END Of PROJECT EVALAUTION (EOPE) For THE CONSOLIDATION OF DEMOCTRACY AND GOOD GOVERNANCE (CDGG) PROJECT (2009-2014)

FINAL DRAFT

**Submitted
To
UNDP Lesotho**

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Acronyms

ABC	All Basotho Convention
AIDS	Acquired Immune Deficiency Syndrome
AP	Action Plan
ATC	Announcement and Tablings Committee
BBDP	Basotho Batho Democratic Party
BCP	Basotho Congress Party
BNP	Basotho National Party
BRIDGE	Building Resources in Democracy, Governance and Elections
CAT	Convention Against Torture
CCL	Christian Council of Lesotho
CDGG	Consolidation of Democracy and Good Governance
CEDAW	The Convention on the Elimination of All Forms of Discrimination against Women
CMS	Case Management System
CSOs	Civil Society Organisations
CO	Country Office
CVE	Civic and Voter Education
DC	Democratic Congress
DPA	Department of Political Affairs
DDP	Deepening Democracy Project
DFID	Department for International Development
DSA	Daily Subsistence Allowances
EISA	Electoral Institute of South Africa
EMB	Electoral Management Body
EDMS	Electronic Data Management System
EOPE	End of Project Evaluation
EMB	Election Management Body
EVM	Electoral Voting Machine
FPTP	First Past The Post
HIV	Human Immunodeficiency Virus
HRU	Human Rights Unit
HUM	Humanities
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
ICERD	International Covenant on the Elimination of All Forms of Racial Discrimination
IEC	Independent Electoral Commission
IMF	International Monetary Fund
IPA	Interim Political Authority
IPs	Implementing Partners
IT	Information Technologies
LCD	Lesotho Congress for Democracy
LCN	Lesotho Council of NGOs

LDC	Least Developed Country
LHDA	Lesotho Highlands Development Authority
LHP	Lesotho Highlands Project
LPC	Lesotho Peoples' Congress
LWP	Lesotho Workers' Party
MDG	Millennium Development Goal(s)
MFP	Marematlou Freedom Party
MMP	Mixed Member Proportional (systems)
MPs	Members of Parliament
MTR	Mid-Term Review
NA	National Assembly
NAM	Needs Assessment Mission
NDSP	National Development Strategic Plan
NHRC	National Human Rights Commission
NGOs	Non-Governmental Organisations
NIP	National Independent Party
PAC	Public Account Committee
PCA	Police Complains Authority
PFD	Popular Front for Democracy
PPP	Private Public Partnerships
PR	Proportional Representation
PRS	Poverty Reduction Strategy
PRC	Parliamentary Reforms Committee
PWDs	People with Disabilities
SADC	Southern African Development Community
SADC PF	SADC Parliament Forum
TOR	Terms of Reference
TOT	Training of Trainers
UN	United Nations
UNDP	United Nations Development Programme
UNDP HQ	United Nations Development Programme Head Quarters
UPR	Universal Periodic Review

Acknowledgement

I would like to extend my gratitude to all the people who have made this report possible. First and foremost, I am grateful to the UNDP Lesotho Country Office staff for their kind cooperation in providing information. Particular thanks go to Thabang Tlalajoe, the CDGG Project Manager, who coordinated the activities for this evaluation. His dedication to the evaluation process made it possible for me to complete data collection in a timely manner. Gratitude is also given to Kekeletso Mokete, the Governance Programme Assistant, who scheduled all interviews for the evaluation. I would also like to express special thanks for the Senior Management of the UNDP Country office particularly Ms Karla Robin Hershey the Resident Representative (RR), Ms Agi Veres, the Deputy Resident Representative (DRR) and Thabo Mosoeunyane, the Governance Specialist for the institutional commitment to the MTR process which provided the right level of support from the CO staff. I extend many thanks to the Irish Aid as a Development Partner for the CDGG project for creating time for quality interview for this evaluation.

I am particularly indebted to all the implementing partners (IPs): The Senate, the National Assembly, The Office of the Ombudsman, the Human Rights Unit in the Ministry of Law, Constitutional Affairs and Human Rights and the Independent Election Commission, who created quality time out of their busy schedules for interviews with me. I also extent my thanks for your support with additional project documents for review. This evaluation would not have been possible without your outstanding contribution.

Without the cooperation and support of all these people, I would not have been able to produce the report in its current shape and quality. Any omissions or errors are the responsibility of the consultant.

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Executive Summary

Context: This is a terminal evaluation report of the Project "*Consolidation of Democracy and Good Governance (CDGG) in Lesotho"* covering the period 2009 –2014. The project supported five oversight institutions: i) Independent Election Commission; ii) Human Rights Unit; iii) Office of the Ombudsman; and iv)The Parliament (The Senate and The National Assembly) to effectively deliver on their mandates. The CDGG project was a partnership between UNDP and Irish Aid. UNDP managed the implementation of the project.

Objectives of the Evaluation: The purpose of the end of project evaluation are to: i) assess the degree to which the implementation of the CDGG contributed to the achievement of the intended outcome and outputs; ii) Assess relevance, effectiveness, efficiency and sustainability of the project; iii) Assess the degree to which capacities of the oversight institutions were built to effectively deliver on their mandates; and iv) Make recommendations informed by the evaluation findings for consolidation of good governance in Lesotho.

Highlights of the Key Evaluation Findings: With respect to the key evaluation criteria, the CDGG was assessed as very relevant and very effective. Efficiency was high while sustainability was moderate**.** The evaluation findings observed cost saving mechanisms which further improved efficiency. The project successfully tapped from a huge resource pool of UNDP at both regional and HQ levels. This was a best practice which contributed to the quality of project interventions and deliverables. While the project deliverables were a good foundation for the sustainability of the project, the absence of an explicit exit strategy at the design stage of the project limited sustainability of the CDGG.

PERFORMANCE OF CDGG PROJECT COMPONENTS

Independent Electoral Commission (IEC)

Achievements: The IEC worked towards harmonisation and streamlining of the electoral legislation, improving local government elections processes. In 2009 a review of local government and National Assembly elections forms was done. The local government elections code was translated into Sesotho and 20 000 copies were printed and distributed. A national voter needs assessment was conducted in 2009 between October and November. Political parties participated in training on conflict management. The CDGG project provided continued support to the inter-party mediation led by Church Council of Lesotho (CCL). In 2011 local government elections were successfully held in October 2011. Outstanding achievement was the elections of about 58% of women into local government structures, surpassing the 50% gender equality target.[1] The Needs Assessment Mission (NAM) in 2010 contributed to a robust design of the IEC components. Five subproject components were: i) Capacity of IEC to manage credible elections; ii) Support to electoral dialogue and conflict management; iii) An inclusive Civic and Voter Education; iv) Support to the management of local and international election observers;

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[1] 2009 and 2010 Annual CDGG Reports.

and v) Support to the inclusive participation of a wide range of stakeholders in the electoral process. IEC successfully implemented the five sub-components of the project which resulted in successful elections in 2012. Both national and international observers declared the elections free and fair. The participation of youths was noted as phenomenal. The Economic Justice Network Lesotho (EJNL) conducted successful voter education campaigns which focused at vulnerable groups including women, children and persons with disabilities.

Emerging Issues: The following are key areas requiring more attention: i) Voter turnout remained relatively low at 50% despite huge efforts on Civic and Voter Education (CVE); ii) Women representation in the National Assembly(NA) elections in elected seats (80) and in cabinet, though improved, still falls short of targets in gender protocols; iii) There is absence of an explicit strategy for the participation of other vulnerable groups i.e. people with disabilities, pregnant women, and that of citizens who are abroad in electoral processes. However Lesotho Diplomats at Embassies abroad participated in the election. ; iv) While this was not a specific task of the CDGG, the voter's role remains unclean. It should be however be noted that the IEC declined support for the CDGG project for support with the voters' role and instead worked with an IT consultant to assist with IT strategy. The same IT consultant highlighted the challenges with the voters' role.; v) Internal organisations capacity of IEC still requires further support; and vi) More important of all, the design of the project support to IEC mainly focused at the management of the then forthcoming 2012 election. Limited attention was provided to intervention for a sustainable long term capacity of IEC. Notwithstanding that the CDGG managed to establish some building blocks to IEC institutional capacity, there appears to be no explicitly strategy for IEC to effectively manage the "Election Down Time"[2].

The Parliament

Achievements: The Needs Assessment for Human Resources Capacity and Training provided the basis for support to parliamentary institutional reforms. Highlights of *key achievement* included: the introduction of Parliament Standing Orders for both Houses; the subsequent capacity for adherence to the procedures, development of manuals and guidelines to support improved Parliament procedures; development of the first ever strategic plan for The Senate and The NA; and enhanced capacity on modern forms of communication for MPs. The oversight function of the Parliament was enhanced through a variety of activities which included: training workshops, tours for MPs and attachments for Parliament professional staff. The PAC and cluster portfolio committees received targeted capacity for their respective roles. Focus was more on budgeting processes, analysis, reviews and financial management. With respect to representation, work was done on the production of the Hansard, back-scanning of Parliament documents and enhancing the capacity of professional staff through various strategies. Output 2 on Parliament "*Enhanced capacity of Parliamentary Committees to deliver on their mandate including oversight,*

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[2] Election Down Time, is the period when the IEC are not conducting elections. It is often perceived as a time when the IEC is not busy yet it is also on the other hand viewed as the time to enhance capacity of IEC and prepare for the forthcoming elections in a less hurried manner.

law making and representation", significantly contributed to the achievement of the CDGG outcome. Positive behavioural change was noted for the MPs.

Emerging Issues: Areas requiring <u>Urgent attention</u> include: addressing challenges associated with a young coalition government, lack of autonomy by the Parliament which hampers its effectiveness as an oversight body. With support from other development partners the Parliament had already started work on these critical issues, which are teething challenges presented by young coalitions. This component could also benefit from future programme support for strengthening internal governance structures and systems for political parties. The establishment of Parliamentary Service Commission is also a possible strategy for enhancing the autonomy of Parliament.

Human Rights Component

Achievements: Two oversight bodies - The Office of the Ombudsman and the Human Rights Unit - where supported. Achievements for the HRU included: significant capacity to deliver on their institutional mandate; a wide range of stakeholders sensitised on human rights, including both the public and public sector ministries; building blocks for a functional human rights unit established; and significant work done on State Reporting. Participation of Lesotho in the UPR process, was a huge milestone. Positive steps have been taken towards the establishment of the Human rights Commission, particularly the supportive legislative provisions (Human Rights Bill). With respect to the Office of the Ombudsman, key achievements included: strengthening institutional tools for operation such as the development of the procedure and investigations manual, development of the M&E system and support to operationalise the Case Management Systems; capacity of staff to effectively do their respective duties enhanced; improved visibility, particularly during the first half of the CDGG project through addressing abuse of public office and unfair compensation respectively in the two cases involving block farmers and also for the displaced communities in the Lesotho Highland Waters project. Output 3 contributed significantly to the achievement of the CDGG outcome.

Emerging Issues: There is potential for role duplication between the Office of the Ombudsman and Human Rights Commission. Stakeholders in the sector have started deliberating on how to manage the challenge. The latest feedback from stakeholders indicate that the Office of the Ombudsman will not become part of the National Human Rights Commission (NHRC) but will instead focus on mal-administration. There is a relatively limited capacity among the newly constituted National UPR Committee to effectively provide the guidance to the UPR activities. There is no explicit strategy to address the implementation of the UPR recommendations. There is urgent need for concerted advocacy efforts for the establishment of the Commission of Human Rights. To some extent, management issues within the Office of the Ombudsman Office have affected progress on implementation and gain made during the early stages of the CDGG project. .

Project Management: Overall, the CDGG project was well-managed, but has room for improvement in a number of areas. There was a "Project Steering Committee" co-chaired by

UNDP and Irish Aid but the terms of reference were ambiguous, and inadequate to provide the expected guidance. The committee met regularly to monitor progress against planned outputs. The design of the CDGG management structures only allowed for government partner participation and each of the participating government institutions co-signed the annual workplans and committed to the delivery of the planed interventions. The monitoring and evaluation framework in place was satisfactory to track progress on planned activities and expected output and outcome results. The Project Manager was extremely effective in managing the project of this magnitude. Development partner relations with IPs were generally good, though with room for improvement. Partnership arrangements between UNDP and the Irish Aid were generally cordial for the effective implementation of the CDGG project.

Lessons Learnt: It is possible to effectively build the capacity of the IPs to the extent where such capacities are translated into improved service delivery. Utilising the UNDP reservoir of resources from the Regional and HQ Offices was a best practice which contributed to improved quality of CDGG project. High quality service providers were sources at a reduced cost for the CDGG project. The establishment of a Human Rights Commission is a very slow process often calling for strong political commitment at the highest level.

Overarching Outcome Results: The CDGG project has contributed to the achievement of national level outcomes. The country's governance ranking has improved during the project implementation period moving from a rank of 29/52 in 2009 to 9/52 in 2013 for the Ibrahim African Governance Index, thereby becoming one of the top 10 performers on good governance. Lesotho's governance rating is negatively impacted by her poor performance in human development (health issues and education). The CDGG project period recorded good progress in public finance management, budgetary process, and a conducive policy and legislative environment for democracy and good governance. Despite these achievements the country is face challenges with procurement systems, inadequate budgetary procedures and a high perception of corruption in the public sector.

Key Recommendations:
  i.   Review the current provisions of the Constitution in order to address a number of key challenges related, but not limited to: strategies for an effective and sustainable coalition government; autonomy of Parliament and establishment of a parliamentary services;
  ii. Consider development of a robust programme which focuses on long term sustainable institutional capacity of IEC that would also address the effective and efficient management of the election "Down Time" period.
  iii. Build comprehensive national advocacy for acceleration the establishment of the Human Rights Commission;
  iv. Develop a strategy for sustainable capacity of the national UPR Committee to effectively play its role;
  v.   Review legal provisions to clarify role differences between the Office of the Ombudsman and the Human Rights Commission; and

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1.   INTRODUCTION

1.1   THE COUNTRY DEMOCRACY AND GOVERNANCE CONTEXT

1.1.1   The Country Profile at a Glance

The Kingdom of Lesotho, fondly known as "The Mountain Kingdom" is a mountainous country, which is land-locked and surrounded by South Africa. In 2006, the population was estimated at 1.8 million.[3] As of 2012, the country was classified as a Least Developed Country (LDC) with a per capita income of approximately USD 1000.00.[4] Lesotho's most important natural resource is water and diamonds. The Lesotho Highlands Project (LHWP) was opened in 2004. It supplies water to South Africa and also generates electricity. It is the country's major source of revenue.[5]

Human Development: Lesotho ranks 158 of 186 countries on UNDP's 2013 Human Development Index. The population considered as poor and leaving below the poverty datum line is estimated at 60%. The country has the world's third highest prevalence rates of HIV infection estimated at around 26.4% of the population.

