

The background of the cover is a photograph of the Lesotho Parliament building, a large, modern, light-colored structure with many windows and a central entrance. A flagpole with the Lesotho flag stands in front of the building. The sky is blue with some clouds. The title 'LESOTHO FINAL REPORT' is overlaid in large, white, bold, sans-serif capital letters. The text is positioned on the right side of the image, with 'LESOTHO' on the top line and 'FINAL REPORT' on the two lines below it. The bottom of the cover features a blue geometric design consisting of several overlapping triangles pointing upwards.

# LESOTHO FINAL REPORT

Commonwealth Parliamentary Association  
Recommended Benchmarks for Democratic  
Legislatures



Foreign, Commonwealth  
& Development Office



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## SUMMARY

### *“The Parliament is viewed as a department of the Government”*

#### *Stakeholder during a consultation meeting*

The undertaking of this report is timely as the Parliament of Lesotho has agreed to a new unified Strategic Plan that we understand is close to being approved. It is thus an opportune moment to reflect on the Parliament's strengths and contemplate the shape of things to come. Overall, the legislature fulfils the representation part of its primary mandate. However, its ability to scrutinise the executive branch and pass legislation is severely hindered due to its lack of independence from the Government.

The Parliament's split between three separate premises (National Assembly chamber, Senate chamber, and Senate offices) remains handicapped by its limited access to financial and administrative resources, faces an alarming log jam in its passage of legislation due to the 11th Amendment to the Constitution Bill (also known as the Omnibus Constitutional Bill), and has little to no independence. In general, there is agreement on what areas require improvement. Still, there is also a sense of historical apathy and resignation that such change is unachievable due to the political instability of Lesotho's recent history.

Governments in Lesotho need more foresight to recognise that their time in power is fleeting, as they will likely transition to the opposition after the upcoming election. Therefore, not investing in a Parliament that can support them in their roles and responsibilities in opposition will handicap them in the long term. This pattern repeats with each new Parliament. Ministers are Ministers, but they are also Members of the National Assembly, and their primary allegiance should ideally be to that institution. The National Assembly belongs to them and is designed to support them in carrying out their democratic mandate rather than simply functioning as another government department.

The duty of ensuring the institution's prosperity doesn't rest solely on the shoulders of a Prime Minister, Presiding Officer, or Clerk; it falls on every Member. Each Presiding Officer should be enabled and bolstered to serve as a leader of the institution, equipped with the authority, mandate, and backing to drive change independently, without having to rely on the Ministry of Finance or the Public Service Commission for reform.

The Parliament's premises, split between three locations, exasperates an already distant relationship that the two chambers navigate. The National Assembly building is bright with a spacious Chamber. However, there are shortfalls in the infrastructure available, limiting the Parliament's efficiency and effectiveness. For example, offices are not provided even for members in senior positions (e.g., committee chairpersons).

There is strong leadership and cross-party commitment to increase and support women's representation in Parliament. While representation currently stands at 25%, women hold several senior leadership positions in the Parliament, Government, and other essential roles.

In Lesotho, a campaign to combat corruption is underway. The Parliament assumes a crucial position in this fight through bodies such as the Public Accounts Committee and evidence from independent institutions like the Directorate on Corruption and Economic Offences (DCEO). All these functions and bodies must work efficiently and effectively to operate efficiently and productively, with sufficient resources and opportunities for capacity building. Findings and recommendations must be pursued diligently, subject to further scrutiny if necessary.

The staff of the Parliament are creative in confronting the hurdles they face in their work. They are open to learning from others and sharing their knowledge and experience. There are important milestones in the near term for the Parliament, such as the opening of the new Senate premises and the launch of the Strategic Plan. Still, the Parliament needs to be more independent and have greater power over its administration and budget. Significant knowledge, capacity, resource, and infrastructure gaps make the Parliament less effective and efficient. The Strategy will aim to address these. The Parliament needs to be more open and transparent about its workings and engage the people of Lesotho more. This report recognises the significant improvements and the ambition to make further improvements. There are still challenges, and this report recommends further strengthening of both chambers.

## Background

The Clerk requested the self-assessment and organised it with other parliamentary staff. There was an initial technical assessment against the benchmarks, reconciling them with the Constitution and both sets of Standing Orders. The CPA Headquarters Secretariat appointed Natascha Visser and Clive Barker to undertake consultation meetings with various stakeholders (outlined in the relevant section at the back of this report) from 26 February to 1 March.

