draft report. The deliverables will be drafted in English. | 9 | March 14 | UNDP |

1. **Institutional Arrangements**

* The expert is responsible to the UNDP Governance Unit and will work under the direct supervision of GPU Staff for consultations on delivering the expected outputs.
* The Consultant will prepare reports and submit reports by email. At least 5 days lead time must be allowed for review and feedback on submitted content.
* Both in person and virtual tools may be used for stakeholder engagement and collection of information, ensuring compliance to the COVID-19 regulations
* Payments will be processed based on approved and certified milestones
* The consultant should have his / her own computer, access to internet and other logistical arrangements as necessary to complete the assignment.

1. **Duration of the Work and Duty Station**

The assignment will require 22 working days. The implementation of the assignment is expected to take place from the 01st March 2022 with a completion date of March 22nd 2022.

1. **Qualifications and Experience**

**Qualifications:**

Education:

* At least a master’s degree in International Economics/ International Relations/ Development Studies or other relevant university degree

Language:

* Excellent written and spoken English

**Professional Experience:**

Specific Qualifications

* Have strong communication and writing skills in English.
* Hold a master’s degree in political science, law, international development, gender studies or other related areas and at least 5 years’ experience in evaluation/research.
* Extensive expertise, knowledge, and experience in the field of governance and peacebuilding, inclusive participation, access to justice, human rights promotion, conflict prevention and peace building and support to democratic governance initiatives with focus on citizen participation and empowerment, media development and elections.
* Have extensive experience of programme formulation, monitoring and evaluation.
* Have experience in evaluating similar programmes.
* Have good experience working with UN agencies will be an added advantage.
* Experience in the application and implementation of gender-sensitive programmes as well as human rights-based approaches will be an added advantage.
* Have a strong understanding of the development and peacebuilding context in Lesotho and preferably understanding of the strategic political and conflict issues within the Lesotho context.
* Have a good understanding of the Sesotho would be an asset