Political History: Lesotho has a history of post-election disputes where election results are often contested, with the exception of the 2002 and 2012 national elections. The first post independence general elections were held in January 1970. They were also characterised by post-election controversy. Following the constitutional review of 1993, elections were held. Although they were characterised as "free and fair", they were not free from post-elections disputes from opposition parties. After the 1993 election, the next elections were held on time in 1998. The elections were again followed by yet violent demonstrations, resulting in over 100 causalities.   A mutiny by the members of the armed forces forced the Lesotho Government to send a request for help to the Southern Africa Development Community (SADC) which responded by launching Operations Boleas, with South Africa and Botswana troops.   Following diplomatic efforts by SADC, donors, and non-governmental organisations (NGOs), the political parties agreed in October 1998 to hold new general elections within 18 months.

The Interim Political Authority (IPA): An Interim Political Authority consisting of two members from each of the 12 political parties that contested in the 1998 elections was established to oversee processes towards elections. The IPA was empowered to make significant reforms of the political system. Following disagreements between IPA and the governing Lesotho Congress for Democracy (LCD), external actors including UNDP, Electoral Institute of South Africa (EISA) and the Commonwealth negotiated an agreement that included changes to the voter registration and the electoral model. On voter registration, a method that included use of fingerprints and indelible ink was introduced.

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[3]Lesotho Population Census 2006
[4]Report Of The Electoral Needs Assessment Mission 2010.
[5]IMF, Kingdom of Lesotho (2012) Poverty Reduction Strategy Paper – National Strategic Development Plan (NSDP)

Electoral System: The country has witnessed a gradual transition from an election system based entirely on the Westminster system to one which combined aspects of the Westminster system such as the First-Past-The-Post (FPTP) and modified approaches of Mixed Member Proportional systems (MMP). With this new system, 80 seats for NA were retained and an additional 40 seats were added under the proportional representation (PR) system from party lists. The new 40 seats were to be allocated on compensatory basis to ensure inclusiveness in NA and to prevent the type of landslide that led to instability in 1998. Since the reforms, Lesotho has held three additional elections 2002, 2007 and 2012. In 2005, local government elections were held for the first time and they also applied the FPTP electoral system. The second local government elections were held in 2011.

The Constitution of Lesotho: Human Rights across all aspects of life are enshrined in the Constitution of Lesotho. The Constitution outlines human rights as a fundamental right of the Basotho.[6]

1.1.2   Democratic Governance Prioritised in National Development Blue Prints

Strengthening democratic governance was high on priority among the key national development blue prints. Vision 2020and The Lesotho Poverty Reduction Strategy (PRS) 2004/5-2006 (the then national development blue print) all highlighted the importance of deepening democratic good governance. The subsequent national development programme, the National Development Strategic Plan (NDSP 2012/13 – 2016/17), which came out mid-way through the implementation of the CDGG also continued to reinforce the urgency for consolidating democratic good governance.

Vision 2020: The National Vision 2020 provides a rich framework for the development of the CDGG project. It states that **"***By the Year 2020 Lesotho shall be a stable democracy, a united and prosperous nation, at peace with itself and its neighbours. It shall have a healthy and well developed human resource base. Its economy will be strong, its environment well managed and its technology well established"*. The Vision 2020 notes that while the country has been strengthened by an adoption of improved electoral system which saw participation of about 12 parties in Parliament (DC, ABC, LCD, BNP, PFD, NIP, BBDP, BDNP, BCP, LPC, LWP and MFP), the country still had gaps for consolidating governance and democracy..[7]

The Lesotho PRS: *Relevance of the PRS to the National Democracy and Governance Initiatives***:** Chapter 7 of the PRS pays attention to "Deepening Democracy and Governance" as a national development priority. Three of the PRS strategies 7.3.1-*Deepening Democracy*; 7.3.2- Improving National Governance and 7.3.3- Improving Local Governance, all have significant relevance for national programme interventions on governance. The four strategies for deepening democracy outlined in the PRS include: i) promoting national unity as a pre-condition for socioeconomic

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[6] Lesotho- Government Constitutional Matters: The Constitution.
[7] Lesotho, Vision 2020.

development; ii) establishing civic education programmes, iii) devising mechanisms for feedback and public monitoring and iv) maintaining capacity of Independent Electoral Commissions. On improving national governance, the PRS recommended: i) Improving legislative efficiency of Parliament; and ii) strengthening the Directorate of Corruption and Economic Offences. In order to improve local governance, the PRS recommended creation and strengthening of structures for public participation in governance and establishing financial structures and building capacity for decentralization. For strengthening Human Rights the PRS advocates reviewing relevant sections of the constitution in order to determine appropriate amendments. Against this backdrop, the PRS remain relevant for national programme interventions aimed at improving democracy and good governance.

1.2   THE CDGG PROJECT CONTEXT

Since the restoration of democracy in 1993, UNDP's Lesotho governance programme has worked closely with different institutions of State in various areas of governance including civil service reform, capacity building, electoral administration, as well as support to national decentralisation for enhancing delivery of services. The UNDP CO has played a leading role in working with other development partners such as Irish Aid, DFID, Japan, Netherlands and SADC.

The Deepening Democracy Project (DDP): Since 2006, UNDP Lesotho implemented the "Deepening Democracy Project" popularly known as the "DDP" which was co-funded by the Irish Aid and the British Government to the tune of about USD 1.6 million. The DDP focused on strengthening the capacity of IEC to conduct credible elections. Due to the "Snap Election of 2007", the implementation of activities planned under the DDP were, however, not completed. Despite the change in the election calendar for the 2007 elections, a review of an independent evaluation of the DDP reported that significant progress had been registered through the DDP.

Achievements of the DDP: A review of the DDP evaluation report, notes significant progress made towards deepening democratic governance. The IEC is reported to have delivered credible elections in 2007 under exceptionally difficult circumstances. Through DDP, IEC received computer hardware and software. The most important contribution of the DDP project to the success of the 2007 election was noted to be the IT consultant, who assisted IEC as a response to a crisis just before the February 2007 election results. The DDP provided immense support to the establishment of the IEC resource centre (Library). Some IEC staff was exposed to training in Building Resources in Democracy, Governance and Elections (BRIDGE). Such training was also offered as Training of Trainers. The DDP evaluation reported excellent achievements in pre-election activities supported by the DDP. The project also played a role in post-election dispute resolution. UNDP supported missions by the SADC appointed mediator, the Former president of Botswana, His Excellency Sir Ketumile Masire. The project also funded the production of voter education materials created by IEC to encourage citizens to vote.

Unfinished Business: Despite the commendable achievement of the DDP, a lot still needed to be done, to complete the planned programme and to address the emerging challenges in the

implementation of DDP. As such, the CDGG was a successor project of the DDP and built on the gaps identified in the CDDG evaluation.

1.3 THE DESIGN OF THE CDGG PROJECT

Against the background of the afore-discussed developments, the CDGG project was developed as a sub-component of a broader governance programme for UNDP support and as a major outcome area of the Irish Aid Country Strategy Paper 2008-2012. The CDGG Project Document outlines the key design features of the project. The CDGG has three main areas of focus: i) Strengthening the Independent Electoral Commission; ii) strengthening Parliament; and iii) Raising awareness, respect and promotion of human rights, including the establishment of the National Human Rights Commission (NHRC). The Prodoc highlights the key development challenges for these areas; outputs areas and strategic actions. The intended project outcome reads: "*Governance institutions manage credible elections, effectively oversee legislative and executive processes and human rights culture internalized*".

Strengthening Independent Elections Commission: Management of elections in Lesotho is the sole responsibility of the IEC.   The IEC was established in 1997 in accordance to amendment of the Constitution in 1993 and the National Assembly Elections Order of 1992. IEC has delivered 4 elections since its establishment in 1997: 1998, 2002, 2007 and 2012 and two local government elections. The general elections of 2007 indicated the need for continued improvement of the capacity of IEC to effectively execute its mandate, particularly in areas of election planning and administration, voter registration and voter role administration. The Output results for the IEC read: *"IEC effectively and efficiently manages local government and general elections".* The planned strategy for the IEC included: i)Capacity building to plan and administer elections; ii) Support with logistic planning; iii) Capacity to strengthen implementation of the MMP model through proper legislative provisions; iv) Support to plan and implement credible elections; v) support to issues of voter and civic education; vi)Restructuring of the IEC (organizational development). Informed by recommendations of the Needs Assessment Mission, an improved and more targeted programme for IEC was developed in 2011 which focused primarily on IEC's capacity to deliver credible elections.

Support to Parliament: According to the Constitution (Section 55), the Parliament of Lesotho consists of the King, the Senate and National Assembly. The National Assembly is the main legislative body, enacting draft laws/bills, while the senate reviews and passes legislation. For a long time, the Parliament was dominated by one party and this affected the effectiveness of the Parliament and issues of inclusiveness. The National Assembly has 3 functions: i) law making; ii) representation; and iii) oversight.   A Parliamentary Reforms Committee (PRC) set in 2002 has made inroads into reforming the National Assembly. Some reforms have been implemented. They included: i) Revised standing orders; ii) Creation of Portfolio Committees in the National Assembly; and iii) Creation of Select Committees in the Senate. Despite this significant progress, these committees (i.e. portfolio and select committees), lacked the capacity to do their duties. The planned output results for Parliament read: "*Enhanced capacity of Parliamentary*

Committees to deliver on their mandates that include oversight, law-making and representation". The planned project interventions included strengthening of the capacities of: i) MPs to effectively carry out their duties and bring out efficiency and effectiveness in carrying out their duties, ii) new members serving on new committees (portfolio and select committees), iii) Parliament to provide effective oversight on the executive (government / public sector operations), iv) In-House continuous training on topical issues of concern as well as development of manuals and other instruments for a stronger and sustainable Parliament.

Support to Enforcement of Human Rights: The Human Rights Unit was transferred from the then Ministry of Justice, Human Rights and the Correctional Services in 2013 to the present Ministry of Law, Constitutional Affairs and Human Rights. Efforts were still underway towards the establishment of the Human Right Commission when the CDGG was designed. In the interim period prior to establishment of the Human Rights Commission, the Ombudsman and the Police Complains Authority (PCA) continued to investigate human rights violations. In the past the Ombudsman monitored Human Rights violation in the prisons and police cells and hospitals. The Ombudsman had also been involved with complains related to the replacement and resettlement of people removed due to the establishment of the highlands Water Project. Despite good ranking on governance of the country, since 2007, there were fresh allegations of human rights violation by police and armed forces. At the time of the design of this project significant progress made towards establishment of the Human Rights Commission included: i) procurement of consultants (an international and a national) who developed the framework for Human Rights Commission in the form of a Human Rights Draft Bill. The Human Rights Bill called for the establishment of a good working relationship between the Human Rights Commission and the Office of the Ombudsman. ii) The Irish Human Rights Commission and some MPs visited Lesotho twice, and offered to mentor the Ministry of Justice and Police Complaints Authority and support the establishment of the Human Rights Commission. At the inception of the CDGG, the Human Rights Bill was still at its infancy of being crafted. The output result for the human rights component read: "*Institutional effectiveness of human rights organizations enhances fundamental freedoms".* The strategy for the Human Rights Commission included: i)Strengthen capacity of Ombudsman to research and investigate on allegations of human rights violations and maladministration; ii) Strengthen the relationship of the Office of Ombudsman and the civil society organizations to increase visibility of this Office in executing its mandate; and iii) Support efforts to establish Human Rights Commission.

2. PURPOSE OF THE EVALUATION AND METHODOLOGY

2.1 PURPOSE OF THE End of Project Evaluation (EOPE)

Overall Purpose of the EOPE for CDGG 2008-2014: The overall purpose of this evaluation is to assess results of the CDGG intervention, particularly making analysis of progress made towards the planned interventions. The evaluation report provides insights on the impact of the CDGG project drawing actual results, lessons learnt and best practices.

Specific Objectives of the Evaluation: The EOPE for the CDGG project specifically addresses the following key objectives:
   i. Assess the strategic focus and approach of the programme and its relevance to country priorities and needs;
   ii. Assess relevance, effectiveness, efficiency, and sustainability of the CDGG project;
   iii. Assess progress made in achieving planned results and targets, with greater emphasis on achievement of results and actual impact;
   iv. Assess synergies linkages and alignment of the CDGG project with other initiatives and partnerships at country level;
   v. Determine the extent to which the national capacity for governance oversight institutions is sufficient for them to carry out their mandate effectively and efficiently;
   vi. Identify historical impediments and gaps towards consolidating democracy in order to inform the future direction of democratic institutions;
   vii. Recommend relevant additional interventions, if necessary, to ensure sustainable national capacity of oversight institutions;
   viii. Make recommendations for an exit strategy which should take into consideration sustainability and national capacity for oversight bodies;
   ix. Assess the effectiveness of management arrangements for the project including monitoring and evaluation;
   x. Recommend strategic positioning of the CDGG for a potential next phase for governance interventions, future direction, focusing on impact, sustainability new and innovative approaches.

2.2 SCOPE OF THE EOPE

Progress on Outcomes and Outputs: The EOPE conducted a comprehensive assessment of the CDGG project to date. Through a systematic assessment of progress made towards accomplishment of the CDGG outcome results, the evaluation assesses the project contribution to national development results for democracy and good governance. Assessment of the CDGG outcome will mainly focus on behavioural change at the level of institutions mandated with the oversight functions (IEC, Parliament and Human Rights Bodies). The EOPE highlights factors that have contributed to progress on attainment of stated outcomes and mitigating factors for outcome achievements. As an EOPE, the exercise evaluation assesses the degree of accomplishment of planned outputs under each of the CDGG project components (IEC,

Parliament and Human Rights). The evaluation also assesses the degree to which planned outcomes have been achieved. Factors for achievement and mitigating forces have been analysed.

Evaluation Criteria and Strategic Positioning: The EOPE systematically evaluates project interventions and results with respect to relevance, effectiveness, efficiency and sustainability. It assesses and proposes UNDP's strategic positioning with respect to UNDP corporate priorities and alignment to national priorities. The review assesses the CDGG project's level of responsiveness to either emerging corporate and national development issues.

Partnership and Management of the Project: The EOPE assesses effectiveness of the partnership arrangements and management of the projects. It identifies achievements as well as challenges of the partnership and management arrangement and. It also suggests recommendations for improvement of management arrangement for future similar projects.

2.3   METHODOLOGY

Review of Programme Documents: In accordance with the TOR the consultant assessed the relevance, effectiveness, efficient, and sustainability of the CDGG. Data collection methods included extensive review of relevant project documents which informed the design of the key evaluation questions. The data review continued as part of data analysis, identifying relevant reports which informed the outcomes for the CDGG components.

Semi-Structured Interviews: The consultant interviewed key stakeholders for the CDGG projects. These included: Implementing Partners (Senate, National Assembly, IEC, and Office of the Ombudsman, The Human Right Unit in the Ministry of Law, Constitutional Affairs and Human Rights), UNDP Governance staff including the Deputy Resident Representative and Irish Aid staff for Governance. A list of Interviews staff is presented in Annex 3.

Data Analysis: The consultant analysed the collected data in line with the key focus of the TORs. A draft evaluation report was shared with the client for feedback. The final report will be presented at a stakeholder validation workshop.

KEY FINDINGS

3.0   RELEVANCE

Relevance responds to **two key questions**: i) To what extent does the CDGG project design contribute to the national priorities for governance and democracy?; and ii) To what extent were the CDGG project results (outcomes or outputs) aligned to national priorities as outlined in the key documents such as Lesotho Vision 2020, poverty reduction papers (PRS and NSDP) and the UNDP priority areas? It should be noted that the CDGG was implemented between two national

PRSPs. Table 1 presents information for easier assessment on the degree of relevance of the CDGG to national priorities.