## Acknowledgements

The Parliament chose to assess itself against these benchmarks. This positive approach to the Assessment process and the aims of continuous learning and improvement are admirable. The benchmarks will hopefully provide a valuable basis for constructive comparison and understanding between parliaments across the Commonwealth and allow for sharing experiences and good practices, ultimately leading to a more robust democracy.

The CPA Secretariat would like to thank all the stakeholders who met with deployed staff as part of this self-assessment.

## Support and Follow-Up

Following the publication and consideration of the findings of this report, and within the boundaries of financial constraints, the CPA is committed to supporting the Parliament in strengthening its democratic processes. As such, the CPA stands ready to enable the Parliament to take forward these recommendations where requested and appropriate.

## Political, Economic and Social Context

Lesotho is a landlocked country located in southern Africa, with a population of approximately 2.2 million people<sup>1</sup>. The capital and largest city is Maseru. South Africa surrounds it. Lesotho is known for its mountainous terrain, with the entire country at a high altitude. The Drakensberg Mountains, forming the eastern boundary, are particularly famous. The country has a rich cultural heritage, with the Basotho people comprising most of the population. Lesotho's economy is primarily based on agriculture, manufacturing, and mining. Agriculture is the main livelihood for a significant portion of the population, with crops such as maize, wheat, and sorghum being staples.

Lesotho faces challenges including poverty, unemployment, and HIV/AIDS. The country has tried to address these challenges through various social and economic development programs. Additionally, Lesotho is vulnerable to climate change, experiencing periodic droughts that impact agricultural productivity.

As of 2021, only 48% of Lesotho's citizens had regular internet access<sup>2</sup>. The country's adult literacy rate as of 2022 was estimated to be 82%<sup>3</sup>. The low literacy rate, especially among adult men, combined with its low cost, means that radio is the dominant form of media in Lesotho. The country has 26 radio stations, two state-owned and operated<sup>4</sup>.

Lesotho benefits from international partnerships and aid programmes to support its development goals. Assistance from organisations and countries worldwide plays a crucial role in Lesotho's efforts to improve healthcare, education, and infrastructure for its citizens.

1 Worldometers.info. (2024). Lesotho Population (2024) - Worldometers. [online] Available at: <https://www.worldometers.info/world-population/lesotho-population/>

2 World Bank (2024) Individuals Using the Internet (% of population) - Lesotho, <https://data.worldbank.org/indicator/IT.NET.USER.ZS?locations=LS>, accessed 25 February 2024.

3 World Bank (2024) Literacy rate, adult total (% of people ages 15 and above) - Lesotho, <https://data.worldbank.org/indicator/SE.ADT.LITR.ZS?locations=LS&view=chart>, accessed 25 February 2024. Note that adult female literacy is reported to be 90% while adult male literacy is reported to be 74%, which is a significant discrepancy.

4 Reporters without borders (2024). Africa: Lesotho, <https://rsf.org/en/country/lesotho>, accessed 25 February 2024.



# I. GENERAL

## Elections

Members of the National Assembly are popularly elected through free and fair elections in which all citizens can vote in a free and secret ballot. The Constitution provides for this convention<sup>5</sup>. International monitors, including delegations from the African Union, Commonwealth, European Union, and Southern African Development Community<sup>6</sup>, observed the 2022 elections. Key issues that were reported include the implementation of civic voter education programmes, budgetary independence of the Independent Electoral Commission (IEC) and Lesotho Communications Authority (LCA) and the IEC's oversight of campaign finance by political parties.

Elections are managed by the independent Lesotho Electoral Commission (IEC)<sup>7</sup>, provided for in the Constitution (1.1.5)<sup>8</sup>. Three commissioners, including its Chairperson, oversee it, and it works to share good practices and learn from peers in other neighbouring countries. For instance, recently, a review was undertaken of Lesotho's electoral legal framework against the SADC Model Law on elections, and reforms have been made to ensure that the standards outlined are met<sup>9</sup>.

However, the enforcement powers of the Electoral Commission could be enhanced. It was mentioned that the Electoral Commission is still handling the case of a Member who violated the country's electoral code of conduct, embedded within the 2011 National Assembly Electoral Act<sup>10</sup>. This highlights a long delay in the Electoral Commission's work, which can inhibit its ability to enforce the crucial power it has effectively. Work should be done to strengthen the capacity of this vital institution.