## ***Annex 2: List of stakeholders consulted***

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No** | **Institution** | **Contact Person** | **Gender** | **Designation** | **Contact (s)** |
| 1 | Ministry of Development Planning | Malefu Khanyapa | F | Director | Tel:  Email: [nokufa67@gmail.com](mailto:nokufa67@gmail.com) |
| 2 | Ministry of Law and Justice | Polo Chabane | F | Director | Tel:  Email: [chabanemoloip@yahoo.com](mailto:chabanemoloip@yahoo.com) |
| 3 | Ministry of Gender and Youth, Sports and Recreation | Dr. Nkiseng Ntho | F | Principal Secretary | Tel: +26658984218  Email: [nkhasi@lnfod.org.ls](mailto:nkhasi@lnfod.org.ls) |
| 4 | National Assembly | Adv. Fine Maema | M | Clerk | Tel: +26658857711  Email: |
| 5 | Senate | Mr. John Molise | M | Clerk | Tel: +26658001195  Email: |
| 6 | Police | Ezekiel Senti | M | Senior Superintendent Community Policing Liaising | Tel: +26658885055  Email: [esenti@ymail.com](mailto:esenti@ymail.com) |
| 7 | Army/Ministry of Defence | Pitso Makosholo | M | Deputy Principal Secretary | Tel: +26658749040  Email: [makoshpp@yahoo.com](mailto:makoshpp@yahoo.com) |
| 8 | National Reforms Authority (Secretariat) | Mafiroane Motanyane | M | Chief Executive Officer | Tel: +26662111717  Email:  [emotanyane@yahoo.com](mailto:emotanyane@yahoo.com) |
| 9 | Independent Electoral Commission | Mpaiphele Maqutu | M | Director of Elections | Tel:  Email: [mpaiphelem@gmail.com](mailto:mpaiphelem@gmail.com) |
| 10 | Directorate on Corruption and Economic Crimes | Litelu Ramokhoro | M | Senior Information Officer | Tel: +26666550003  Email: [litelu2ramokhoro@yahoo.com](mailto:litelu2ramokhoro@yahoo.com) |
| 11 | Women and Law in Southern Africa | Libakiso Matlho | F | Executive Director | Tel: +26663051492  Email: [libakisomatlho@yahoo.com](mailto:libakisomatlho@yahoo.com) |
| 12 | FIDA | Thusoana Ntlama | F | Manager | Tel: +26658781491  Email: [thntlama@gmail.com](mailto:thntlama@gmail.com) |
| 13 | Bacha Re Bacha | Dube | M | Director | Tel: +26668964587  Email: [Bacharebacha2014@gmail.co](mailto:Bacharebacha2014@gmail.co) m |
| 14 | Lesotho Association of National Federations of Organisations of the Disabled | Mr. Nkhasi Sefuthi | M | Executive Director | Tel: +26653765555  Email: [nkhasi@lnfod.org.ls](mailto:nkhasi@lnfod.org.ls) |
| 15 | National University of Lesotho | Professor Anthony Kapa | M | Department of Political Science | Tel: +26658778147  Email: [amkapa@yahoo.co.uk](mailto:amkapa@yahoo.co.uk) |
| 16 | Lesotho Council of Non-Governmental Organisations | Seabata Motsamai | M | Executive Director | Tel: +26657374691  Email: [Seabata.motsamai@lcn.org.ls](mailto:Seabata.motsamai@lcn.org.ls) |
| 17 | Development for Peace Education | Sofonea Shale | M | Director | Tel: +26658854920  Email: [shalesofonea@yahoo.com](mailto:shalesofonea@yahoo.com) |
| 18 | Transformation Resource Centre | Tsikoane Peshoane | M | Director | Tel: +26658843629  Email: [Peshoane.tsikoane@gmail.com](mailto:Peshoane.tsikoane@gmail.com) |
| 19 | Christian Council of Lesotho | Masechaba Thorela | F | Secretary General | Tel: +26658741556  Email: [masechabathorela@gmail.com](mailto:masechabathorela@gmail.com) |
| 20 | Catholic Commission on Justice and Peace | Booi Mohapi | M | Executive Secretary | Tel: +26662100688  Email: [booimohapi@gmail.com](mailto:booimohapi@gmail.com) |
| 21 | Ribaneng Peace Building Committee | Matilala Fuufu | F | Ribaneng High School Teacher and Secretary to the RPMC Committee | <Tel:+26659556732>  Email: |
| 22 | OHCHR | Michael Ngabirano | M | Senior Human Rights Officer | Tel: +26659425773  Email: [ngabirano@un.org](mailto:ngabirano@un.org) |
| 23 | European Union | Paola Amadei | F | Ambassador | Tel:  Email: [delegation-lesotho@eeas.europa.eu](mailto:delegation-lesotho@eeas.europa.eu) |
| 24 | Southern African Development Community | H.E. Mr Elias M. Magosi | M | Executive Secretary | Tel:  Email: [registry@sadc.int](mailto:registry@sadc.int) |
| 25 | South African High Commission | Mr P. C. S. Moloto | M | High Commissioner | Tel:  Email: [reynhardtm@dirco.gov.za](mailto:reynhardtm@dirco.gov.za) |
| 26 | NRA | Mr. Teboho Tolo | M | Chairperson of the Security Sector Committee | Tel: +26658083520  Email: [tolo.pt61@gmail.com](mailto:tolo.pt61@gmail.com) |
| 27 | National University of Lesotho (independent expert) | Mr. Mohlomi Mahlelebe | M | Lecturer/consultant | Tel: +26658101748  Email: [j.mahlelebe@yahoo.com](mailto:j.mahlelebe@yahoo.com) |
| 28 | Lesotho Mounted Police Service | Mr. Moseli Matlosa | M | Matelile Police Station Commander | Tel: +26658992495  Email: |
| 29 | National University of Lesotho | Dr. Tlohang Letsie | M | Senior Lecturer | Tel: +26658722710  Email: |
| 30 | UNWOMEN | Molline Marume | F | UN Women | Tel:  Email: [molline.marume@unwomen.org](mailto:molline.marume@unwomen.org)  [Puleng.mkhatshwa@unwomen.org](mailto:Puleng.mkhatshwa@unwomen.org)  [Keketso.maema@unwomen.org](mailto:Keketso.maema@unwomen.org) |
| 31 | NRA | Mr. Pelele Letsoela | M | Former Chairperson of the NRA | Tel: +26658011499  Email: |
| 32 | Globe Management Consultants | Mrs Matlali Mapetla | F | Director | Tel: +26658109163  Email: [mapetlamatseliso@yahoo.com](mailto:mapetlamatseliso@yahoo.com) |
| 33 | Independent Consultant | Mr. Sehoai Santho | M | Consultant | Tel: +27823551200  Email: [sehoai1santho@gmail.com](mailto:sehoai1santho@gmail.com) |