Table 1: Assessment of the CDGG Alignment to National Priorities

Lesotho Vision 2020	PRS 2004/4 – 2006/2007 NSDP 2012/13-2016/17	UNDAF LUNDAF 2013-2017	UNDP CP/CPAP	CDGG Project
	PRS 2004/5-2006/6	**UNDAF 2008-212**	**UNDP CPAP 2008-2012**	CDGG intended Outcome
By 2020 Lesotho shall be a stable democracy ----- - a united and prosperous nation at peace with itself and its neighbours'	Strategies • Deepen Democracy • Improve National Governance • Improve local governance • Strengthen Human Rights	**Outcome 4** Governance institutions are able to provide and promote sustainable gender equality, public service delivery and human rights for all.	.CPO 4.1.1 focus on governance institutions to consolidate democracy CPO 4.1.4 focus on governance institution for participation and accountable governance CPO 4.2.1 National commission and other institutions for protection and promotion of human rights	**CDGG Outcome:** governance institutions manage credible, effectively oversee legislative and executive processes and a Human Rights culture internalized
Lesotho Vision 2020	**NSDP 2012/13-2016/17**	**LUNDAP 2013-2017**		**CDDG 2009-2014**
By 2020 Lesotho shall be a stable democracy ----- - a united and prosperous nation at peace with itself and its neighbours.	• Improve capacity of oversight bodies to provide accountability and deal with corruption • Improve capacity for conflict resolution and promote social cohesion • Enhance the protection and fulfilment of human rights	**Governance Institutions Outcome:** By 2017 national local governance structures delivery quality and accessible services to all ---- respecting Human Rights –and peaceful resolution to conflict		**CDGG Outcome:** Governance institutions manage credible, effectively oversee legislative and executive processes and a Human Rights culture internalised

As indicated by information shared in Table 1.; to a large extent, the CDGG Project was relevant in contributing to the national democracy and governance priorities for both the period 2006/7 and the later periods 2012/13 to 2016/17.

A review of key national priority documents at the time of the formulation of the CDGG project indicated a state of affairs where the country was grappling with a wide range of democracy and governance issues. The background context chapters in earlier sections of the report alluded to the need for the CDGG project. Midway through the CDGG project, new national development key documents such as the NSDP 2012/13-2016/17, which, still highlighted the need for greater focus on the strengthening governance and democracy. All the national stakeholders consulted highlighted the relevance of the CDGG project. The NSDP and the UNDP planning tools all extend to the year 2017. The national planning tools still highlight the importance of addressing issues of governance. Without pre-empting the conclusion, there is need for a successor project to fill in the gap up to the end of the term the current NSDP.

4.0   EFFECTIVENESS

This section of the report responds to the following evaluation fundamentals: i) The degree to which CDGG supported project outputs were accomplished, ii) the degree to which targeted beneficiary groups were reached by planned interventions iii) emerging issues under the outputs. The discussion on effectiveness of the CDGG the four sub-project components (IEC, Parliament, Office of the Ombudsman and Ministry of Law Constitutional Affairs and Human Rights). While the subsection on emerging issues will look at outstanding issues under the CDGG subcomponent, the analysis will be futurist looking at broader issues of governance.

4.1   INDEPENDENT ELECTORAL COMMISSION

Output 1: IEC effectively and efficiently manages local government and general elections

Overview of the IEC Programme: During the period 2009 to 2014, a number of interventions where supported by the CDGG to enhance IEC preparedness for local government and national assembly elections. Work on review legislation for electoral processes was also key. Between 2009 and 2010 the thrust of CDGG support to IEC focused mainly on IEC preparations for local government elections conducted in 2011.From 2011 onwards, support to IEC was shaped by the results of the Needs Assessment Mission (NAM) for IEC of 2010. The Needs Assessment Mission of 2010, contributed to a design of a more focused programme of support (Action Plan (AP) 2011) for the preparation for elections which had five (5) distinct components: *Component 1-* Strengthening capacity of IEC; *Component 2-*Support to electoral Dialogue and Conflict Management; *Component 3-* Support to CVE; 4- Election Observation; and 5- Enhancing Inclusive

participation in Elections.[8]   The evaluation highlights key achievements under the five recommended components of IEC support for two distinct periods 2009 and 2010 and 2011 to date.

4.1.1 Key Achievements

A review of relevant literature and consultations with the CDGG project stakeholders pointed to significant achievement accomplished for output 1. Between 2009 and 2010 key achievements where on delimitation and planning for the Programme of Support for the IEC to manage the elections.   From 2011 more attention was given to operationalising the 5 recommended components of the AP 2011. Highlights of the achievements are shared.

Work on Local Government Elections and other Interventions for good governance: The IEC worked towards harmonisation and streamlining of the electoral legislation, improving local government elections processes. In 2009 a review of local government and National Assembly elections forms was done. The local government elections code was translated into Sesotho and 20 000 copies were printed and distributed. A national voter needs assessment was conducted in 2009 between October and November. Political parties participated in training on conflict management.   The local government Election Act was passed. The CDGG project provided continued support to the inter-party mediation led by Church Council of Lesotho (CCL). In 2011 local government elections were successfully held in October 2011. Outstanding achievement was the elections of about 58% of women into local government structures, surpassing the 50% gender equality target.[9]

Delimitation of Constituency Boundaries Accomplished: The CDGG project provided support to a workshop for 21 political parties registered with IEC and other electoral stakeholders on the final report on Delimitation of Constituency Boundaries and Electoral Divisions. The delimitation process resulted in the need for to bulk transfer of voters between constituencies. The IEC engaged political parties and affected communities on the issue. A report indicating new constituency boundaries was printed and distributed. This exercise was in compliance with the provisions of the Electoral Law in the Constitution requiring a review of constituency boundaries after every population census.

The NAM Recommendations - a Strong Basis for Preparation of 2012 Elections: One of the greatest achievements of the CDGG Project period, was the NAM[10]. On 29th June 2010 Lesotho IEC requested UN to deploy a NAM in advance of the general elections expected in 2012. A high ranking team of NAM consisting of: i) Electoral consultant from Electoral Assistance Division (EAD) of the UN Department of Political Affairs (DPA); ii) UNDP CO Governance Team; and iii) Electoral Adviser from the UNDP Bureau for Development Policy conducted the NAM from 16-20 August 2010. The NAM was very comprehensive. It identified challenges around: i) The need for

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[8] UNDP (2011) Action Plan for Electoral Assistance IEC Component of Consolidation of Democracy and Good Governance (CDGG) 2011-2012.
[9] 2009 and 2010 Annual CDGG Reports.
[10]A NAM is an official response to a formal country request for UN electoral assistance.

legal provisions to address electoral disputes. Although IEC was mandated with that functions, most opposition parties did not view IEC as an impartial institution and the biggest opposition party was not participating in IEC led Law Committee Meetings; ii) The IEC did not have the capacity to hold local government elections simultaneously with National Assembly elections; iii) IEC internal capacity was relatively weak, characterized by absence of a strategic plan, performance management systems, training plan for employees and weak line of communication; iii) Voter education: With voter turnout going down to as low as 50% for the 2007 elections, the IEC required support to increase voter participation and civic education; iv) There was potential IEC incapacity to manage election logistics. Other noted challenges for IEC ahead of 2012 elections included: Low human resource capacity and absence of institutional strategic plans. A review of the NAM has shown beyond doubt that the exercise was significantly important to move the institution to a higher level of preparedness for elections if recommendations were operationalised.

*Component 1:***IEC Capacity to Manage Credible Elections was Enhanced:** Under this component, focus on IEC capacity covered strengthening legal frameworks for elections, strategic planning and management, human resource capacity, media and strategic outreach, information technology and logistics. One of the biggest achievements under this component was the review of the legal provision relating to election which saw the formulation of the National Assembly Electoral Act of 2011. The Act provided for a wide range of guidance on various aspects of preparation and conduct elections. The IEC conducted widespread sensitization of electoral stakeholders on the provisions of the Act. The Act also dealt with issues of IEC autonomy which was a long standing challenge. One of the challenges that the IEC had to deal with was its image and the negative perception that it was an impartial institution which would not be able to manage credible elections. Asked on how IEC addressed this negative perception on impartiality, the IEC staff had this to say:

> *We dispelled this myth through extensive and continuous stakeholder involvement at all the strategic stages of election preparations. The involvement even started with NAM where electoral stakeholders, including political parties, were consulted to share their views on what they would want included in the preparation towards elections. Even the discussion on the proposed structure of the IEC also involved political parties.* **IEC Staff**

The CDGG project also supported IEC by engaging a consultant to develop a comprehensive internal communication strategy. Consultation with IEC staff also indicated that with CDGG support, the Stakeholder Consultative Committees made up of representation drawn from all political parties were either revived or established. There were nine committees which included: i) CVE Committee, ii) Data Committee; iii) Law Committee, iv) Security and Logistics Committee; v) Party Delegate Committee; vi) Conflict Management Committee; vii) Media Liaison Committee; viii) Monitoring Committee; and ix) Political Party Leaders Committee. Through the CDGG project technical support was provided to the IEC for engaging a consultant to develop an effective Logistics Plan for the 2012 national elections. Capacity of media Houses for election reporting was built through workshops. A Media Code of Conduct in election coverage was drafted and implemented. The CDGG initiative supported hiring of a Senior Public Relations and Media

Adviser to assist with the management of public relations and media related issues.[11] Capacity of political parties to manage electoral processes through Train-the-Trainer workshops was enhanced.

Component 2: **Electoral dialogue and conflict management created a conducive electoral environment**:   The CDGG supported the Christian Council of Lesotho (CCL) to work towards the resolution of the outstanding electoral disputes of 2007. By 2010, while no agreements had been reached, the mediation by CLL had contributed towards reduction of tensions among political parties who also chose dialogue instead of violence to resolve disputes. The continued support by the CDGG to CCL including support from the SADC led to the successful resolution of the electoral disputes in 2011. The political parties signed an agreement on the National Assembly Election Bill 2011 on 9[th]March 2011 at the UN House. Mediation process was concluded in April 2011 when all stakeholders agreed that all issues to the dialogue had been dealt with.[12] The end of the long process of mediation lasting four years was a significant milestone for the political landscape of Lesotho. Consultations with IEC noted that prior to elections, political parties also signed an agreement that they would accept the outcome of the elections. After the elections they also signed yet another agreement that they would honour results of the elections. The Election Monitoring Committee (referred to earlier) recommended the establishment of Election Dispute Resolution Committees at district level made up of representation of all political parties to manage electoral disputes at community and district levels. The SADC Parliamentary Forum Observer Mission acknowledged the existence of these committees across the country.[13] The committees significantly contribute to reduced disputes at district level. In accordance with the provisions of the NA Electoral Act (2011) a Tribunal Court to deal with issues of breaching the code of conduct for elections was established at national level.   The evaluation observed that 3 cases of electoral disputes were brought to this structures. The Lesotho Council of NGOs (LCN) highly commended the IEC in managing elections especially in the resolution of disputes that arose.[14]

Component 3: **IEC Mounted a Robust Civic and Voter Education (CVE) Preparation for the 2012 Elections:** The CDGG project supported IEC internal capacity for managing CVE and external capacity with respect to other electoral stakeholders. Between October and November 2009, a voter education needs assessment was conducted throughout the country. IEC recorded significant results with this component. Consultations with IEC staff indicate that many civic groups including police, teachers, NGOs, youths, women and church groups were trained using the training-of-trainers strategy which would allow cascading of training among the member groups. IEC worked closely with the CSO in developing CVE educational materials some of which included pictorial presentations to appeal to the communities. Review of some election Observer Mission Reports confirmed the efforts by IEC. For instance, the SADC Observer Mission Report

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[11] Annual CDGG Reports 2012, 2013, 2014.

[12] Ibid

[13] SADC Parliamentary Forum (2012) Election Observation Mission Report for the 2012 Lesotho National Assembly Elections.

[14]Nyane, H. (2012) "Observing the observer: A commentary on election observation for the May 2012 election in Lesotho in Work for justice Vol 30 No. 02 *Outcome of Lesotho 2012 Election*:.

notes and acknowledges the IEC partnership with LCN to offer CVE. According to this report, a total of 700 voter educators were deployed across the country. Official voter education started on 1st April 2012 to 15 May 2012. The same report acknowledged the robust voter education strategy mounted by IEC, which also included door-to-door campaigns and public gatherings. Use of social media by the youth was also reported to be an effective communication strategy. The SADC Parliamentary Form Observer Mission commended the IEC for a job well-done taking, into consideration that IEC had just come out of the local government elections. IEC, therefore, recorded good results in VCE.

*Component 4:***Elections Observations Were Well planned and Successful**: Planned interventions for this component included support to both domestic and international election observations, including strengthened capacity of IEC for accreditation processes, CSO capacities for monitoring election and campaign processes. Consultations with IEC staff revealed that the CDGG project supported the procurement of a consultant to manage the election observations. A plan for election observation was put in place. Adverts inviting observers were posted for both local and internal observers. Observer kits were prepared which included: a copy of the National Assembly Electoral Act, guidelines principles and standards for elections, the electoral law and other relevant information. Observers got briefings and orientation in preparation for the elections. Of the Election Observer Missions reviewed, the SADC Parliament Forum report detailed extensive activities provided during their orientation in preparation for the elections. A two day training and orientation workshop (16-17th May) was provided to orient the observers with general issues of democracy, governance as well as political and constitutional context and IEC preparedness for the elections. The Mission also received briefings from the electoral stakeholders.   The stakeholder who briefed the mission included IEC, representatives of participating political parties, civil society, the academia and media.

The evaluation results notes that UNDP played a key role in the management of observer teams. Several meetings were organised for development partners and international observer missions to get updates form IEC and to discuss deployment plans to ensure wide geographical coverage. All the 10 districts and the majority of the 80 constituencies including "hot spots" were served by observers. UNDP initiated an online closed platform titled "Lesotho 2012 Electoral Observer Platform" to facilitate communication, coordination and planning of all electoral observation activities. In order to facilitate access to internet in the remote areas, UNDP provided some of the observers with 3G modems to enable them to access the platforms and remain updated. The platform was set up with the assistance of the UNDP Regional Service Centre's Knowledge Management Team Leader.[15]

 A review of the SADC parliamentary Forum Mission report indicated that the briefings for the Mission was "*largely successful as evidenced towards the end of the workshop by the depth of understanding and appreciation displayed MPs on critical issues such as electoral process, the role of election observers, the context of the 2012 Lesotho National Assembly Election and the*

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[15] Consultation with the CDGG Project Manager

terms of reference of the SADC PF Election Observer Mission".[16]In his articles on election observation for the 2012 elections, Nyane (2012) highlights the new trends in the role played by observations. He indicates that more than just curbing and verifying election malpractices, election observation is increasing playing a pivotal role of liberalizing politics and governance.[17] Lesotho 2012 election was observed by 800 accredited international and local observers including no less than 3 former Heads of States.[18]

Component 5: Inclusiveness in Participation of Wide Range of Electoral Stakeholders Was a Key Determining Ingredient for Credibility of the 2012 Lesotho Election: Planned interventions for the CDGG project were to support increased participation of women, youths and people with disabilities. While the role played by CSO was an important element of the inclusive participation, this evaluation will dwell on assessing CDGG supported interventions. Key achievements under this component included the inclusion in the National Assembly Electoral Act (2011) the importance of participation of youths, women and people with disabilities (PWDs). The evaluation noted the significant results achieved on participation of the youth in election processes. IEC staff shared amazing work they had with the youth during the period towards the run-up to elections. They noted that some political parties were threatening to boycott elections on grounds that the voter's role was not clean. With CDGG support, the IEC worked closely with youth who convinced their political leaders to participate in the elections. The youth requested for support for a press conference, which was organized at the IEC Offices. The Press Conference was a resounding success, with the youth highlighting to the electorate that there is nowhere in the world where you would find a perfect voters role. They encouraged the electorate to vote despite the observed challenges.