## Separation of Powers, Immunity, and Natural Justice

The Constitution separates powers between the Executive, Judiciary, and Legislature<sup>11</sup>. Stakeholders confirmed that Members of Parliament cannot serve simultaneously as judicial officers or civil servants (1.3.3). Members are not required to swear a religious oath against their conscience<sup>12</sup>. The Constitution protects Members from arrest before, during, and after parliamentary sittings for interventions during sittings and gives them freedom of speech immunity, which extends beyond their term of office (1.4.1)<sup>13</sup>. Having met with former Members of Parliament as part of the consultation week in this Self-Assessment, none raised the issue of this not being the case in practice. However, they did mention that the media frequently probes them with questions regarding interventions from their time in the Chamber. There was also a familiarity with the practice of police harassment when in opposition, around the time of elections, as mentioned elsewhere in this report.

## Members Remuneration Benefits and Professional Development

There is no independent body or mechanism for setting remuneration, benefits, and other entitlements for Members (benchmark 1.5.2). The Ministry of Public Service determines the remuneration of Members<sup>14</sup>. National Assembly and Senate Members are paid a daily subsistence allowance (DSA) of 150 ZAR (7.82 USD) on sitting days. There are currently no financial sanctions for the actions of Parliamentarians. Various stakeholders mentioned the vital role that this could have in incentivising the correct behaviour by Members (e.g., frequently attending sittings/committee meetings, behaviour in the Chamber, etc.). They also noted how they know of such measures in place in neighbouring provincial Parliaments of South Africa and would like to see such measures implemented in Lesotho.

Inter-parliamentary organisations and the Commonwealth Parliamentary Association's UK Branch, in particular, have historically provided Member development programmes, such as seminars for newly elected Members<sup>15</sup>. However, one of these seminars has

5 [www.constituteproject.org. \(n.d.\). Lesotho 1993 \(rev. 2018\) Constitution - Constitute. Section 57 \[online\] Available at: https://www.constituteproject.org/constitution/Lesotho\\_2018](https://www.constituteproject.org/constitution/Lesotho_2018). [Accessed 26 February 2024]

6 <https://www.usnews.com/news/world/articles/2022-10-07/thousands-vote-in-southern-africas-small-kingdom-lesotho>

7 <https://iec.org.ls/>

8 [www.constituteproject.org. \(n.d.\). Lesotho 1993 \(rev. 2018\) Constitution - Constitute. Section 66 \[online\] Available at: https://www.constituteproject.org/constitution/Lesotho\\_2018](https://www.constituteproject.org/constitution/Lesotho_2018). [Accessed 26 February 2024]

9 SADC Parliamentary Forum. (n.d.). SADC Model Law on Elections. [online] Available at: <https://www.sadcpf.org/index.php/en/component/edocman/sadc-model-law-on-elections> [Accessed 11 Mar. 2024].

10 [aceproject.org. \(n.d.\). Lesotho: National Assembly Electoral Act \(2011\) — Article 122 \[online\] Available at: https://aceproject.org/ero-en/regions/africa/LS/lesotho-national-assembly-electoral-act-2011/view](https://aceproject.org/ero-en/regions/africa/LS/lesotho-national-assembly-electoral-act-2011/view) [Accessed 11 Mar. 2024].

11 [www.constituteproject.org. \(n.d.\). Lesotho 1993 \(rev. 2018\) Constitution - Constitute. Chapters III, IV and V. \[online\] Available at: https://www.constituteproject.org/constitution/Lesotho\\_2018](https://www.constituteproject.org/constitution/Lesotho_2018). [Accessed 26 February 2024]

12 [www.constituteproject.org. \(n.d.\). Lesotho 1993 \(rev. 2018\) Constitution - Constitute. Section 44\(2\) \[online\] Available at: https://www.constituteproject.org/constitution/Lesotho\\_2018](https://www.constituteproject.org/constitution/Lesotho_2018)

13 [www.constituteproject.org. \(n.d.\). Lesotho 1993 \(rev. 2018\) Constitution - Constitute. Article 63\(1\)&\(2\) \[online\] Available at: https://www.constituteproject.org/constitution/Lesotho\\_2018](https://www.constituteproject.org/constitution/Lesotho_2018). [Accessed 18 March 2024]

14 Members of Parliament Salaries Act, 1998. (1998). [online] [lesotholii.org](https://lesotholii.org/akn/ls/act/1998/18/eng@1998-12-31). Available at: <https://lesotholii.org/akn/ls/act/1998/18/eng@1998-12-31> [Accessed 26 Feb. 2024].