1. Government of Lesotho. 2022. Vote of Thanks by the Right Honourable the Prime Minister, Dr. Moeketsi Majoro on the Support Provided by SADC to Lesotho in the Implementation of the Comprehensive National Reforms, Delivered at the 42nd SADC Summit of Heads of State and Government, Kinshasa, DRC, 17 August, p.2. [↑](#footnote-ref-1)
2. UNDP. 2020. Africa’s Promise: The UNDP Renewed Strategic Offer in Africa, New York, USA, January, p.3. [↑](#footnote-ref-2)
3. UNDP. 2016. Programme on Reform of Governance, Rights and Empowerment for Sustained Stability, Maseru, Lesotho, p.5. [↑](#footnote-ref-3)
4. UNDP. 2019. Programme on Renewal and Enhancement of Governance Architecture (PREGA), Maseru, Lesotho, p.7. [↑](#footnote-ref-4)
5. The first major publication that chronicled Lesotho’s post-independence instability and insecurity is Khaketla, B. M. 1972. *Lesotho 1970: An African coup under the microscope*, Los Angeles: University of California; the most recent comprehensive analysis of the contemporary manifestation and magnitude of the country’s instability and insecurity is found in Thabane, M. 2017. *Towards an Anatomy of Persistent Political Instability in Lesotho, 1966-2016*, Roma: National University of Lesotho and Nyane, H. and Kapa, M. 2021. *Coalition Politics in Lesotho: A Multi-disciplinary Study of Coalitions and Their Implications for Governance*, Stellenbosch: Africa Sun Media. [↑](#footnote-ref-5)
6. Government of Lesotho. 2017. The Lesotho We Want: Dialogue and Reforms for National Transformation: Vision, Overview and Roadmap, Maseru, Lesotho, 30 November, p.7. [↑](#footnote-ref-6)
7. UN-Lesotho. 2020. Lesotho Common Country Analysis, Maseru, Lesotho, p.54. [↑](#footnote-ref-7)
8. International Institute for Democracy and Electoral Assistance (IDEA). Voter Turnout Database; African Elections Database. [↑](#footnote-ref-8)
9. This election was intriguing in more ways than one. First, it was annulled by the then ruling Basotho National Party (BNP) of Leabua Jonathan (the then Prime Minister) upon realizing that the opposition Basutoland Congress Party (BCP) had actually won. Jonathan declared a state of emergency, suspended the constitution, pushed His Majesty King Moshoeshoe II into exile, imprisoned and unleashed terror upon opposition BCP members, including its leader Ntsu Mokhehle. The second intriguing aspect of this election is that it registered the highest vote turn (82%) in comparison to all elections held in Lesotho since 1965. The irony of all this is that results of an election with the highest citizen participation rate was annulled, a clear testimony of the triumph of the bullet over the ballot. The triumph of the bullet was followed by entrenchment of autocracy of the one-party type between 1970 and 1985. Following the disastrous electoral fiasco of 1985 (commonly known as the mock election) that returned all BNP candidates to parliament unopposed, Lesotho experienced a military coup in 1986. Thus, between 1986 and 1993, the country did not hold any elections as politics, hence political parties, were banned. It was only after the transition to multiparty democracy in 1992 that the country held the next election in 1993. The 2017 general election registered the lowest voter turn of 46.37. Will the upcoming general election of 7 October 2022 continue this pattern of poor citizen participation or not? Time will tell. However, if the data released by in July 2022 is anything to go by, the 2022 poll may be bedeviled by low voter turnout too. [↑](#footnote-ref-9)
10. Independent Electoral Commission. 2021. Voter Turnout in Lesotho Elections, Independent Electoral Commission Study, Maseru, Lesotho, p.13. [↑](#footnote-ref-10)
11. Malephane, L. 2022. Basotho approach election with a grim outlook on economy and democracy, Afrobarometer Dispatch No. 535, Maseru, p.2. [↑](#footnote-ref-11)
12. Centre for Democratic Governance. 2022. Afrobarometer Round 9 Survey, Summary of Results for Lesotho, April. [↑](#footnote-ref-12)
13. World Bank. 2021. Mapping Subnational Poverty in Lesotho in 2017/2018: Methodology and Key Findings, Washington DC, USA, August, p.29. [↑](#footnote-ref-13)