A review of the SADC Parliamentary Forum Observer Mission report also confirmed the great role played by the youth in the electoral processes. The youth participated in mass mobilization of voters, provision of voter educations under the banner of IEC. They also partnered with CSOs as Election Agents for their respective political parties.

With respect to women, with CDGG support, IEC staff were trained on Building Resources in Democracy, Governance and Elections (BRIGDE). The gender training on BRIDGE was designed to expose trainees in ways of mainstreaming gender into election processes. The evaluation notes that the National Assembly Electoral Act (2011) also required political parties to submit party lists for candidates using the ZEBRA approach and all party lists had 50/50 male female representation. Women groups were also engaged in TOT for CVE.

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[16] SADC Parliamentary Forum Election Observations Mission Report page 9.
[17]Nyane (2012)" Observing the Observers: A Commentary on Election Observation for the May 2012 Election in Lesotho"
[18]Nyane, H (2012) Observing the Observer .A commentary on Election Observation for the May 2012 Elections in Lesotho.

4.1.2   Contribution of IEC Output 1 to the Achievement of CDGG Outcome Result

"**The Proof of the Pudding is in the Eating".** Of all the CDGG project component, the IEC component is the one which was put to test through the 2012 Lesotho Elections. The work done under the 5 components and other earlier efforts (2009-2010) were tested for quality and depth. A review a wide range of literature including selected Election Observer Mission reports, all point to the fact that the elections were a great success and all the observers endorsed the election as free, fair and credible. The following are extracts from selected observer mission reports.

> "*Based on its overall findings, the Mission is of the view that there existed a substantially conducive and peaceful environment in which elections were conducted. The Basotho were accorded the opportunity to freely express their will in voting for political parties and candidates of their choice*" **SADC Parliament Forum Observer Mission 2012**

> "*The 26th May 2012 National Assembly election in the Kingdom of Lesotho were conducted in accordance with the legal and constitutional framework of the Country and the Durban Declaration on the Principles Governing Democratic elections in Africa, as adopted by the Assembly of the African Union in July 2002---The elections were peaceful, free fair and credible*". **African Union Electoral Observer Mission 2012**

> "The Mission would like to congratulate the Basotho for conducting a peaceful electoral process which showed maturity in democracy. The mission of the opinion that the elections were conducted within the legal framework of Lesotho. The mission encourages all parties to accept the results and resort to appropriate channels to resolve their disputes" **EISA Electoral Observer Mission**

Impressed by the level of IEC staff in the management of the elections, especially in the resolution of disputes that arose, the LCN indicated the election had passed the test for free and credible elections.

The CDGG project support to local government and other governance initiatives Records achievements: Civic educators were reported to have done significant work towards the run up to local government elections. The local government Election Act was passed. In 2010 IEC conducted a study to understand local government reservations of seats. The study recommended an amendment of law in relation to seats reserved for women. One third of the seats were reserved for women. The 2011 local government election was a resounding success with 58% of women elected to local government structures.

To a large extent the output: "*IEC effectively and efficiently manages local government and general elections*" was achieved. The output results significantly contributed the achievement of the CDGG Outcome result which read "*Governance Institutions manage credible elections—"*.

The 2012 elections results ended up with a hung Parliament where no political party had garnered the 61.5% majority required to form a government. This resulted in the formation of a coalition government led by ABC in partnership with LCD and BNP.

4.1.3   Emerging Issues for IEC

Despite the resounding success that was registered under Output 1 for IEC. The evaluation noted a number of areas requiring attention which may inform future programming with respect to support to election processes. The following are highlights of the observed challenges.

Voter turnout remains significantly low around 50% despite effort on CVE: The evaluation observed that despite the efforts made in CVE in the run-up to the 2012 elections, voter turnout remain significantly low. Figure 1 shows the low levels of voter turnout compared to earlier years.

Voter Turnout 1965 - 2012
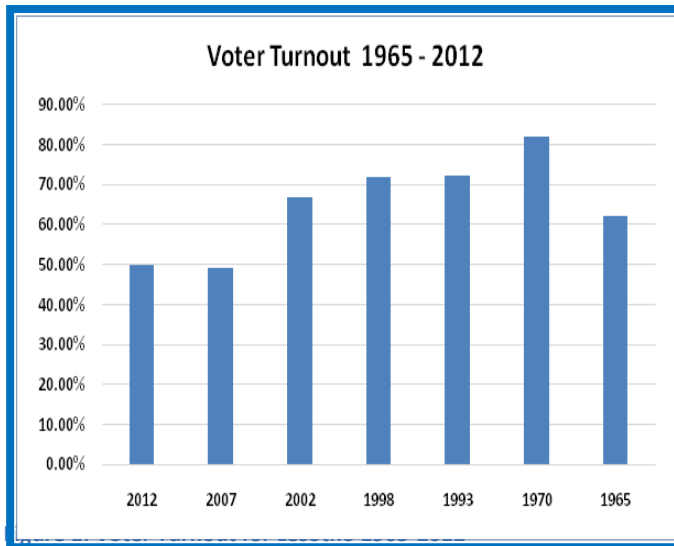
In their Election Observer Mission Report, the Group recommends additional continuous CVE in addition to the election targeted CVE. This was also confirmed indirectly by the SADC Parliamentary Observer Group who noted that the two month CVE towards the election was not adequate to yield the desired results. Against this backdrop, design of future programs for elections should consider continuous educational programmes for the electorate to achieve better voter turnout rates as was in the past.

Women Representation in NA 80 elected Seats and in Cabinet fall short of Targets in Gender Protocols: The SADC Gender Protocol targets 50% female representation in politics and decision making**.** Efforts were made through the National Assembly to address gender representation in political issues (discussed in earlier sections). The gender and politics outcome of the 2012 election was a slight improvement in the number of women who participated in election compared to the 2007 election (25%). In 2012 election 237 women out of 807 men contested in the elections. This translates to 22.7% of the female candidates. Of the 237 women only 13 (16.3%) women got constituency-based seats while another 18 (45%) got into parliamentary seats through the PR system.[19] It is clear from the 2012 elections results

that there is need for more strategies that would increase women representation in the 80 constituency based seat. However it should be noted that support was provided to IEC to encourage women candidates to participate as candidates. Consultative meetings were organised for about 65 women drawn from different political parties in three regions of Lesotho. These were efforts to work towards the attainment of the SADC quota for women representation in politics. Future programmes should consider coming up with innovative strategies which would lead to increase and reach the gender targets for participation in politics and decision making. Such programmes should borrow from local government which yielded a 58% women representation, which have overshot the gender targets.

Participation of other vulnerable groups in electoral processes still inadequate: Some progress was made on participation of various groups such as youth and women. The National Assembly Electoral Act is noted to have omitted the participation of vulnerable groups such as the sick, pregnant women and citizens who are abroad. The Economic Justice Network of Lesotho (EJNL) contributed significantly in advocating for the involvement of the vulnerable groups such as PWDs, women and children in election. In the spirit of working towards a maturing democracy and from a rights perspective, future programme support should consider review of legal provisions to ensure stronger inclusion of all vulnerable groups.

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[19]Mathlo, L. (2012) Gender dimensions of the 2012 Lesotho National Assembly Election Outcome

Voter's role not clean: It should be made clear that work on the voters roll was not part of the AP 2011 programme of support. The IEC had indicated that they would handle the Voter's role. Despite the fact that the NAM had noted the need to work on the voters roll, the IEC preferred to work on it themselves. However, the evaluation established that this remains an area of concern which has the potential of tarnishing the credibility of future elections. An external consultant to the IEC is reported to have observed that about 100 000 names of deceased people on the voter' role. Reviews of Election Observer Missions indicated that political parties were not happy with the state of the Voter's role.[20] This evaluation, therefore, recommends the need for future programme of support to consider working on the voters' role before the next election in Lesotho.

Internal organisation capacity of IEC still require attention: The CDGG project supported institutional capacity of IEC which recorded some good progress in terms of development of operational tools for the organization. The IPs reported using these tools in the execution of their duties. The evaluation noted that more work is still required to strengthen IEC as an institution. Such areas include support to Training Needs Assessment for IEC staff and indeed the implementation of the outcome of the training assessment. More could be done on strengthening organizational development with respect to internal communication, removal of duplication of effort within departments and positions, role specification between the Commission and professional staff. Analysis of the evaluation findings however point to the fact that the CDGG project supported IEC by engaging a specialist on Organisation Development to review the IEC's Organogram and the performance management system. The consultant also developed the restructuring programme and development of a Strategic Plan and Human Resource Plan to align with IEC structures. However, full implementation of these milestone interventions have not yet taken place thereby limiting the effectiveness of IEC as an institution. As such the operationalisation of the recommended structure of the IEC remains unfinished work.

Managing IEC during election down time: One of the most common challenges for EMBs is their management of the election downtime. There is growing debate on the scale of staff that should be full time during the down time of the elections. Lesotho is no exception. On one hand down time period could be used in conducting post-election research to inform improvement for the next elections. The time could also be used for intensive CVE and review of relevant statutes for improving elections. The evaluation notes the need to debate on the issues of capacity for IEC staff and the level of staff complement during the off-season.

Improve capacity on reporting after elections: Consultation with IEC staff indicated poor reporting by observer missions after elections. Only few observer missions submitted their final reports. The level of reporting is estimated to be between 5-10%.There are no sanctions for not reporting back. There may be need to put in place legal provisions that are binding for those participating in election observation.

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[20]Kapa, M (2012) The IEC and the 2012 Parliamentary Elections in Lesotho: A Brief Reflection.

More work needed for downstream work on internal capacities of political parties: The CDGG project supported a lot of upstream work for strengthening IEC preparedness for the election and conflict resolution among the political parties. The analysis of evaluation findings also point to the fact some work with political parties was done to strengthen them. Support was provided to IEC to hold workshops for political parties educators on the electoral processes. The training is reported to have significantly contributed to fostering civic and voter education for the electorate. Despite such efforts being positive, there may still be need for more support to political parties to strengthen their internal governance capacities including the development of robust party policies and systems. Future programme designs should consider supporting this area of capacity.

4.2   THE PARLIAMENT (THE NATIONAL ASSEMBLY AND THE SENATE)

Output 2: Enhanced capacity of Parliamentary Committees to delivery on their mandate including oversight, law-making and representation*.*

Output 2 was a well-selected result as an element of capacity for Parliament. The focus was to enhance the institutional capacity of Parliament, both National Assembly (NA) and Senate, in order for them to deliver on their key mandates of oversight over the executive, legislative and representation roles.

Overview of the programme interventions for The NA and Senate: A number of interventions were implemented between 2009 and 2013/2014 aimed at improving operational effectiveness and efficiency for the two Houses of Parliament. Activities were targeted at Members of Parliament (MPs) and the staff of Parliament. Project activities focused on the following areas: improving quality of debates in parliament, improved parliamentary oversight over the executive, and improved participation of the public in legislative processes. Interventions targeted at staff of both Houses were meant to enable them to execute their duties effectively. The CDGG project provided support for developing institutional operational tools for the parliament.

4.2.1   Key Achievement

Highlights of Key Achievements: A review of the CDGG project monitoring reports and consultations with key stakeholders revealed that substantial progress made good towards institutional strengthening of the two Houses of Parliament. The highlights of the achievements will be organised under four components: i) Institutional reforms of Parliamentary procedures, ii) Legislative Role; iii) Oversight Functions and iv)Representation.

 Institutional Reforms for Parliament*:* The evaluation notes that the CDGG project supported the Parliament (Senate and National Assembly) in a number of interventions which contributed to

institutional and operational reforms of Parliament all of which appear to have enhanced effective functioning of Parliament. Highlights of the achievement for this areas are:

Capacity Needs Assessments of NA identified areas for capacity strengthening: In order to assist NA to conceptualise and design an effective programme for 2011, the project provided for an institutional capacity assessment. The UNDP Regional Centre conducted a scooping mission. In 2012 a Human Resource Capacity Assessment for NA staff and Committee members was conducted.   In the same year, a skills needs assessment for the Senate was conducted. This resulted in the Senate developing a Training Plan for the Senate aligned to their skills gaps.

Support to Parliamentary Committees to be functional: Prior to the CDGG project most of the committees were non-functional. The CDGG project assisted in making the committee functional and effective. Parliament professional staff (clerks) were attached to other SADC Parliaments in Ghana, Kenya, Republic of South Africa, Zambia and Zimbabwe in order to understudy how committees are managed. The project also provided support to 21 members of the Senate Petitions Committee to go on a study tour to Kwazulu Natal Legislature. As a new committee, the members learnt how such a committee is run.

Revised Standing Order Rules to improve Parliament procedures formulated and introduced: A review of project monitoring reports and stakeholder consultations indicated significant work having been done on enhancing knowledge of MPs on the revised Standing Orders. In 2010 the project supported a workshop for 120 NA members to familiarise themselves with procedures and functions of new portfolio and cluster committees. In the same year Revised New Standing Orders of the Senate were translated into Sesotho and printed in both English and Sesotho. A workshop on Newly Revised Standing Orders was held for the Senate in order to enhance their knowledge on the functions of the newly established portfolio committees. From 2012, similar capacity strengthening on Revised Standing Orders for new MPs was done through workshops.

Manuals and Guidelines Developed: From 2012 more work was done on developing of guidelines and manuals as institutional tools to better assist MPs to internalize the procedures and expected mandates. As indicated in earlier sections, Manuals and guidelines on New Standing orders were developed. In 2012, an Orientation Manuals for new MPs (NA and Senate separately) were developed. In order to enhance MPs skills in public participation, a Procedural Manual for Public Participation for the Senate and in portfolio committees was developed. The guidelines are reported to have assisted MPs to better comprehend and appreciate the new simplified versions of Standing Orders. These institutional guidelines are valuable in that they are a more sustainable source of guidance particularly during the induction of new members of Parliament. When used during workshops, they can assist MPs to acquire the knowledge faster.

Capacity of Parliament professional staff built on ATC: In 2012 five professional staff from the NA were attached to Eastern Provincial Legislature where they leant modern parliamentary concept called Announcement and Tablings Committee (ATC). The team produced a report and explained the technical aspects of operationalising ATC institutional tool.