15 <https://www.uk-cpa.org/where-we-work/africa/lesotho/>

not taken place following the last two elections due to the timing of when they took place, and, overall, it has been highlighted that budgetary constraints have hindered the Parliament's engagement in inter-parliamentary affairs in the last five years. There is an understanding of the need for Members' training following elections and the motivation to ensure that a seminar occurs after the next election. Programmes of this nature are desired by the Parliament as there is an increasing awareness of the resource demands and training constraints of sending smaller cohorts of Members overseas for training.

In its recent history, as mentioned at various points in this report, Lesotho's elections have taken place before a Government has had a full 5-year term. In the most recent election in 2022, there was a significant turnover of MPs, with many incoming younger Members. This has caused a loss of institutional capability, experience, and knowledge. This high turnover of Members highlights the need for the Parliament to prioritise professional development. Although cost is a barrier to achieving this, there are options that the Parliament could look to implement, such as the CPA Parliamentary Academy, which offers free online courses for Members and staff.

## **RECOMMENDATION 1**

**An independent body should be established to determine Members' salaries and benefits. Payment (and withholding) of DSA and other allowances should be made public on the independent body's and Parliament's websites.**

Former parliamentarians met with as part of the Self-Assessment referenced a stigma that is carried when leaving office and pursuing other careers. It was noted that they find future employers will look unfavourably on their record from having served in either chamber and for any political party. Engagement of the Parliament with recruitment agencies would be one way the institution can address this issue. Building relationships with recruitment agencies can help Members understand the transferable skills of being a Parliamentarian, which can provide Members with a path should they suffer an electoral loss.

## **Infrastructure**

The National Assembly Building was purpose-built by the Chinese Government. It is bright and airy with a large complex. There is evidence of ongoing repairs and maintenance to the premises. There is good public access, and it is easily found in Maseru due to its location on top of a hill overlooking the city. The Senate sits elsewhere in Maseru and has a far smaller set of offices in the capital, away from where its sittings occur. A new Senate building is under construction behind the National Assembly building, with a planned open date in December 2024. This is seen as a positive step towards increasing the profile of the Senate and the Parliament should be commended for this large-scale project.

More infrastructure must be provided for the current National Assembly and Senate chambers. The National Assembly is significantly more accessible for individuals with disabilities, given the presence of ramps and lifts to get to it. In contrast, steps must be navigated within and outside the Senate chamber to access it.

It was disappointing to learn from the Lesotho National Federation of Organisations of the Disabled (LNFOD) that there has not been any engagement with themselves or their member OPDs on how the new Senate chamber and offices adjacent to the National Assembly building can be made accessible for persons with disabilities. The building is scheduled to be opened later this year. However, it appears that is unlikely and, therefore, now is an opportune moment for the Parliament to engage with the LNFOD to ensure that the new Senate building is accessible to persons with disabilities. It is hoped that this can address any accessibility issues.

The National Assembly has limited office space for Members, meaning that only party whips, presiding officers, the Prime Minister, and the Leader of the Opposition enjoy access to their office space for convenings. At a minimum, senior Members such as committee chairs should have office space. Hopefully, this could be replicated in the new premises that the Senate will have. The Chamber has the capacity to increase the number of Members, should this be sought in the future.

As a point related to the Parliament's infrastructure, while commenting on the public engagement of the country's broader governance, several stakeholders mentioned that the public perceives the institution of Parliament as situated where the National Assembly premises are located, displaying a lack of knowledge of the Senate's proceedings. Further highlighting that the construction of the new Senate building will hopefully help boost the perception of the Senate as part of the Parliament.

## **RECOMMENDATION 2**

**Investment in more and better infrastructure is needed, including office space for senior Members.**

Members have smart tablets and are provided with some training on using them. The IT Division is determined to modernise itself and the broader institution, though the budget constraints are an obvious limitation. An 'e-parliament' initiative has been established in Parliament to encourage members and staff to utilise digital devices to edit and share documents. The intention was also to save funds in the printing of documentation. This initiative is seen as a positive step for the Parliament, and it is hoped that further progress can be made in boosting the institution's IT capacity. The Parliament must ensure that adequate training on using specific equipment is regularly provided to new Members of Parliament and staff.