14. The report of the NRA during the High Level Forum held at Manthabiseng Convention Centre on 4-7 April 2022 vividly chronicles this pattern: (a) following the transitional election of 1993 from military rule to multi-party democracy, there was a major conflict between the then BCP government and the security forces leading to the intervention by both the Commonwealth and SADC (Mandela-Mugabe-Mogae Troika and later included Joachim Chissano); (b) the 1998 post-election conflict led to the military intervention by South Africa and Botswana; (c) Establishment of the Interim Political Authority to spearhead electoral and parliamentary reforms resulting in the introduction of MMP and enlargement of the National Assembly from 80 to 120 seats; (d) Following the 2007 post-election crisis caused mainly by the manipulation of the MMP electoral model by both the LCD and ABC, SADC intervened by deploying Sir Ketumile Masire, former President of Botswana to facilitate an amicable resolution of the crisis. Key stakeholders did not cooperate with Maseru, hence his decision to terminate his assignment prematurely. It was CCL and LCN that completed this work in close collaboration with SADC, UNDP, and other international partners; (e) the post-2007 election crisis prompted the reform of the National Assembly Elections Act in 2011 to close the loopholes that were exploited by the political parties in 2007; (f) in 2014, the Commonwealth deployed Dr. Javen Prassad as its Special Envoy to provide technical assistance with governance reforms. Prassad prepared guidelines for formation and management of coalitions and accompanied a high-level study visit of politicians to New Zealand in the same year; (f) in 2014, SADC designated the then President of South Africa, Jacob Zuma as its facilitator in Lesotho and Zuma delegated the responsibility to his Deputy, Cyril Ramaphosa; (g) in 2018, President Ramaphosa was appointed by SADC as its facilitator in Lesotho and subsequently he appointed former Deputy Chief Justice Dikgang Moseneke as leader of the SADC Facilitation Team to Lesotho on his behalf; and (h) in 2020, South Africa deployed its former Justice Minister, Jeff Radebe, as an arbiter when a change of government happened through parliament without recourse to a snap election as had happened previously in 2015 and 2017. This brief account shows that crises and reform have lived side by side in Lesotho with little, if any, improvement of the governance and peacebuilding as well as socio-economic development of the ordinary people. [↑](#footnote-ref-14)
15. The five known party system globally are (a) no-party system, (b) one party system, (c) dominant party system, (d) two-party system and (e) multiparty system. For details, see Matlosa, K. 2021a. “Electoral systems, party systems and coalitions: Lessons from Southern Africa”, in Booysen, S. ed. *Marriages of Convenience:* *The Politics of coalitions in South Africa*, Johannesburg: Mupungubwe Institutute for Strategic Reflection: Johannesburg, pp97-126. [↑](#footnote-ref-15)
16. Matlosa, K. 2021b. “Interplay between party coalitions and electoral systems in Lesotho: Imperatives for party reforms”, in Nyane, H. and Kapa, M. eds. 2021. *Coalition Politics in Lesotho: A multi-disciplinary study of coalitions and their implications for governance*, Stellenbosch: Sun Press, pp139-159. [↑](#footnote-ref-16)
17. Nyane, H. 2021. A note on the Ninth amendment of to the Constitution of Lesotho, *Potchefstroom Electronic Law Journal* 24(1), 1-26. [↑](#footnote-ref-17)
18. United Nations. 2022. The Sustainable Development Goals Report, 2022, New York, USA, p.58. [↑](#footnote-ref-18)
19. Double Troika involves the three Heads of State and Government (Current Chairperson, Outgoing Chairperson and In-Coming Chairperson) at the helm of the SADC Summit (or their representatives) and the other three Heads of State and Government (Current Chairperson, Outgoing Chairperson and In-Coming Chairperson) at the helm of the SADC Organ on Politics, Defence and Security Cooperation (commonly referred to as the Organ). [↑](#footnote-ref-19)
20. SADC. 2016. Communique of the Double Troika Summit of Heads of State and Government, Gaborone, Botswana, 18 January, p.2. [↑](#footnote-ref-20)
21. SADC. 2016. Communique of the 36th Summit of SADC Heads of State and Government, Mbabane, Swaziland, 30-31 August, p.5. [↑](#footnote-ref-21)
22. Government of Lesotho. 2017. The Lesotho We Want: Dialogue and Reforms for National Transformation: Vision, Overview and Roadmap, Maseru, Lesotho, 30 November, p. 7. [↑](#footnote-ref-22)
23. SADC. 2018. Communique of the Double Troika Summit of Heads of State and Government, Luanda, Angola, 24 April, p.2. [↑](#footnote-ref-23)