Strategic frameworks developed for Parliament: In order to strengthen parliamentary institutional planning, the CDGG project also supported the development of the strategic plans for both Houses in 2012. The strategic plans provide a framework for the development of Parliament and also serve as tools for resource and priority setting. The institutions for Parliament reported utilising the strategic frameworks. The National Assembly with their own resources had printed copied for MPs for them to appreciate the stratategic direction of the NA. Prior to this support, the two houses of Parliament operated by using ad hoc plans. The development of strategic plans which were adopted by the entire Parliament was therefore unprecedented.

**Communication skills of MPs Enhanced*:* In 2009 more than 100 MPs from both Houses were trained on the use of the internet and electronic mail. In 2010, 120 members of NA and staff were further exposed to computer skills through an Africa4All e-Parliament initiative. The aim was to research capacities of MPs and improve their networking capabilities with MPs from other countries. Two members of the NA and IT staff attended the Africa4All Parliamentary Initiative Project Board meeting and training in Durban, South Africa.

Legislative Role: During the project period the capacity of the both the Lower and Upper House to produce quality legislation was enhanced. In 2012, a workshop was organized for members of the senate on public participation in legislative processes. In 2013 NA conducted nationwide public hearing on matters pertaining to the elevated school fees. This was a result of NA resolution to refer the issues to Portfolio Committee on Social Cluster to conduct public hearings, collect information and report back to Parliament.

Oversight Functions of Parliament Strengthened: One of the greatest achievements of CDGG support was the capacity building of Committees for both House to function effectively. The NA has 5 portfolio committees responsible for the oversight function. The committees are structured along clusters as follows: i) Social; ii) Economy and development; iii) Law and Public Safety; iv) Natural Resource; and v) Prime Minister's Office. In 2013 five portfolio committee Chairs toured Zambia to learn more skills around oversight function, production of annual reports, examination and approval of budgets. About 15 members of the Public Accounts Committee (PAC) were trained in budget analysis and budget tracking. Review of CDGG monitoring reports point to the fact that PAC committee members were demonstrating increased capacity in providing oversight to national budget processes. In addition 120 MPs were also trained in budget analysis to enhance their capacity for oversight function. In 2013, six Senate members and two staff members participated in training in Financial Management in Cape Town. They received skills in planning and budgeting including techniques in monitoring expenditures.

Representation: The greatest achievement was enhancing the capacity of Parliament staff to timeously produce the Hansard and committee reports. The Hansard is a tool of the Parliament to inform the public on Parliament proceedings. Portfolio committees produce reports on a number of issues. Production and distribution of committee reports and the Hansard enhanced representation as the public get informed and can provide feedback. The public can participate

in these debates through the Hansard. In 2009 Hansard staff and Committee Clerks were trained on languages, listening skills, editing and computer skills. In 2012 members of professional staff form the Senate were trained at the University of Free State on document design and text editing. In order to increase information sharing on Parliament work, support was provided to back-scan key documents for NA and Senate since 2007. The key documents included: Hansard, minutes and committee reports. The process of back scanning started in 2010 and continued over the project period. The process would increase accessibility of the public to information and data on parliament. An Electronic Data Management System (EDMS) was developed and all the back scanned documents were uploaded on the website.

4.2.2   Contribution of Output 2 Towards Achievement of CDGG Outcome

The output for the Parliament component reads *"Enhanced capacity of Parliamentary Committees to delivery on their mandates including oversight, law making and representation"*. To a large extent the output results were achieved. A lot of capacity activities for both Parliament staff and MPs was successfully carried out. In addition, a good number of instruments and tools in the form of guidelines, manuals strategy documents were developed which have assisted Parliament to fulfil its mandate and streamline its internal processes.
The Evaluator would also have loved to delve deeper into how far the outputs contributed to the achievement of outcomes at the level of Parliament. Unlike with IEC where there were many sources for checking achievement of outcome, the component on Parliament is limited by the fact that the evaluation was conducted during a time when the Parliament was on prorogation and it was not easy to meet Chairs and members of Committees, or ordinary MPs to share their experience of the CDGG capacity initiative. However, the report will rely only on reviewed documents and consultations with Senate and NA professions staff. What follows are highlights of behavioral change benefits of the Support to Parliament.

Committees Reported Good Progress in the Way they Conduct Parliamentary Business: Interviews with the Senate staff indicated that the Parliamentary Reforms Committee (PRC) had registered good achievements. The Petitions Committee, which provides a window for the public to present petitions to the House is also reported to have produced good results. Through committees which received capacity from the CDGG supported project, the Parliament has increased participation of the public in parliamentary affairs.   Both House of Parliament acknowledged that placing of Committee Chairs and Committees on attachments with parliaments in the region has significantly contributed to their skills to run and manage their committees. Consultations with both House of Parliament noted that new committee members who were trained after the 2012 elections were able to table and pilot report without difficulties.

Quality of legal provisions produced has improved: Legislators have improved their level of analysis. The Senate staff indicated that when draft legislation is brought to the House, it is no longer business as usual and rubber standing. MPs make sensible inputs to draft legislation, including Bills. The CDGG project is reported to have contributed to the generation of better quality laws.

Standing Orders have improved business of Parliament: A review of project documents revealed that it was through the CDGG project that Revised Standing Orders were introduced. Prior to the revisions, the Parliament did not have operational modalities for petitions, which were now included in the revised Standing orders. Asked to comment on whether the Standing Orders had had any impact on operations of the Parliament, one Parliament staff had this to say:

> *Before the introduction of Standing Orders, there was no limit for MPs to speak when they had the floor. Now Standing Orders require MPs a maximum of 20 minutes. As such MPs are forced to talk sense in the limited time. They now plan on what to say. This allows for more MPs to share their views on an issue.* **Parliament Professional Staff**

Both Houses of Parliament reported that they had successfully completed back scanning documents for the 7th Parliament and had uploaded them on the website. This, they indicated, will increase access to parliamentary business for the wider public, including to viewers outside the country. Professional skills for Parliament staff from both Houses were enhanced. Their competencies to take committee minutes and compile reports were reported to have improved significantly.

Oversight function of Parliament improved: All MPs and staff of parliament were trained in budget processes, analysis and monitoring. The PAC was capacitated to appreciate Auditor General Reports. This has resulted in improved capacity by MPs to exercise oversight particularly with regards to the budget process and through the Public Accounts Committee.

The discussion showed that the successful accomplishment of planned Output 2 interventions had contributed to the attainment of the CDGG outcome which reads "*Governance institutions manage credible elections, effectively oversee legislative and executive processes and a human rights culture internalised.*"

4.2.3   Immerging Issues for Parliament

While the parliament component of the CDGG-supported project enjoyed significant achievement as discussed in earlier sections, the component had its own share of emerging issues which future support initiatives could consider for address. The 2012 elections which resulted in a hung Parliament gave birth to a coalition government which was an unprecedented occurrence in the history of country. This scenario presents both opportunities and challenges for the new coalition government. The following are some of the emerging issues for the Parliament:

Governance challenges for a young Coalition Government: There are pro and cons for coalition governments. On the positive, coalition governments ensure a broad responsiveness that can take account of competing views and contenting interests. Coalitions have a positive impact when they enhance service delivery and lead to best policies as a result of diversity found in them. Due to having to share a common mandate of governing, this can lead to broader representation as the multiple parties have to compromise on their opposing ideologies. There

can also be greater policy scrutiny in coalition parliaments which can prove beneficial for the electorate.

On the contrary coalition continuous disagreements can slow down government business. Coalitions can yield bad results if leaders of the coalition pay attention to destructive disagreements among themselves, than task at hand of national interest. In his analysis of coalition government as far back as 2012, Letsie pointed to one of the challenge that the Lesotho coalition was likely to face. The coalition's most serious challenge was a strong opposition with a large membership in the National Assembly and also with candidates with wide experience of the public sector. As such the DC would always operate like a government in waiting and provide immense pressure on the coalition government.[21] This position was acknowledged by feedback from consultations with Parliament stakeholders who confirmed the current coalition government was facing a strong threat for the strong opposition. In addition the stakeholders also indicated that the inclusive Parliament was experiencing big challenge of floor–crossing which was likely to affect not only decisions but also the representation of political parties. The current constitution provides for floor crossing. The question was about how to deal with challenges presented by floor crossing. Consultations with stakeholder indicated that the current prorogation of the Parliament was more likely to address intricate challenges associated with a young coalition government. Consultation with stakeholders indicated a need to consider rationalization of the constitution for a MMP environment. The constitution did not foresee the coming in of a coalition government.   Against this backdrop, future projects should consider designing interventions that would address a myriad of governance challenges associated with young coalition governments. Strategies for sustaining effectiveness of coalition government in Lesotho are therefore called for.

Autonomy of the Parliament and highly politicised public sector: The evaluation observed that the Parliament is not an autonomous body, despite its important mandate of oversight over the executive. This presents a lot of challenges for managing conflict of interest in managing the oversight function. If it were autonomous, Parliament would be answerable to its own structures such as parliamentary services. Further analysis of feedback however points to positive development along this line. Plans are already underway to establish the Parliamentary Service Commission. Currently the institution of Parliament is administered by the executive through the Ministry of Public Service. On the recommendations of parliamentary Reforms Committee, the proposed commission will take over administrative function in order to increase Parliament's independency from the executive branch. This will bring Lesotho into line with other Parliaments in the region.

Capacity building: Given that there is a very high turnover of MPs with new faces joining the Parliament every five years, the need for capacity building becomes a continuous exercises. In addition, the development and establishment of systems, documentation of procedures and manuals will also contribute towards institutionalisation of Parliamentary procedures and

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[21]Letsei , T. (2012) " Lesothos' coalition government: Analysis of coalition formation and challenges ahead.

expectations form new MPs**. However** Due to the advent of coalition parliament, the need to strengthen political parties caucuses becomes imperative.

4.3   HUMAN RIGHTS UNIT AND OFFICE OF THE OMBUDMANS

Output 3: Institutional Effectiveness of Human Rights Organisations Enhances Fundamental Freedoms

Overview of the Programme for the Human Rights Unit: The programme for the human rights had a well-chosen output result. The programme over the five year period worked on the following issues: i) efforts to establish the Human Rights Commission; ii) determining the structure of the Human Rights Commission; iii) raising awareness on Human Rights and importance of establishing the Human Rights Commission; iv) work towards compliance with ratification and domestication of international Human Rights Conventions; v) development of a communication strategy for the Human Rights Unit; vi) compliance with State Party Reporting; and vii) Promotion and protection of Human Rights in accordance with the principle of Universal Declaration of Human Rights. During the project period the Human Rights Unit (HRU) has shifted homes from the Ministry of Human Rights and Correctional Services since 2009 to the Ministry the Ministry of Law, Constitutional Affairs and Human Rights from February 2013.

4.3.1   Key Achievements for the Human Rights Unit

A review of key project documents and consultations with the stakeholders indicated good progress made by the Human Right Unit in working towards the planned programme interventions. The following are the key achievement of the Human Rights Unit.

Capacity of HRU staff enhanced in line with their roles: One of the biggest achievements of the CDGG project was building the capacity of HRU to enable them to undertake their duties. The staff was exposed to a good number of relevant training, especially from the Governance Department of the University of Pretoria. In 2009, three staff members from Internal Audit of the Ministry of Justice participated at a conference on fraud. In 2010 one official from the HRU attended 48th Ordinary Session of the African Commission on Human and People's Rights in Gambia, which reviewed the human rights situation on the African continent. In the same year two staff members were supported to participate in the UPR meeting in Geneva. In 2012, two staff members for the HRU attended a Disability Course at the Centre for Human Rights, University of Pretoria and one officer attended the Sexual Minority Course at the same University. In 2013 all three staff members from the HRU were supported to attend a training on the Art of Public Speaking, Presentation and Communication Skills in Swaziland provided by the Professional and Development Training Institute.[22] In addition, in November 2013, all three staff in HRU undertook a study tour to the University of Pretoria's Center of Human Rights Policy, to gain knowledge on the development of human rights policy. The HRU received relevant high quality training to enable them to undertake their duties efficiently.

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[22] Several CDGG Annual Progress Reports on CDGG 2009, 2010, 2011, 2012, 2013

Wide-ranging stakeholders sensitization on human rights issues: The evaluation notes that stakeholder sensitization on human rights issues was a major achievement for the HRU. Various stakeholders were sensitized on human rights issues through a variety of activities.   In 2009, between October and November a number of Human rights workshops were conducted for law Enforcement Officer drawn from: Defence Forces, Police Services, National Security and Prisons. Staff from Foreign Affairs, Justice and Human Rights also participated in the workshops. A total of 59 officers were trained. A review of workshop reports noted that issues covered during these trainings included: overview of human rights protection, role of international law and protection of human rights, code of conduct for law enforcement officers, protection of human rights in criminal justice system and protection of human rights for persons in detention. In the same year the HRU celebrated Human Rights Day in the Southern District of Mafeteng which brought just below 1000 members of the public together. On the same event, posters bearing Human Rights Messages and pamphlets were developed and disseminated to the general public. In 2010 more sensitization workshops were conducted for a wide range of stakeholders, reaching 40 members of the security forces, 33 members of the Senate and 50 primary school teachers. The training was tailor-made to suit the needs of the audience.

In August 2012 the HRU held a workshop on the rights of people with disabilities. The aim of the workshop was sensitise stakeholders on disability issues for an improved implementation of the disability rights in the country. In 2013 the HRU facilitated workshop on the promotion of human rights for members of the members of the Judiciary. The Judiciary were sensitized on the application of international human rights principles and standards relating to their responsibilities. An analysis of this sub-output results shows that over the project period, HRU consistently worked with the various stakeholder to sensitise them on the human rights issues.

Institutional building blocks for HRU established: Key achievement under this area was the UNDP supported Scooping Mission to assess capacity needs for the HRU to effectively deliver on its mandate. The Scooping Mission by the UNDP Regional Service Center in 2010 informed the programme design from 2011 onwards. In 2011, in order to solicit opinion from relevant stakeholders on the national action plan, the HRU organized a stakeholder workshop. The workshop resulted in the development of the Human Rights roadmap for the development of the HR strategic framework. However, when the HRU moved to the new Ministry, it was advised that the strategy would not precede a policy. As such more effort had to be put in the development of eh HR policy first. As indicated earlier the unit was supported to learn about policy development at the University of Pretoria. Upon returning, the HRU organized a consultative workshop between 14-16th May in 2014 to sensitize stakeholders on the Human Rights policy, its purpose, what it entails and decide what is best for the country. When the policy issue had been dealt with, the HRU engaged a consultant to support then I the development of Human Rights Strategy for the HRU. The policy and strategy tools will be useful tools to guide the HRU in implementing its work on Human Rights. A vehicle was donated by the CDGG Project to the Human Rights Unit. The vehicle has since been handed over to the Ministry as part of the Ministry's vehicle fleet.

Significant work on State Party Reporting accomplished: In 2009 the HRU was supported with three national consultants who assisted in the finalization of the CEDAW Report. Because the country was late in its reporting, the report covered all the outstanding years. The report consolidated three reports into one. In 2010, stakeholders contributed to the review of the CEDAW Report which was finalised and submitted in the same year. The HRU worked closely with stakeholder to develop a draft report on Convention Against Torture (CAT). The HRU also held a stakeholder workshop to consolidate the final report. The CDGG supported the exercise with a consultant. A good quality report was produced. The International Covenant on Civil and Political Rights (ICCPR), as well as the International Covenant on Economic Social and Cultural Rights (ICESCR), were both validated by stakeholders. The Human Rights Reports are now awaiting Cabinet approval before onward submission. With respect to the International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), a retreat was held in 2014 to compile the report. The report is awaiting a validation workshop. Against the background that the HRU is a very small unit with only three key personnel, significant work was done towards working on compliance to key human rights conventions.