A National Assembly Committee Room

## Candidate Eligibility

Though there are very few barriers to the eligibility of candidates for elections, there is an issue of the criteria being a barrier to persons with disabilities. Article 5(d) of the National Electoral Act states that a person is not qualified to register as an elector if that person is "declared of unsound mind under the laws of Lesotho." Whereas, in the 2021 Persons with Disability Equity Act, in Article 30(1), it is stated that persons with disability are "entitled to register for voting in national and local government elections and to be voted for," with no mention of this 'unsound mind' criteria. This lack of clarity means, in practice, that subjective judgements are made by individuals on those who possess a 'sound mind' and those who do not. A simple amendment to the National Electoral Act to remove Article 5(d) would resolve this issue.

Various stakeholders pointed out the barriers women face to being elected as Members of Parliament and the role that the topography of Lesotho plays in preventing women from being elected due to the navigability, or lack thereof, of the terrain. Beyond the alternating 'zebra' system of male-female candidates for seats, no other measures were mentioned to encourage women's participation in standing for seats in Parliament. One measure to improve such representation would be a discount on candidate fees, as this is seen to be a apparent barrier preventing women from seeking election., as mentioned by numerous stakeholders.

Youth representation was not considered an issue by stakeholders, particularly given the age of the current group of Members of Parliament. The IPU's figure of 0 Members under 45 was challenged by many stakeholders who believed that this figure did not factor in a number of newer Members who had entered the Parliament since the last election<sup>16</sup>.

<sup>16</sup> <https://www.ipu.org/parliament/LS>

## II. ORGANISATION OF THE LEGISLATURE

### 1. PROCEDURES AND SESSIONS

#### Rules of Procedure

Section 81 of Lesotho's Constitution allows both Chambers of Parliament to adopt and amend its rules and procedures. The Standing Orders for the National Assembly can be accessed on the Parliament's website<sup>17</sup>, but the Standing Orders of the Senate are not publicly accessible. The Parliament can quickly rectify this. The Parliament does not have policies or rules for the Standing Orders to be regularly reviewed and amended; they are currently amended on an ad-hoc basis when issues within them become noticeable. The Standing Orders can be amended through a simple majority vote. It would be best practice for the Standing Orders to be reviewed regularly by each chamber. A two-thirds majority in the relevant House should adopt any changes from the reviews.

#### RECOMMENDATION 3

**For Standing Order amendments to pass, there should be at least a two-thirds majority and, ideally, cross-party consensus. The Standing Orders should require that the PAC Chairperson is an opposition Member and provide a detailed criteria required to justify sittings the public cannot observe. The Parliament's website should publish up-to-date versions of both chambers' Standing Orders and Standing Orders for joint sittings should be established.**

The current Standing Orders of the National Assembly and Senate were substantially amended with the help of an outside consultant during the 10th Parliament. While most of the Standing Rules are clear and up to date, disagreement between the former presiding officers of the two Chambers of Parliament resulted in no adoption of Standing Orders that apply to joint sittings of the two chambers. This creates conflict during such sittings and further sours the tense relationship between the two chambers.

While stakeholders stated that the Standing Orders reflect the actual practice in parliament (2.1.1), Members from the governing and opposition parties in the National Assembly alleged that the Standing Orders are currently being misused for political gain. More experienced Members serving on opposition benches allegedly use the Standing Orders to raise frivolous points of order, interrupting debates unnecessarily. Even the perception that the Standing Orders are being misused undermines them as rulings. The Presiding Officers should feel empowered to confidently use them to enhance debate within the Chambers and not hinder them. However, using Standing Orders to raise frivolous points of order is seen across the Commonwealth and is not unique to Lesotho. Parliament also uses the courts to rule on motions raised during debates, leading to matters properly being part of parliamentary discussion, which could be resolved by applying the Standing Orders being declared subjudice and removed from the purview of Parliament.