24. Kapa, M. 2021. Public Participation exercise in Lesotho’s parliamentary reform process: Of What Value?, in Nyane, H. and Kapa, M. eds. *Coalition Politics in Lesotho: A multi-disciplinary Study of coalitions and their implications for governance*, Stellenbosch: African Sun Media, pp254. [↑](#footnote-ref-24)
25. Kapa, M. 2021. Public Participation exercise in Lesotho’s parliamentary reform process: Of What Value?, in Nyane, H. and Kapa, M. eds. *Coalition Politics in Lesotho: A multi-disciplinary Study of coalitions and their implications for governance*, Stellenbosch: African Sun Media, pp255. [↑](#footnote-ref-25)
26. TRC. 2018. Let Reforms be the Desires and Aspirations of the People, Work for Justice, Volume 31, Issue No. 01, November. [↑](#footnote-ref-26)
27. In undertaking the stakeholder consultations, LCN worked closely with seven (7) non-governmental organisations namely the Catholic Commission for Justice and Peace (CCJP), Women and Law in Southern Africa (WLSA), Transformation Resource Centre (TRC), Development for Peace Education (DPE), Federation of Women Lawyers (FIDA), Young Christian Students (YCS) and Lesotho Network of Federations of the Disabled (LNFOD). [↑](#footnote-ref-27)
28. NRA. 2022. Annual Report, 2021, Maseru, Lesotho, March, p.3. [↑](#footnote-ref-28)
29. At the end of this workshop, members of Senate and leaders of political parties represented in parliament adopted a common position (consensus) which was signed by Chief Khoabane Theko, on behalf of Senate and Justice Minister, Lekhetho Rakuoane, on behalf of political parties in parliament. In that common position (consensus) statement, members of Senate and representatives of political parties represented in parliament agreed on five main points, namely that: (a) there were 18 proposals on amendment of the constitution where there was no common ground between Senate and the National Assembly; (b) of the 18 proposals, members of Senate and representatives of political parties represented in parliament had forged consensus on 15; (c) they committed to consult their respective organizations’ and urge them to pass the proposed amendments to the Constitution (Omnibus Bill) in line with the consensus reached whenever parliament is reconvened; (d) they urged relevant authorities to recall the 10th Parliament in order to facilitate deliberations to expedite enactment of the proposals for the amendment of the Constitution (Omnibus Bill) into law; and (e) they unreservedly commit themselves to the continuation of the reform process following the general election of 7 October 2022. [↑](#footnote-ref-29)
30. Boloetse and Tuke v. His Majesty the King and Others. 2022. LSHC 216 Const (12 September 2022), p. 57. [↑](#footnote-ref-30)
31. Tsoamotse, R. 2022. ‘Government fights court ruling on Parly recall’, Public Eye, Friday, 16 September, p.4. [↑](#footnote-ref-31)
32. Phakela, M. 2022. ‘Death knell for reforms’, Lesotho Times 22-28 September, p.4. [↑](#footnote-ref-32)
33. Phakela, M. 2022. ‘Death knell for reforms’, Lesotho Times 22-28 September, p.12. [↑](#footnote-ref-33)
34. SADC. 2022. Communique of the 42nd Ordinary Summit of SADC Heads of State and Government, 17 August, Gaborone, Botswana, p.3. [↑](#footnote-ref-34)
35. SADC. 2022. Communique of the 42nd Ordinary Summit of SADC Heads of State and Government, 17 August, Gaborone, Botswana, p.3. [↑](#footnote-ref-35)
36. Monyake, M. 2020. ‘Assurance dilemmas of the endangered institutional reforms in Lesotho’, *Canadian Journal of African Studies*, DOI: 10.1080/00083968.2020.1834418. [↑](#footnote-ref-36)
37. Kapa, M. 2021. Public Participation exercise in Lesotho’s parliamentary reform process: Of What Value?, in Nyane, H. and Kapa, M. eds. *Coalition Politics in Lesotho: A multi-disciplinary Study of coalitions and their implications for governance*, Stellenbosch: African Sun Media, pp249-268. [↑](#footnote-ref-37)
38. Nyane, H. 2022. ‘The importance of process in Constitutional Reforms: The Case of Lesotho’, Paper delivered at the Ninth Stellenbosch Annual Seminar on Constitutionalism in Africa (SASCA 2022) on the theme: Constitutional Change and Constitutionalism in Africa, Stellenbosch, South Africa, 13-16 September. [↑](#footnote-ref-38)