Participation of Lesotho in the Universal Peer Review Process a milestone: The UPR is part of the State Party Reporting. However, because of its significance for Lesotho, highlights of progress made will be shared separately from the rest of other State Party reporting results. For the first time, in 2010 Lesotho participated in the UPR process. The country was reviewed by the by the Human Rights Council of the United Nations under eh Universal Periodic Review mechanism (UPR) at the 8th Session of the Working Group held from 3rd to 14th May 2010. The HRU submitted the national report. The follow up was in September where the country with the UN Working Group of Lesotho produced a report entailing recommendations. Lesotho is expected under the process to implement the recommendation before the next reporting period due in 2015. Lesotho is working on the implementation of the adopted recommendations to include: i) Adhering to international obligations and seeking technical to improve Lesothos' Human Rights Situation; ii) Promoting Human Rights through strengthening National Human Rights institutions; iii) Enhancing women and children' Rights iv) Ensuring socio-economic development and v) Strengthening the Justice System through improving the conditions of the prisons and upholding the independence of the Judiciary. All the activities for the UPR were mainly supported by the CDGG project. A coordinating committee to oversee the implementation of eh UPR recommendations was established in 2011. In January 2013, a meeting was held to update the HRU on progress made by stakeholders on recommendations. An interim UPR report for 2015 was compiled and validated and is awaiting Cabinet approval. The evaluation noted great work accomplished by the HRU on the UPR process.

Good progress made towards establishment of the HR Commission: The evaluation observed that despite the fact the Human Right Commission has still not been established, significant work had been done towards this end. Prior to the CDGG 2009 project, support was provided to the Human Rights Unit in 2008 to organize a workshop to draft the Model Law on National Human Rights Commission by the Office of eh High Commission for Human Rights in Pretoria. In 2010 a round table meeting of stakeholders was held, which included: Office of e Ombudsman, Police Complaints Authority and Directorate on Corruption and Economic Offences. The purpose of

the meeting was to decide on the structure of the envisaged National Human Rights Commission in relations to the critical human rights related institutions. In 2011, through the 6th Amendment of the Constitution, the Human Rights Bill was drafted. In 2013 another consultative workshop was held to discuss the composition, appointment and dismissal procedures of the Commission which were key concerns of some stakeholders. Currently, there is still debate as to who will be responsible for appointing the Commission. The debate seeks to ensure that the institution charged with making appoints would not in any way compromise the effectiveness of the Commission. The evaluation noted that while the process is slow, the country would like to do things right in order to have an effective and functional Human Rights Commission.

4.3.2 Contribution of HRU Output 3 Towards Achievement of CDGG Outcome

HRU staff gain new skills and apply then to their day-to- day work One of the observations of the of this evaluation was the manner in which staff from the HRU gained skills through training and applied them to improve their service deliver. The evaluation noted that when the unit realized that they required to develop a Human Rights Policy before they worked on the Human Rights Strategy, they went on a study tour to the University of Pretoria where they gained knowledge on the how they should develop a Human Rights Policy. Back to office, they used the skill to kick start the draft. They then engaged stakeholders to input in the draft policy. Another exceptional case was when the unit was supported to produce their UPR report for 2010. Staff in the HRU gained new skills. They understudies the consultant during the development of the CEDAW report and thereafter have been able to draft the UPR for the first and second cycle respectively whose reports are due in October 2014. The next review is in January 2015. Equipped with these skills, this time round the Unit is working on the report for 2015 using the skills gained through the project life. This scenario presents a best practice of capacity building which should be emulated by other public sector players. There was significant value–for-money in investing in skills for staff in the HRU. Asked if there was any meaningful change from the series of capacity training the unit got, one of the HRU staff had to say:

> *We learnt so much that we apply to our work. When we had the consultant for the CEDAW in 2010 we worked closely with him. We learnt a lot from the consultant. The drafting of reports has become easier and use of consultants has become minimal. We are now have confidence to produce our report internally*. **HRU staff.**

Solid ground has been laid for the establishment of the Human Rights Commission: Key milestones are now in place for the establishment of the Human Rights Commission. Of note is the Human Rights Bill, the Human Rights Policy and the Human Rights National Strategic Framework which are solidly grounded in national priorities and legal provisions on human rights. The participation of Lesotho in the UPR process is also a very commendable achievement for the country. Work towards state reporting has started at a very good pace. Thought small, the HRU has achieved significant work on human rights issues for the country.

4.3.3 Key Achievement for the Office of the Ombudsman

OFFICE OF THE OMBUDSMAN

> Output 3: Institutional Effectiveness of Human Rights Organizations Enhances Fundamental Freedoms

Overview of the Programme for the Office of the Ombudsman: The role of the Office of the Ombudsman is to protect violation of human rights of the Basotho through investigating cases of the human rights violations by State or non-State parties. The CDGG project support focused on institutional strengthening of the Office of the Ombudsman. Support was provided to enhancing staff competencies, development of institutional tools and standards of operations and capacity to improve service delivery.

Highlights of Key Achievements: Over the four year period of the project, some good progress has been achieved under Output 3 for the Office of the Ombudsman. The achievements will be grouped under three broad categories: i) Human capital capacity strengthening; ii) Institutional operational tools; and iii) Improved service delivery.

Institutional operational tools and standards strengthened: Over the project period, the Office of the Ombudsman has successfully developed institutional tools which will last for long to enable it to effectively and efficiently undertake its duties. The Human Resource Needs Assessment, while focusing on human capital, is also an institutional strengthening output. In 2011 the project supported the procurement of an Informational Technology (IT) consultant to support the strengthening of Case Management System (CMS).   Between 2011 and 2012 the project supported the development of an Investigations Procedures Manual. The Office institutionalised the process of standardized consolidation of cases from complaints intake right down to complaints case closure. In 2012 the Office of the Ombudsman developed a Communications Strategy and started implementing it in 3rd and 4th Quarters of 2012. The Office was also supported in developing an organizational strategy. Through the CDGG support the Office has just completed the process of developing an M&E system.

Human capital capacity of staff strengthened: The evaluation observed that over the four year project period, staff capacities were enhanced. In 2009, three (3) staff members were supported to go on a study visit to understudy the operations of the Ombudsman in Zambia.   During the same year, 2 staff members were supported to take short courses at the University of Pretoria on good governance. Three members of staff were also supported to take short courses on customer care and public relations management and on conflict management and resolution in Namibia. In 2010 two (2) staff members attended short courses on good governance at the University of Pretoria and one staff member undertook a course in London on *"When Citizen Complain".* The 2011 a Human Resource Capacity Needs Assessment indicated the need to strengthen staff competencies for their respective responsibilities.   The Office subsequently developed a staff training plan that was linked to the institutional strategy. In 2012, support was

further provided to institutional staff with a special focus on investigative capacity. Staff were trained and reported their ability to produce consolidated complains investigative diary.[23]

Improved Visibility and Increased Service Delivery: Starting in 2009/2010, the support given to the Office of the Ombudsman to conduct outreach campaigns throughout the country, publish a weekly column in Moeletsi oa Basotho newspaper and develop promotional IEC materials is reported to have contributed to visibility of the organization and demand for its services.[24] In 2010, the Office completed the bi-lingual report on Lesotho Highlands Water Project Phase 1 Inquiry. The inquiry looked at complaints regarding compensation by the Lesotho Highlands Development Authority (LHDA) filed by displaced communities to give way to the project. The inquiry recommended better and sustainable compensation for affected communities. A second major service by the office related to farmers across the country who were promised loans and were encouraged to engage in block framing by the Ministry of Agriculture and Food Security. Those who had engaged in block farming were heavily indebted when the loans did not materialise. The farmers filed a joint complaint and the inquiry contributed to reduced tensions among farmers. The report criticized the manner in which the scheme had been carried out and made recommendations to the Government of Lesotho to assist in securing credit facilities for the affected farmers.[25] A review of the 2013 annual report of the CDGG project and consultations with staff of the Office of the Ombudsman revealed that the Office successfully undertook investigations in villages and government institutions to follow up on complaints submitted by the public. Field visits were undertaken in Quathing, Butha-Buthe and Qaching's Nek. Field inspections also included Queen Mamohato Memorial Hospital, Qoaling Filter and Maboto clinics. Long queues and slow services were some of the conditions found.

4.3.4   Assessment of Contribution Towards Achievement of CDGG Outcome

The evaluation noted that during the first part of the project 2009 to about 2010, the Office of the Ombudsman had a lot of energy and managed to score significant results, especially on the work they did around the block farming and the Lesotho Highlands Water Project. The visibility of the institution was uplifted. As a result, the evaluation concluded that during the first part of the CDGG project the Office of the Ombudsman contributed significantly to the achievement of the CDGG outcome.

Further consultations and review of progress made from 2011 to date indicates an institution which is relatively on a go-slow. This is potentially due to the fact the current Ombudsman may be focusing on getting internal systems rights before looking outward. The institution is characterized by low staff moral and less energy to drive its mandate with the level of effort required of it.[26] The evaluation noted limited internal communication and sharing of institutional work. This implies that if one lead person in an area resigned, or moves on, the institutional

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[23]Several Annual Review Reports for CDGG, 2009, 2010, 2011, 2012, 2013 and Quarter 1 and 2 for 2014.
[24]Annual Report for the CDGG Project 2010.
[25] Ibid
[26] Stakeholders Feedback.

memory would not be there to facilitate taking the work forward. However, the consultant would like to highlight that this is an institutional problem which is not linked to the capacity of the CDGG project.

Overall, project interventions targeted at the Office of the Ombudsman significantly contributed to the achievement of Output 3 "*Institutional Effectiveness of Human Rights Organizations Enhances Fundamental Freedoms"*. Staff capacities were built for them to deliver effectively o their duties, institutional tools and standards to guide the operations of the organisation were in plan and due to all these capacities, there were reports of improved service delivery on complaints with respect to violation of human rights.

4.3.5   Emerging Issues for Human Rights Institutions

Role Specification for the two Human Rights Institutions*:* The evaluation notes that in the event of the establishment of the Human Rights Commission (the Commission) the two human rights institutions will have duplicate roles in some areas. The latest developments show that in future the Office of the Ombudsman will only focus on mal-administration. The evaluation also notes that Human Rights Stakeholders are working on managing this role duplication challenge in the event of the establishment of the Human Rights Commission. In 2010 a round table meeting was held to discuss and iron out overlapping roles of the two institutions. The general view was that the office of the Ombudsman would retain aspects of maladministration by the public sector, while other human rights mandates will be handled by the yet to be established Human Rights Commission. The debate points to the need for more technical support by future initiatives to assist the Government to navigate on this road professionally through review, or, establishment of relevant statues to guide the division of labour.

Capacity of UPR National Committee: The evaluation notes that the UPR process recommended the formulation of a National UPR Committee which has since been established and draws from both public sector and civil society organizations. However, the evaluation findings point to the fact that the committee members are not yet very clear of their roles. The other challenge is the high staff turnover of the representatives to the committee from institutions. This implies that new members who replace those who leave, might not have good grounding on earlier discussions. Against this background, there appears to be need to build the capacity of the national committee for it to be an effective structure for the UPR process. There is also need to find a sustainable strategy for UPR committee institutional memory.

Strategy for implementing UPR Recommendations*:* The evaluation was not able to establish if the country had a clear strategy for addressing recommendations raised during the peer review. Despite the absence of a clear strategy for implementing UPR recommendations, Lesotho has been able to implement most of the recommendations and is reported to be more or less ready for the follow up review in 2015. In the framework of the results-based approach to programme delivery, significant efforts should be put at national level through the UPR committee and key stakeholder to develop a robust and effective strategy to address recommendations of the UPR. This would provide better reporting results for Lesotho for the 2015 period.

5.0   EFFICIENCY

Efficiency responds to the following key evaluation questions: i) How appropriately and adequately where the available resources used to carry out activities? ii) To what extent were activities managed in a manner to ensure the delivery of high quality outputs? iii) Did the outputs justify the financial investment? and iv) Where project interventions value for money?

CDGG Project Funds were efficiently used and Outputs were Value-for-Money*:* The CDGG project was audited annually in line with the UNDP auditing procedures. The evaluation noted that all the audits carried out on the CDGG were clean. To a very large extent, resources were used appropriately for planned activities. Resources utilized to influence legislative reviews, development of institutional tools of operation (strategic plans, guidance manuals, policies, policy, Acts, Bills) and capacities of institutions were value-for-money. The consultant reviewed some of the project outputs which included workshop reports, back to mission reports, strategic frameworks, training reports, and other products such as Standing Orders, and was convinced beyond reasonable doubt that the products justified the financial investment.

UNDP/IA CDGG Project utilised cost-saving mechanisms for quality work: The evaluation observed that to a large extent, the CDGG project used various mechanisms to reduce costs without compromising on the quality. Cost-saving mechanisms included: training workshops for IPs in areas where such training was similar. The use of experts sourced from either the UNDP Regional Service Center, or the UNDP HQ not only ensured high quality service, but also guaranteed lower costs at the County Office level, thereby saving on CDGG project resources. In such cases, the CDGG project only paid for daily subsistence allowances (DSA) and saved on flight and professional fees for service providers. For the radio programme used by some project components, the CDGG project facilitators negotiated for reduced costs in the spirit of Private Public Partnerships (PPP). The private sector media houses contributed their share of social responsibility.