#### RECOMMENDATION 4

**Members and Presiding Officers should obtain thorough training on the Standing Orders' content and purpose, ensuring Parliament can engage in meaningful and productive debates.**

#### Presiding Officers

Procedures for electing presiding officers for both chambers are set out in the Standing Orders<sup>18</sup> and are followed in practice (2.2.1). Presiding officers can call for unruly Members to discontinue their speeches and have them expelled from the Chamber/Parliament, but cannot currently impose financial sanctions to punish Members' misbehaviour<sup>19</sup>. However, it is unclear whether the National Assembly's Presiding Officers are following established practice (2.2.3) since, as discussed above, some stakeholders reported that questions of Parliamentary procedure are put to the courts to adjudicate, and there were allegations that the Speaker disciplines Members in a partisan fashion, even the perception of such acts is a negative for the Parliament. Work should be done to address this.

<sup>17</sup> [https://nationalassembly.parliament.ls/standing\\_orders/](https://nationalassembly.parliament.ls/standing_orders/)

<sup>18</sup> Standing Orders of the National Assembly, II. 6; Standing Orders of the Senate, II. 6.

<sup>19</sup> Standing Orders of the National Assembly, VIII. 49; Standing Orders of the Senate, VIII. 50. As will be discussed below, the Parliament of Lesotho does not currently have a Code of Conduct that will allow for more serious sanctions to be imposed on Members.



## Convening Sessions and Setting the Agenda

Article 82 of the Constitution allows Parliament to call itself to session. However, neither the Constitution nor the Standing Orders specify the number and duration of Parliament's ordinary sessions. Still, it was advised that the Parliament usually meets for six to seven months each year. The King has the right to call Parliament into extraordinary sessions<sup>20</sup>, but there is no provision for Parliament to do so. Best practice around the Commonwealth shows there is a need for Parliament to be able to call itself into a special session should it need to.

### RECOMMENDATION 5

**Formal rules allowing Parliament to call itself into extraordinary sessions should be developed.**

Sittings occur at the government's call, in consultation with the Presiding Officers, and are generally advertised at least 14 days in advance<sup>21</sup>. Business committees in either chamber are responsible for producing Order Papers concerning the order of business as described in the respective Standing Orders of the Chamber in question<sup>22</sup>. Apart from the National Assembly's Friday sittings, the ordinary sittings of both Chambers are devoted to government business. The National Assembly has reserved Friday mornings for private Members' business. Still, it is unclear how much private business the National Assembly is conducting as stakeholders stated that Parliament currently does not have the capacity to draft Private Members' Bills. If the Parliament can strengthen its capacity to help in this area, it will go a long way in ensuring that the Parliament is not just being used as a route for only Government business. A thriving democracy should also have space to hear from Opposition Members, whether through bills or through discourse on opposition motions and business.

Parliament does not publish an annual parliamentary calendar online, but stakeholders said they kept an internal calendar and advertised sittings and other events in the media. More information on the yearly calendar or parliamentary events, such as State of the Nation Addresses, the budget, and recess dates, should be available for the public to embolden the institution's transparency. Plans for publicly sharing such information were not mentioned. This matter should be considered a critical outcome for the Parliament's new Strategic Plan and will go a long way to increasing engagement with the Parliament. If citizens and civil society groups are aware of what business is coming to the Parliament in a timely manner, they can proactively work with members and Senators to ensure adequate research and representations are made to those Bills. This would be a positive increase for the Parliament, and publishing the annual calendar should be addressed immediately.

### RECOMMENDATION 6

**A Parliamentary calendar should be established as soon as possible and shared with the public via the Parliament's website.**

## Debate and Voting

The rules for structuring debates and deciding the precedence of motions are evident in the Standing Orders of both chambers<sup>23</sup> and are applied in practice (2.5.1). Rules for the casting and division of votes are also clear<sup>24</sup>, and only Members can vote (2.6.3)<sup>25</sup>. No rules in the Standing Orders of the National Assembly or the Senate require that votes be public (2.6.1, 3.1.5). The Standing Orders of the Senate provide for Senators to inspect recorded votes<sup>26</sup>, but this needs to be addressed in the Standing Orders of the National Assembly (2.6.2).

Stakeholders in the National Assembly stated that it had enough time for debate during parliamentary sessions. Senate stakeholders stated, however, that the current Standing Orders require the review of bills within 20 days, and need more time to properly scrutinise bills or gather input from civil society or the public (6.3.1).