39. Tsiane, M. and Phakela, M. 2022. Judiciary launches five-year strategic plan, Sunday Express, 4-10 September. During the weekend of 3-4 September 2022, the new Strategic Plan of the Judiciary and its new website were officially launched at Manthabiseng Convention Centre. Addressing the participants at this event, the Chief Justice, Sakoane Sakoane, highlighted perennial problems besetting the judiciary including underfunding, financial, infrastructural and human resource constraints all of which have resulted delays in finalizing cases leading to current backlog of cases in the High Court estimated at 4000. He decried the politicization of the judiciary which manifests, inter alia, in the appointment (and dismissal) of judicial officers, most notably the Chief Justice and President of the Court of Appeal, both of whom are appointed (and maybe dismissed) by the King upon advice by the Prime Minister. The fact that this status quo remains following the NRA-led reforms is an illustration of lack of political commitment to ensure that the judiciary is depoliticized. Sakoane called for politicians to stop meddling in the affairs of the judiciary and hoped that the implementation of the new Strategic Plan will go a long way in achieving this goal. [↑](#footnote-ref-39)
40. According to the 2022 World Population Review, the top 10 countries with the highest murder rates are El Salvador (52.02 per 100, 000 people), Jamaica (43.85 per 100, 000 people), **Lesotho (43.56 per 100, 000 people)**, Honduras (38.93 per 100, 000 people), Belize (37.79 per 100, 000 people), Venezuela (36.69 per 100, 000 people), Saint Vincent and the Grenadines (36.54 per 100, 000 people), South Africa (36.40 per 100, 000 people), Saint Kitts and Nevis (36.09 per 100, 000 people) and Nigeria (34.52 per 100, 000 people). [↑](#footnote-ref-40)
41. Government of Lesotho. 2020. Lesotho Vision 2020, Maseru, Lesotho p.5. [↑](#footnote-ref-41)
42. Government of Lesotho. 2018. National Strategic Development Plan II, 2018/19-2022/23, Maseru, Lesotho, p.147. [↑](#footnote-ref-42)
43. Whewell, T. 2022. The deadly accordion wars of Lesotho, British Broadcasting Corporation (BBC), 28 April. The famo musical gang wars started around 2004 when one famo musician fatally shot another resulting in spiral of revenge attacks fuelled by poisonous lyrics in songs’, over the last two decades. Various Famo musical groups distinguish themselves by wearing Basotho traditional blankets (likobo) in a particular colour. Yellow blankets (likobo) are worn by members of Terene, one of the biggest famo music groups. Blue and black blankets are worn by members of another rival group, Seakhi. But even these two major famo groups are divided into factions engaged in killings and revenge killing in an unending spiral of violence. The killings are not restricted to the musicians and gangsters alone, but also their relatives who may not know anything about the conflict. In one of such cases in Ribaneng, a bus driver was apprehended by the police in Matelile on suspicion of his involvement on gang-related violence. He assisted the police to recover two illegally acquired guns that belonged to his younger brother, who belonged to one of the famo musical gangs. He apparently did not belong to any gang but supported his brother. Upon his release by the police, he was shot dead by a rival group to that of his brother, in broad daylight while on duty driving a bus full of passengers in Ribaneng. Before the shooting, the killers had asked a schoolboy to go to a shop and get them something to eat, which the boy did innocently. The younger brother of the bus driver learnt of the killing of his brother and the boy who was sent to the shop by his rivals. He came back and he went to the family of the innocent young boy of about 17 years of age. He found him with his grandfather. The bus driver’s brother exchanged brief pleasantries with the old man and then shot the young boy dead in front of his grandfather and disappeared into the nearby forests across the river from where the family lives. This incident illustrates how deadly the accordion wars are in Ribaneng and that they know no boundaries of who is guilty and who is innocent. [↑](#footnote-ref-43)