Project Absorptive Rates were General High during "Normal" Years: Project absorptive rates are often used as a proxy indicator for project efficiency. Analysis of the CDG financial expenditure figures shows that the CDGG project in general recorded very high expenditure levels across all the project components (see Figure 2).
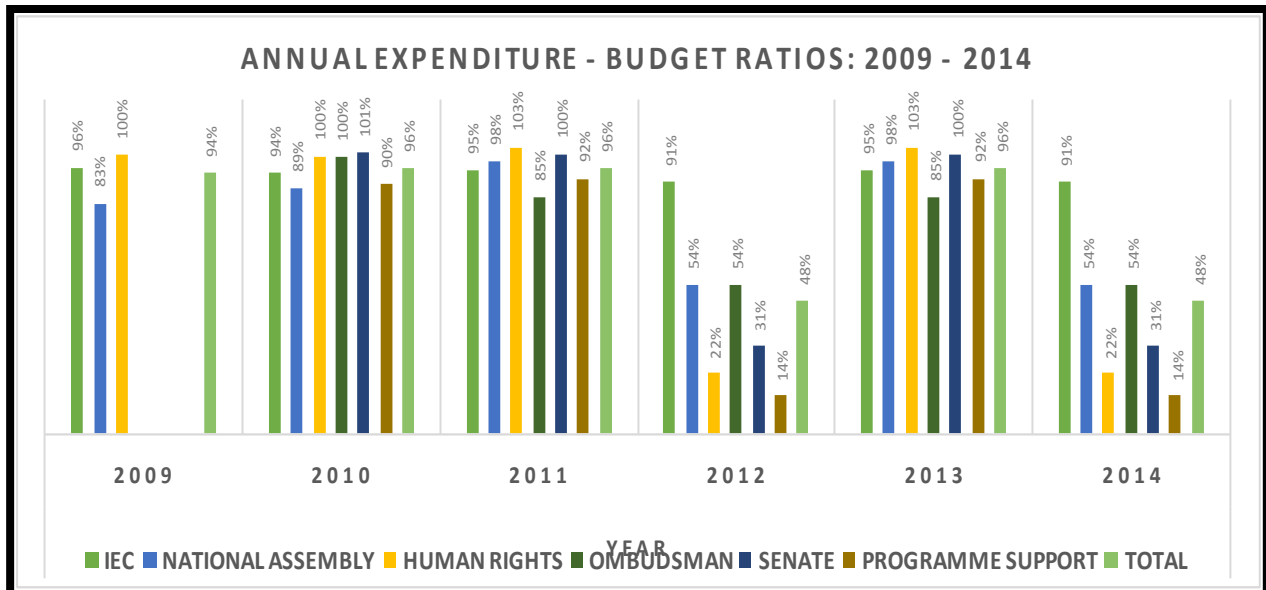
ANNUAL EXPENDITURE - BUDGET RATIOS: 2009 - 2014

Legend: IEC, NATIONAL ASSEMBLY, HUMAN RIGHTS, OMBUDSMAN, SENATE, PROGRAMME SUPPORT, TOTAL

Figure 2: The CDGG Absorption Rates 2009 to 2014

The project started on a slow pace in 2009 and picked very well after the hiring of the CDGG Project Manager. During the "normal" years 2010, 2011, 2013 all project components performed with an expenditure ranging from a minimum of 85% to a maximum of 103%, which was well above the UNDP minimum threshold 60%. Great performers were HRU working with on 100% and above. IEC is the second good performer averaging 95%. The years 2009, 2012 and 2014 were not "normal" years for the following reasons. 2009 was year the project started and was affected by absence of project manager at the start of the project. 2012 was election year for Lesotho; hence more attention was given to the elections. However, in the same year IEC registered a high expenditure level, as it was at the peak of its activities. The project closed in August 2014 and hence not a full year.
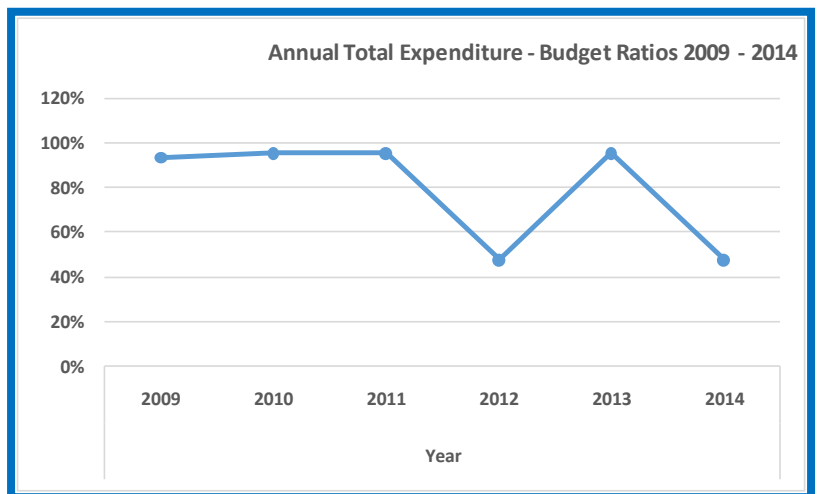
Figure 3: Annual Total Expenditure Budget Ration 2009-2014

The Quality of procurement by IP still remains below standard: Despite the fact that overall management of CDGG project was efficient, the evaluation noted the quality of procurement by IPs still remained slightly below the expected standards, and was often characterized by slow processes and lower quality of services and goods. The IPs are responsible for sourcing services and quotation while UNDP would execute payment in line with the Harmonised Cash Transfer (HACT) modalities.

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6.0   SUSTAINABILITY

Sustainability speaks to the following: i) The extent to which programme benefits are likely to continue beyond programme termination; ii) The degree to which the CDGG project has been able to support its partners in developing capacities and mechanisms to ensure the durability of effects; and iii) Assessment of the degree to which programmes were designed to ensure a reasonable handover to local partners (IPs).

Continuity of programme benefits: An analysis of CDGG project across all the five components point to potential continuity of programme benefits. The IPs for the CDGG project will continue to benefit from a number of interventions that were lasting in nature. The legislative reforms across almost all of projects components are key. Of note were the National Assembly Electoral Act (2011), Amendment to the 6th Constitution which support the establishment of the Human Rights Commission, the Human Rights Commission Bills (2011) and other legislative accomplishment all supported by the CDGG project.   The project also developed lasting institutional tools in the form of policies, strategic frameworks, guidance and manuals, just to mention of few. The report has outlined some of these key tools. Examples include Case Management System (CMS) for the Office of eh Ombudsman, Standing Order for the Parliament and Orientation Manual for new Parliamentarians. The evaluation thus notes that the CDGG laid a strong basis for IP continuity of programme benefits. Despite these positive observations, the limited capacity of IPs to set aside budgets for the CDGG project interventions is likely to reduce continuity of project benefits by IPs. Almost all stakeholders reported that a system was not yet in place for systematic budget allocation for the governance initiatives despite that these development issues are outlined in the NSDP and Vision 2020.

Partner capacities and durability of effects*:* The CDGG project contributed to the enhancement of capacities of IPs across the five components (Senate, National Assembly, Office of the Ombudsman, Human Rights Unit and IEC).   Staff capacities were built through a variety approaches which included: study tours to similar institutions, support to take relevant courses from respective institutions and training workshops, just to mention a few. To a large extent, these capacities have been institutionalised particularly for Parliament (NA and Senate) and the Human Rights Unit. For these institutions, the capacities are institutional rather than individual capacities. The evaluation also noted that besides implementing capacities, capacities of the respective national stakeholders where enhanced through stakeholder workshops, commemoration of Human Rights Days and education of the electorate through a variety of activities. Capacities and knowledge gained through the CDGG will remain useful.

Programme design for reasonable handover to local partners: The evaluation notes absence of a robust inbuilt exit strategy for the CDGG project. The exit-related activities, where IPs were asked to suggest sustainability interventions towards the tail end of the project were inadequate for a project of this magnitude. The exit activities, towards the end of the project, were more of an after-thought, rushed to managing project handover to IPs. Asked on sustainability issues, feedback from IPs indicated the absence of a well-thought exit and handover strategy.

"We feel towards the end, the project was not flexible. We had great activities we had planned but since these activities were spilling into August, we had to forgo the activities and replace them with other activities which in our view were not that great in terms of options. We felt rushed.

There was limited, if not no financial commitment, from the IPs in terms of budget allocation to CDGG project related activities. However, there were small pockets of IP ownership where institutions allocated budgets to continue with initiatives started by the CDGG project, albeit at very low levels. For instance, both NA and Senate allocated resources to continue with back-scanning of documents for the 8th Parliament without having to rely on CDGG project funding. The HRU supported activities initiated by the CDGG project to keep the momentum. The Office of the Ombudsman indicated they only got resources for operational administrative costs but were not allocated resources for supporting outreach activities. Without the CDGG project support, there would be no additional activities. The IEC noted the wrong perception of resource allocation that ministries have of IEC during the down time period. They did not view continuous engagement with the electorate as a major activities of the IEC.

Against the above discussion, while to some extent, the products of the CDGG will be utilised by IPs for years to come, in the absence of a clear funding modality for the governance initiatives, the sustainability of the CDGG remains moderate. A focus on this agenda should be strong at the initiation of the project and should be a conscious and visible strategy by the IPs. This would also entail advocacy by IPs at the highest level for allocation of budgets to these important interventions as the work contributes to the achievement of national priorities in the NSDP. Future similar initiatives should consider including in the design of the projects a strong Results Based Management approach and a strong country ownership characterised by strong leadership from the GoL. Development partners will continue to provide sustainable technical support to such initiatives. To this end without pre-empting the conclusion and recommendation, a successor programme that gives high priority to reasonable handover of initiative to the locals is, therefore, suggested.

7.0   PROJECT MANAGEMENT AND COORDINATION

Project management is an important aspect of project delivery. A well-managed project is likely to contribute to the overall benefits of investment from the project than a poorly managed project. In this section of the report this evaluation looks at aspects of project management which include but are not limited to: i) Project management structures; ii) Monitoring and Evaluation; iii) Development Partner relations with IPs; and iv) Partnership arrangements.

Implementation Modality: The project document indicated that the CDGG would be implemented through the National Implementation (NIM/NEX) modalities in line with the Government of Lesotho Agreement with UNDP constituted in the CPAP. The evaluation observed the modality of implementation did not present any challenges with the IPs. The IPs were responsible for procurement and UNDP would make direct payments for the services and goods. In some cases where IPs did not have capacity, UNDP used its own procurement procedures to assist. The project was supposed to be run by an international governance expert and three specialists, each focusing on one of the three areas: i) Strengthening Electoral Processes; ii) Parliamentary Reforms; and iii) Human Rights. The evaluation notes that a decision was made to hire a qualified national project manager instead of the international expert. The three specialists were not also recruited. Instead a programme assistant provided support to the implementation of the project. The evaluation observed that the personnel allocated for the CDGG project was adequate and competent to manage the project.

Project Management Structure Existed but Were Inadequate and Moderately Effective: According to the project design, a Project Steering Committee also called a Project Board, made up of the representatives of UNDP and Irish Aid and all implementing partners benefiting from the project was supposed to be constituted. The project Board was expected to meet twice a year. A review of the project document showed that the role of Project Board was not adequately spelt out. It remained vague. To quote the project document: "—*responsible for making project management when guidance is required. --------project review by this group is made at designated point when raised by the project manager --------the project is consulted by the project manager when for decision when project manager tolerance have been exceed"*. With this kind of loose arrangement where the Board would meet only when the Project Manager felt they needed assisted, the Board was not built on solid ground. The evaluation finding notes the Board was not regular in its meetings. It was represented at institutional levels by heads of both UNDP (RR) and head of Irish Aid. With a very unclear mandate from the on-set, the effectiveness of the board was questionable. The evaluation concludes that although the Project Board structure existed, it had no clear terms of reference for monitoring effective implementation of the project. Further analysis of project findings notes that revisions to the management of the Board were made where the IPs were to take a more leading role in the management of the Board.

Monitoring and Evaluation Framework was Satisfactory with Room for Improvement: A review of the monitoring and evaluation framework for the CDGG project shows that there is a good system in place to track progress of project components towards achievement of planned outputs. At the activity level, quarterly reports are generated by IPs and submitted to the Project Manager who consolidated the inputs from all IPs into one project quarterly report which included project management issues. At output and outcome level, the project manager generated an annual CDGG project report which highlighted key achievements with respect to planned interventions. The annual reports were informative and easy to follow. The evaluation results notes that the Irish AID Mid Term evaluation of their strategic plan conducted 2010/2011

indicated a relatively weak application of the results based approach to programming. To this end mid-way through the CDGG IPs were trained in RBM. The IPs acknowledged the use value of such training but highlighted the need for more training particularly at the initiation of similar projects.

The evaluation of the CDGG project was done in line with the requirements of the projects. In addition some aspects of the CDGG project were evaluated thereby informing the CDGG project results even more. The original project document made an effort to apply a results approach to the project plan. The CDGG project had one outcome result which was well-chosen. Each of the broad three project component had one output. An analysis of the results noted that more could have been done to improve articulation of outcome results and outputs. The output results for the three areas were more of sub-outcome results. Given the size of the project, each project component could have had sub-outcomes and slightly more outputs results. The evaluation findings observed that mid-way through the project, the results approach to project planning was strengthened. All IPs were exposed to intensive training on RBM. A review of the RBM training workshop report indicated that the training was of very high quality. The IPs revised their work plans to improve the results approach to their work.

Development Partner Relations were Good with Room for Improvement: The evaluation noted relatively very good relationship between the IPs and UNDP as a project implementation partner. The IPs reported adequate support from the CDGG Project Unit. However, the IPs reported some confusion with respect to reporting channels. They reported finding themselves being torn between three masters with respect to reporting channels. While UNDP would request for its mandatory reporting, the Government institutions would also require them to report while Irish Aid would also require them to report to them.

Effectiveness of Partnership Arrangements: To a very large extent, the partnership arrangements between UNDP and Irish AID were generally coordinal and conducive for the effective implementation of the project. However, feedback from both UNDP and Irish Aid, suggests a partnership arrangement towards the end of the CDGG project where there were minor differences in the way the partners wanted to see the project implemented. As such partnership relationships were not as strong as they were during the first half of the CDGG project.

Overall, the CDGG project was very well-managed. The delivery rates were very high for all the project components. The project delivered significant observable results. The project manager did a stunning job in managing the delivery of the project.

8.0   LESSONS LEARNT

Analysis of the information gathered for this evaluation generated a number of lessons worth mentioning for the benefit of programming similar future initiatives.

When Capacities for IPs are Value-for-Money: Applying new skills learnt through training, study tours, attachments to similar institutions not only enhance public sector capacities but also contributes to quality service delivery. This lesson is drawn from the work of HRU staff who applied new skills to their day–to-day work. Their capacity and skills resulted in a significant reduction in the use of external consultants. The HRU staff are now able to produce most of their key reports by themselves. Similar trends were picked from the work on the Parliament with skills gained in running and managing efficient parliamentary committees. MPs and Parliament professional staff who went on study tours got attached to other good practice parliaments, took targeted courses and received additional technical training demonstrated their ability to utilise the new knowledge for improved service deliver.

Utilising UNDP Resource Base at Regional and HQ Levels Improves Quality of Programmes at CO level: The Lesotho Country Office was able to tap on the expertise of Regional and HQ UNDP/UN pool of resources to access expert advisers who informed development of robust and quality programmes. The success of the Lesotho 2012 Elections also drew its success from the NAM and AP (2011), which provided a menu of well-thought out activities and intervention towards the run-up to the elections. The Scooping Mission by the UNDP Regional Centre to access the capacity needs for the Human Rights Unit informed programme interventions throughout the period from 2011 onwards.

Establishment of the Human Rights Commission Required Strong Political Commitment at the Highest Level: The establishment of the Human Right Commission calls for strong political commitment at the highest level. The experience of Lesotho, is one characterized by carefully taking care of the potential elements of conflict of interest and ensuring that a solid foundation for the commission is built.

Results Based Efforts Significantly contribute to achievements of the CDGG project: The emphasis of a Results Based Management by IPs made significant contributions to the success registered in the CDGG project as well as for sustainable capacities in the respective institutions.

9.0   OVERARCHING OUTCOME RESULTS

This chapter makes an effort to assess the overarching outcome results for the CDGG project. It is informed by a number of sources. The global and regional perceptions of Lesotho on governance are one source. The NSDP which was developed towards the end of the CDGG is yet another source. Country level strategy papers by development partners including UN system LUNDAP provide a wide picture on Lesotho's performance on democracy and governance.