## Petitions

The Standing Orders of both chambers contain similar provisions for submitting petitions. Both documents specify a period of 20 working days to table a response to a petition after it has been referred. When petitions are submitted to the Senate, they

20 Constitution of Lesotho, Section 28(8)

21 Standing Orders of the National Assembly, III. 14.

22 Standing Orders of the National Assembly, XI; Standing Orders of the Senate, IV. 19.

23 See the Standing Orders of the National Assembly and the Standing Orders of the Senate.

24 Standing Orders of the National Assembly, VII; Standing Orders of the Senate, VII.

25 Constitution, Section 75. 1.

26 Standing Orders of the Senate, X. 5.

are referred to the Petitions Committee, which is responsible for examining the issues raised and proposing recommendations. However, in the National Assembly, there is no dedicated committee to deal with petitions. Instead, petitions are referred to a Ministry or a relevant Standing Committee for consideration. This process has sometimes resulted in delays and a lack of clarity for petitioners regarding the status of their submissions.

To address this issue, enhance transparency, and accessibility, we recommend that the Parliament should provide clear instructions, along with contact details, on its official website for the submission of petitions. Furthermore, considering the growing use of digital platforms, the Parliament should explore the possibility of allowing petitions to be submitted electronically. These measures would streamline the process, improve efficiency, and ensure that petitions receive timely and effective responses from the Parliament<sup>27</sup>.

## **RECOMMENDATION 7**

**Provide instructions, with contact details, on how to submit petitions on the website and consider allowing petitions to be submitted electronically.**

## **Records**

While Parliament publishes its Hansard records accurately and in good time (2.8.1), the Hansard units are not currently working efficiently. The Senate has recently procured a digital recording system, but staff require training in using the system optimally. The system can provide automatic transcription functionality, but the Senate staff need access to this, reducing its utility overall. Only a limited number of staff in the Hansard section have received training on using the new system, again limiting the productivity its implementation has achieved.

There are also more than 40 Hansard staff currently employed in Parliament, representing a disproportionate investment of scarce resources. A streamlined, combined Hansard unit that employs digital transcription services would allow funds and general staffing to be invested in areas such as research and library services, which are currently under-resourced. The Parliament should understand that departments like research have a near limitless benefit, as the more resourcing they have, the more prominent their research can be recognised and cited, even outside of Parliament. There should also be an awareness that having very few staff in research departments leaves those staff more exposed to having their time taken up with the most senior stakeholders' demands (e.g., committee chairpersons), meaning other Members do not gain any benefit.

## **RECOMMENDATION 8**

**Pool resources by creating a combined Hansard unit serving both chambers and utilising digital transcription software (e.g., *For The Record*).**

## **2. COMMITTEES**

Parliament has the right to form committees (3.1.1). Due to insufficient resources, portfolio committees in the National Assembly are clustered thematically, and the Senate is yet to have established any portfolio committees. The Standing Orders of the National Assembly allow for the formation of a Committee of Supply, which can amend the heads of expenditure in Appropriation Bills. Still, Parliament needs to have such a committee or a budget office to assist it with Appropriation Bills. Having a budget office would ensure that dedicated staff with the necessary budgetary expertise can adequately assist Members in the scrutiny of budgets. This will ensure that the Parliament can meaningfully engage in the budget process. Stakeholders, therefore, stated that Parliament cannot currently meaningfully engage with the budget and Appropriation Bills.

## **RECOMMENDATION 9**

**Parliament should invest in the necessary expertise to engage meaningfully with the budget cycle.**

*“The Public Accounts Committee has historically been the main body for government accountability”*

*Stakeholder during a consultation meeting*

<sup>27</sup> Standing Orders of the National Assembly, IV. 22; Standing Orders of the Senate, XI. 73.

The Public Accounts Committee (PAC) appears to function well when sitting. After not meeting during the 10th Parliament, it has been convened in the 11th Parliament under the chairmanship of a crossbench Member. It meets regularly, but its work is mainly devoted to the backlog of Auditor General Reports that should have been scrutinised during the 10th Parliament. The National Assembly's Standing Orders do not require that the chairperson of the PAC be elected from the opposition. Still, the committee is traditionally not chaired by a ruling party member. The Parliament should be praised for this approach, as best practice dictates that the PAC Chair should be from the opposition. However, it would be prudent to ensure that this practice is enshrined in the Standing Orders.