44. There is a Famo gang faction called Terene ea Khosi Mokata led by Sarele Sello (nicknamed Lehlanya-the lunatic) that is aligned to the ABC. He regularly attends and addresses rallies of the party and on various occasions issuing veiled threats to the Deputy Prime Minister, the Prime Minister and the Minister of Information, Technology and Communications, who is also the Chairperson of the ABC. ABC leader, Nkaku Kabi, fraternizes with this gang and is on record praising Sello for recruiting more than 40, 000 people into the ABC. He has publicly praised Sello and his Terene gang for the ‘unwavering loyalty to ABC’ describing the gang as ‘a government on its own’ (Zihlangu, B. and Mohloboli, M. 2022. Kabi’s dalliance with Famo gang raises eyebrows, Sunday Express, 12-18 June, p2). In a clear case of vote-buying, during an ABC rally in Korokoro constituency on 19 June 2022, Sello’s Terene gang dished out M60,000.00 to 150 elderly people attending the rally (Mohloboli, M.2022. Engage ABC in Talks to form post-election coalition government: Kabi, Lesotho Times, June 23-29, p8). In early September 2022, the South African Police Services (SAPS) issued a warrant of arrest for Sello together with four other members of his Terene faction (Tsepiso Radebe, Thabang Ralikatara, Tseliso Moleko and Keletso Rabasotho) for the killing of 16 people and severe injuries to 7 others at Mdlalose’s Tavern, Nomzamo, Orlando East in Soweto, South Africa on 10 July 2022 in what is alleged to have been a case of famo gang wars. Kabi has advised Sello to hand himself (and the four others) to the SAPS and answer to the charges levelled against him in the courts of law (Molupe, M. ‘Sello must hand himself to SA Police’, The Post, vol. 8 number 37, 8-14 September, p.2.). A day before SAPS issued the warrant of arrest, Sello and his gang members attended an ABC rally in Moyeni, Quthing, where Kabi, addressing him as ‘chief’, promised that ‘upon winning power, his government would rope in the Famo leader in campaigns to stop the murders” (Mohloboli, M. 2022. ‘Manhunt for Sello’, Lesotho Times, 8-14 September, p,14). [↑](#footnote-ref-44)
45. There is yet another Famo gang faction called Terene ea Khosi Chakela which was led by Ntei Tsehlana (successor to Mosotho Chakela) which is aligned to the DC. Until when he was murdered (allegedly by a gunman from a rival gang) on 2 April 2022, Tsehlana was employed as a driver for the Ministry of Home Affairs headed by DC. The DC leader, Mathibeli Mokhothu patronizes this faction and even attended Tsehlana’s funeral where he also delivered a eulogy. [↑](#footnote-ref-45)
46. In an interview with the BBC, Deputy Minister for Home Affairs, Maimane Maphathe, confirmed that police officers suspected of involvement in this theft had sold the guns to Famo gangs-see Whewell, T. 2022. The deadly accordion wars of Lesotho, British Broadcasting Corporation (BBC), 28 April. [↑](#footnote-ref-46)
47. Kapa, M. and Mahlelebe, M. 2019. Report on the Review of the Peace-Building and Social Cohesion Initiative in Ribaneng in the Mafeteng District, CCJP, Maseru, Lesotho, p.4. [↑](#footnote-ref-47)
48. Kapa, M. and Mahlelebe, M. 2019. Report on the Review of the Peace-Building and Social Cohesion Initiative in Ribaneng in the Mafeteng District, CCJP, Maseru, Lesotho, p.5. [↑](#footnote-ref-48)
49. UNDP/CCJP. 2022. Peacebuilding and Social Cohesion Initiative at Ribaneng in Mafeteng District, Field Visit by the UNCT, 10 June, pp2-3. [↑](#footnote-ref-49)
50. UNDP. 2021. Annual Report of the Governance and Peacebuilding Unit, p.14. [↑](#footnote-ref-50)
51. National Reforms Authority. 2021. Report of the National Stakeholder Consultative Forum on “The Path Towards Sustainable Peace, National Unity and Reconciliation: The Lesotho We Want”, Manthabiseng Convention Centre, 21-23 July. [↑](#footnote-ref-51)
52. Lesotho does not have a formal and cohesive national peace architecture. The state and non-state actors have so far made disparate efforts aimed at conflict prevention, management and resolution. On the part of the state, institutions that play this role include, mainly, the security agencies, the judiciary, the Ombudsman etc. The non-state actors that play this role include the Christian Council, the Catholic Commission for Justice and Peace, the Development for Peace Education, the Transformation Resource Centre and the Lesotho Council of Non-Governmental Organizations etc. The efforts of all these actors may have not registered desirable results hence since the 1990s, Lesotho has relied overwhelmingly on SADC to manage its perennial instability and insecurity. Dependence on external actors to build foundations for peace