Lesotho Performs very well on the Mo Ibrahim African Governance Index: The Mo Ibrahim African Governance Index is one of the indicators for governance which most countries use to track their progress over time. The index provides a consolidated measure of performance. It also provides a breakdown on the components of the governance. Using the consolidated African

Governance Index (Mo Ibrahim) Lesotho has performed very well between 2009 and 2014. Table 2 shows the country position in comparison to a few selected countries. Within the project period 2009 to 2013 Lesotho made significant progress, moving 20 positions from 29th out of the 52 African countries for the 9th position in 2013. Lesotho is now among the top 10 best performers in good governance. In 2012, Lesotho was amongst the five biggest improvers with four other countries (Liberia, Tunisia, Angola and Burundi). Given the discussion under the Effectiveness chapter, it can be deduced that the CDGG project contributed to the achievement of positive outcome results on governance.

Table 2: Lesotho's Performance on African Governance between 2009 and 2013

Country	2009		2013	
	Score	Rank	Score	Rank
Botswana	72.7	4	77.6	2
South Africa	68.4	9	71.3	5
Lesotho	60.0	29	61.9	9
Swaziland	49.4	42	50.7	26
Continental Score Average			51.6	

Source: www.Ibrahimfoundation.org

Lesotho Performance Drawn Back by Poor Performance in Human Development: The Mo Ibrahim African Governance Index is a consolidation of five variables: Participation and Human rights; Rule of Law, Transparency and Corruption; Safety and Security; Sustainable Economic Opportunities and Human Development. The disaggregation of the variables enables countries to see what they are doing and where they can improve. According to the African Development Report (2012) Lesotho was 8th on safety, 11th on Participation and Human Rights 12th on Sustainable economic Opportunities and 21st on Human Development (Health Issues and Education).[27]

The ADB African Governance Measure: Another set of African governance measure which allows countries to look into their various aspects of governance is the ADB African Governance Index. Is has five variables which include: Property Rights and Rule-based Governance; Quality of Budgetary and Financial Management; efficiency in revenue collection; quality of public administration and Transparency accountability and Corruption. The maximum points are 5. Table xxx shows Lesotho's performance over the CDGG project period.

Table 3: Lesotho's Performance on the AfDB African Governance Index 2009 and 2013

Governance Components	2009	2013	Change
Property Rights & Rule Based Governance	3.0	3.4	Positive
Quality of Budgetary and Financial Management	4.0	4.0	No Change
Efficiency on Revenue Collection	4.0	3.6	Negative

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[27] African Development Bank (2013) Kingdom of Lesotho Country Strategy paper 2013-2017.

Quality in Public Administration	3.0	3.6	Positive
Transparent Accountability and Corruption	3.5	3.7	Positive
Overall Rating	3.50	3.6	Slight Change

Source: www.afdb.org

Lesotho's overall performance on this ranking showed a slight improvement form 3. to 3.6. The country registered a significant progress in transparency, accountability and corruption. Efficiency in revenue collection showed negative performance while the quality of budgetary and financial management remained the same.

Steady Progress in Public Finance Management: The CDGG did not directly work on PFM but indirectly contributed to improved management of finances through the oversight function of the Parliament. Some progress was registered in Public Finance Management (PFM) whose success was partially attributed the ability of the Government to enact the Public Financial Management and Accountability Act in 2011. Planning and transparency in budgeting were reported to have improved through the adoption of the Medium Term Expenditure Framework. However, gaps are reported in budgeting accounting, recording and auditing due mainly to human capacity issues. Government procurement is also reported to be facing challenges. There are shortfalls in the procurement system and the internal controls. The perception of corruption in the public sector was still high. The capacity of oversight bodies to effectively deliver on their mandate still needed attention.[28]

A supportive policy and legislative Environment Exists for Good Governance: A review of the LUNDAP points to significant progress made in the development of supportive policies and legislation for good governance. The country largely overcame the electoral disputes of 2007 through peaceful dialogue, which resulted in the adoption of an improved electoral law. The report also notes that building blocks were established for oversight bodies. What remained was support to what will culminate in improved service delivery to the electorate.[29]

10.0   CONCLUSION AND RECOMMENDATIONS

10.1   PERFORMANCE OF THE CDGG PROJECT AGAINST EVALUATION CRITERIA

Table 4 summarises the performance of the CDGG project. The CDGG project responded to the development needs of the Government of Lesotho in the area of democracy and good governance.

Table 4: CDGG Rating Against the Four Evaluation Criteria

Evaluation Criteria	Very High	High	Moderate	Low

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[28] NSDP (2013) National Strategic Development Plan 2012/13-2016/17; Growth and Development Strategic Plan
[29] Government of Lesotho and the UN System (2013) LUNDAP 2013- 2017.

Relevance	Very High			
Effectiveness		High		
Efficiency		High		
Sustainability		High		

The project results (outcome and outputs) were neatly aligned to national development priorities. The project was effectively implemented across all its three broad components. Policy and legislative reforms created an enabling environment for good governance. Capacities of IPs to deliver on their mandates were enhanced. The CDGG project was efficiently implemented using the UNDP project execution modality (NIN/NEX). The evaluation findings observed cost-saving mechanisms which further strengthened efficiency of the project. The utilisation of experts from the UNDP's regional and HQ offices was a best practice which contributed to the quality of design and implementation of the project. While the project deliverables were a good foundation sustainability of the project, the absence of an explicit exit strategy at the design stage of the project limited sustainability of the CDGG project outcomes. Strong country ownership was not reflected in the behaviour of IPs through budget line allocation to CDGG project related activities.

10.2   PERFORMANCE OF PROJECT COMPONENTS

IEC: The design of the CDGG support for the IEC was mainly focused on IEC's preparedness for both local government and national assembly elections, improvement of the legislative provisions for electoral processes as well as support to the peace and mediation efforts by the CCL. Support to the local government elections was successful, characterised by the effective civic education for local government elections, review of legal provision for local government elections and the successful local government elections in October 2011. The 58% representation of women in local government is noted as one of the key achievements for local government elections. The evaluation results have indicated that this was a successfully accomplished mission. Efforts to enhance IEC institutional capacity to delivery on its mandate are acknowledged but such efforts merely established building blocks for long term capacity of IEC. The evaluation results notes that more work is still required to support the IEC to have a long term sustainable institutional capacity to **not only** manage elections but also have a robust strategy for managing the "Election Down-Time". This can be achieved through continuous capacity of the electorate, meaningful engagement with its wide range of stakeholders and taking strengthening of internal organisational capacity to a much higher level of operationalising the broad framework established by the CDGG project.

The Parliament: The evaluation results have highlighted the success of the CDGG in enhancing the institutional capacity of the Parliament to execute its three pronged mandate of legislation, oversight over the executive and representation. Given that every five years, the Parliament will have a significant proportion of new MPs, capacity strengthening of the Parliament should be an on-going exercise. The evaluation findings also pointed to the urgent need for support to the

Parliament to be supported to manage sustainable and effective coalition governments. Both the constitution Lesotho and the election process did not anticipate the birth of a coalition government. There is therefore need for support to the Parliament to address the needs of a young coalition government. A good proportion of the CDGG project has been with upstream interventions (support to the dialogue and electoral resolutions processes, development of a supportive electoral legislative environment). The evaluation notes limited downstream work such as strengthening the governance structures and systems of political parties so that they can**not only** produce good quality candidates but also **meaningfully engage** with their followers in a way that would increase participation of the electorate in contributing to national level decisions.

Human Rights: The evaluation results point to the significant work achieved by the CDGG project to enhance the capacity of both the Office of the Ombudsman and the Human Rights Office to deliver on their respective mandates. One of the key objective of the CDGG was to support efforts towards the establishment of the Human Rights commission. The evaluation findings acknowledges the significant progress towards this key outcome areas. An analysis of evaluation findings suggests the need for greater efforts in future similar initiatives to scale up advocacy efforts for the establishment of the Human rights commission.

10.3   KEY EVALUATION RECOMMENDATIONS

Against this above backdrop, there is a strong recommendations for a design of a successor democracy and good governance programme which would address the key areas for further strengthening that have been outlined across the three broad areas: IEC, The Parliament and Human Rights. The new programme design is recommended to include the following:

i.   Support the IEC to effectively and efficiently manage the "Elections Down-Time" through a robust strategy for increased capacity of the electorate, meaningful engagement of the IEC stakeholders and support to internal organisational capacity of IEC.

ii.   A programme support to The Parliament for continuous capacity of the MPs to effectively deliver on their three pronged mandate of legislation, oversight over the executive and representation. Urgent support is required for the Parliament to work towards building an effective and sustainable coalition government. Programme support to an effective and efficient parliament should consider downstream work on strengthening internal governance of political parties.

iii.   Provide support for the establishment of the Human Rights commission.   Once established provide more support to the "Commission" to effectively deliver on its core mandate.

Annexure

Annex 1: Terms of Reference

TERMS OF REFERENCE FOR AN INTERNATIONAL CONSULTANT FOR END OF PROJECT EVALUATION FOR THE CONSOLIDATION OF DEMOCRACY AND GOOD GOVERNANCE (CDGG) PROJECT

Type of Contract	:	Individual Contract (international)
Languages Required	:	English
Commencement Date	:	21st July, 2014
End Date	:	29th August, 2014
Duration of the work	:	30 days
Location/duty station	:	Maseru, Lesotho

Background

UNDP is the UN's global development network, advocating for change and connecting countries to knowledge, experience and resources to help people build a better life. It works with individual countries on their own solutions to global and national development challenges. UNDP Lesotho supports Lesotho's development priorities laid out in the National Strategic Development Plan and through that, the achievement of the MDGs. The main focus areas of the UNDP Country Programme are Democratic Governance; Environment and Energy; Poverty Reduction and Economic Growth, with Gender Mainstreaming and HIV/AIDS as crosscutting areas. Consolidation of Democracy and Good Governance in Lesotho (CDGG) is a five -year (2009-2014) programme jointly funded by Irish Aid and the United Nations Development Programme (UNDP). It aims to deepen democracy and good governance through improved electoral processes, effective functioning of Parliament and enhanced promotion of human rights. To achieve its primary goals and objectives, the CDGG has identified, albeit not limited to, the following key institutions as enabling partners: The Independent Electoral Commission (IEC), National Assembly, the Senate, Ministry of Justice, Human Rights and the Correctional Service (now Ministry of Law, Constitutional Affairs and Human Rights) and the Office of the Ombudsman. The evaluation will examine the efficiency, effectiveness relevance and sustainability of the project against targets and results achieved as set in the project document. It is intended, moreover, to provide stakeholders with lessons learned as well as concrete findings and recommendations that will inform future programming.

Project Summary CDGG Project:
Consolidation of Democracy and Good Governance in Lesotho (CDGG) aims to deepen democracy and good governance through improved electoral processes, effective functioning of Parliament and enhanced promotion of Human Rights. 1.2 *Goal:*
To contribute to deepening democratic governance and political stability in Lesotho
Objectives:
  i.   Improvement of election management and harmonization of electoral legislation to ensure that elections deepen democracy and strengthen political stability;
  ii.   The capacity of Parliament enhanced to more effectively execute its mandate of law-making, representation and oversight; and

iii. Awareness, respect and promotion of human rights raised so that ordinary citizens recognize the existence of these rights and state institutions effectively protect and promote them.

Total funding:

USD 3,380,084

Scope of the Evaluation

i. To produce a report including (but not limited to) the following: assessments, interviews, observations and findings, conclusions and recommendations which are to provide insight into the impact of the CDGG project and draw up results achieved and lessons learned.

ii. Specifically focused towards determining the extent to which the national capacity is sufficient to carry out foreseen activities identifying both internal and external dynamics that impacted on the programme.

iii. Seek to trace historical impediments towards consolidating democracy in order to inform the future direction of democratic institutions in avoiding these pitfalls.

iv. Serve to indicate the required activities to ensure sustainable national capacity.

v. Ensure that the exit strategy takes into consideration sustainability of national capacity

Methodology:

The evaluation will entail a combination of comprehensive desk reviews, document analysis, consultations with key stakeholders and implementing partners, as well as interviews with a sample of selected beneficiaries and other stakeholders. In addition, if necessary, it will include questionnaires, focus group discussions and surveys.

4. Deliverable and timelines

Deliverables	Allotted Number of Days
Desk Review	3
Document analysis	4
Consultations with key informants	8
Data Entry and Analysis, write-up of Draft Report	4
Validation Workshop – Preparation and Facilitation	5
Completion of Final Report	6
Total	**30**

Description of Responsibilities :

Using the DAC criteria (Relevance, Effectiveness, Efficiency, Impact and Sustainability):

i. Assess progress in achieving the objectives and targets of the program and lessons learnt, with particular emphasis on the results and actual impacts achieved

ii. Assess the strategic focus and approach of the programme, and its relevance to country priorities and needs;

iii. Synergies, linkages and alignment with other initiatives and partnerships at the country level;

iv. Institutional and management arrangements for programming, managing, monitoring and evaluating of the program;

v. Key achievements, milestones and contributions of the project to Democratic Governance efficiency and effectiveness;

vi. Key gaps in achievements, constraints to achievements and suggested steps to mitigate these;

vii. Sustainability of the achieved results;

viii. Formulate recommendations for potential next phase for governance interventions, future direction, focusing on the impact and sustainability, and new and innovative approaches.

6.Qualifications, Competencies and experience:

6.1 Education

Master's Degree in Political Science, Governance, Public Administration, Management, Development Studies or other Social Sciences.

6.2 Competencies

i. Demonstrated ability to assess complex situations succinctly distils critical issues, and draw forward-looking conclusions and recommendations;

ii. Ability and experience to work with multi-disciplinary and national teams, and deliver quality reports within the given time;

iii. Excellent business development, negotiation, analytical, research, presentation and communication skills;

iv. Writing and communication will be in English, and must have excellent communication skills in English.

v. Promoting ethics and integrity, creating organizational precedents;

vi. Promoting enabling environment for open communication;

vii. Leveraging conflict in the interests of UNDP & setting standards;

viii. Fair and transparent decision making; calculated risk-taking.

ix. Understanding and application of Managing for Development Results and Results Based management

x. Understanding and application of the Paris Declaration Principles

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    Democracy and Good Governance (CDGG).

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Annex 3: List of People Interviewed/ Met

Name	Position	Institution
Mr Khotso Manamolela	Clerk to the Senate a.i.	Senate
Ms Makhotso Mohale	Assistant Clerk	Senate
Adv Lobohang Fine Maema	Clerk to the National Assembly	National Assembly
Mosito Lelimo	Assistant Deputy Clerk	National Assembly
Lebohang Ntoampe	Assistant Ombudsman	Office of the Ombudsman
		Office of the Ombudsman
		Office of the Ombudsman
Polo Chabane-Moloi		Human Rights Unit in Ministry of Law Constitutional Affairs and Human Rights
		Independent Election Commission
Ms Malefa Mosala	Civic Education Officer	IEC
Mrs Malefa Mosala	Human Resource Manager	IEC
Matela Thabane	Senior Adviser	Irish Aid
Agi Veres	UNDP Deputy Resident Representative	
Thabo Mosoeunyane	Governance Specialist	UNDP
Thabang Tlalajoe	CDGG Programme Manager	UNDP