and political stability is not a sustainable strategy, hence despite SADC interventions, Lesotho still remains unstable today. The need for establishing the National Peace Commission is, therefore, paramount in order for Lesotho to build its own institutional capacity for conflict prevention, political stabilization, peacebuilding, national unity, social cohesion and transitions justice. The forum explored experiences from other African countries such as Ghana and drew lessons that Lesotho could learn. Ghana has the National Peace Council (NPC) involving both state and non-state actors. NPC is independent and insulated from political control and undue influence. It is decentralized and operates at national and community levels of society. Despite its challenges, it has made a considerable contribution to sustaining Ghana as one of the most peaceful and democratic states in West Africa to date. Lesotho can learn useful lessons of experience from Ghana, among other countries, in establishing its own National Peace Commission. [↑](#footnote-ref-52)
53. UNDPPA. 2021. Report of the Electoral Needs Assessment Mission-Lesotho, 14-22 June, UNDP-Lesotho, Maseru, p.3. [↑](#footnote-ref-53)
54. UNDPPA. 2021. Report of the Electoral Needs Assessment Mission-Lesotho, 14-22 June, UNDP-Lesotho, Maseru, p.3. [↑](#footnote-ref-54)
55. The Court ruled that in demarcating 20 constituencies, the IEC did not ensure that the number of voters are within the range of the minimum threshold of 13, 956 and maximum threshold of 17, 058 people within their boundaries. The affected constituencies were Tsoelike (12, 749 people), Qhoali (17, 458), Mantsonyane (13,862), Mechechane (12, 977), Mphosong (17, 380), Tsikoane (17, 574), Moselinyane (22, 883), Kolonyama (13, 870), Ts’oana Makhulo (13, 240), Phoqoane (17, 791), Matelile (13, 822), Mohale’s Hoek (19, 844), Phamong (19, 861), Hloahloeng (13, 824), Moyeni (19, 789), Mount Moorosi (17, 334), Qacha’s Nek (18, 401), Lebakeng (12, 806), Thaba-Moea (12, 807) and Bobatsi (13, 070). The IEC took necessary measures and corrected the discrepancies in the voting population of these 20 constituencies. [↑](#footnote-ref-55)
56. The voting populations of the 20 affected constituencies were rectified as follows: Tsoelike (14, 316 people), Qhoali (16, 975), Mantsonyane (14, 123), Mechechane (14, 473), Mphosong (16, 563), Tsikoane (17, 015), Moselinyane (16, 980), Kolonyama (17, 038), Ts’oana Makhulo (14, 035), Phoqoane (16, 585), Matelile (15, 018), Mohale’s Hoek (17, 048), Phamong (17, 031), Hloahloeng (16, 654), Moyeni (17, 056), Mount Moorosi (16, 899), Qacha’s Nek (16, 975), Lebakeng (14, 154), Thaba Moea (14, 326) and Bobatsi (14, 036). [↑](#footnote-ref-56)
57. Mokete, M. 2022. Will the IEC deliver free, fair and credible elections? Lesotho Tribune, Volume 1, Issue 50. [↑](#footnote-ref-57)
58. Afrobarometer data illustrates that state-society relations in Lesotho are marked by declining public trust in key governance institutions. A recently published book on coalition politics co-edited by Motlamelle Kapa and Hoolo Nyane (2021) shows that citizens’ faith in elections is dissipating resulting in low voter turn-out. Will the next elections in October 2022 change or continue this pattern apparent citizen disenchantment with elections? [↑](#footnote-ref-58)
59. Social cohesion in Sesotho is Botho (Ubuntu in Nguni languages). A closer English translation of Botho is humanity. In Sesotho, we say motho ke motho ka batho (loosely translate: a person is a human being because of other people). I am because we are: we are because I am. This is social cohesion. It is fast dissipating in Lesotho today. It is actually the cause and effect of the current culture of violence that is eating away the social fabric of a country whose forefathers inspired its motto: Khotso (Peace), Pula (Rain) and Nala (Prosperity). Contemporary violence include sexual and gender-based violence, famo music gang wars, youth vigilantism (manonomoro), police brutality, armed criminality, including stock theft etc. [↑](#footnote-ref-59)
60. Government of Lesotho. 2022. Vote of Thanks by the Right Honourable the Prime Minister, Dr. Moeketsi Majoro on the Support Provided by SADC to Lesotho in the Implementation of the Comprehensive National Reforms, Delivered at the 42nd SADC Summit of Heads of State and Government, Kinshasa, DRC, 17 August, p.2. [↑](#footnote-ref-60)