## **Powers and Resources**

Committees can summon witnesses, hear evidence, call for documents, and arrange public hearings and oversight visits<sup>28</sup>. However, stakeholders in both chambers indicated they needed more resources to conduct oversight visits. There needs to be more committee staff. Stakeholders advised there is currently just one committee clerk in the lower house, to serve a total of five portfolio committees and eight other committees. The current level of staffing results in the production of poor-quality committee reports. Committee resolutions tabled in the House and referred to Ministries for action are also not tracked, resulting in poor implementation of recommendations. Having a system would ensure that staff and committee members could adequately track the progress, or lack of, recommendations and make the case in the Parliament when necessary.

### **RECOMMENDATION 10**

**Committee staff should maintain a tracking document for committee resolutions and recommendations.**

## **3. POLITICAL PARTIES, PARTY GROUPS, CROSS-PARTY GROUPS, AND THE OPPOSITION**

The National Assembly Electoral Act 2011 outlines that campaign funding for political parties must be registered. Still, there are concerns that the current system rewards political actors with little popular support who enter politics solely to access such funds. Therefore, reforms to increase the minimum requirements for political parties to receive financial support are under consideration.

Political parties must report any donations larger than M 200,000 they receive but do not have to make detailed reports on their finances. Parties also must report on the campaign funding they receive from the Independent Electoral Commission<sup>29</sup>. The Independent Electoral Commission, however, struggles to receive a proper accounting of how public funds are spent by Lesotho's many small and often short-lived political parties. Therefore, there is insufficient political and campaign funding transparency in Lesotho (11.4) and this should be addressed.

The Leader of the Opposition is accorded privileges in the Standing Orders of the National Assembly<sup>30</sup>. Their salary, allowances, and benefits equal those of the National Assembly's Deputy Speaker or the Senate's Vice President and include free housing and personal staff. Chief Whips and Committee chairpersons are also given additional allowances. Parliament also provides funding for elected Members to hire a constituency staffer<sup>31</sup>. Parliament does not, however, employ party-political staff. Members are supplied with tablet computers, but ordinary members do not have office space within the Parliamentary precinct.

Parliament has an active women's caucus, but no other caucuses, such as a youth caucus, were mentioned. Cross-party groups may be organised around a particular matter being discussed in a committee, but they are informal, short-lived and do not receive any benefits (4.3.1). Having such interest groups within Parliament is seen as a positive element of democracy. It increases cross-party working and brings members from across the political divide to champion issues they feel strongly about. The Parliament should look to see how it can support the creation of such groups moving forward.

### **RECOMMENDATION 11**

**Parliament considers the rules and resources for cross-party groups and caucuses and considers providing support for a youth caucus.**

28 Standing Orders of the National Assembly, XI; Standing Orders of the Senate, XII.

29 National Assembly Election Act, 2011, Sections 70 to 72.

30 See Standing Orders of the National Assembly, VI. 40. The Leader of the Opposition, like the Prime Minister and the Ministers or Members in charge of a particular Bill, does not have a time limit on how long they can speak during sittings.

31 Members of Parliament Salaries Act, 1998 schedule in Government of Lesotho (5 May 2023). Government Gazette, Vol. 68, No. 34, pp. 523 – 548

#### 4. PARLIAMENTARY STAFF

The Parliament of Lesotho does not have administrative independence, and the Public Service Commission appoints its staff. The current reforms process in Lesotho endeavours to create an independent Parliamentary Service Commission, which will enable parliament to determine terms of employment for its staff, attend to their specialised training needs, and allow for the development of a code of conduct and other policies to ensure parliamentary staff are non-partisan. The Parliament should receive praise for this and it will go a long way toward ensuring the independence of the institution.

The current organisation of Parliament could be a lot more efficient. As discussed above, Parliament currently employs too many Hansard staff. Presiding Officers in the National Assembly and the Senate and the Leader of the Opposition can also currently employ staff such as personal aides, a domestic helper, a gardener, and chauffeurs with public funds<sup>32</sup>. Considering the resource constraints facing Parliament, as reported by all stakeholders, this expenditure on personal staff seems extravagant. The reform process, therefore, gives the Parliament an opportunity to redesign its organisational structure to save on costs and introduce efficiencies, which should be taken. Having the appropriate level of staff within vital departments would allow for a better democratic process in Lesotho.

##### **RECOMMENDATION 12**

**Parliament should redesign its organisational chart; reducing staff in some units, increasing the number of personnel in currently understaffed units, and combined units to serve both the Senate and the National Assembly should be considered.**

#### **Representation, Recruitment, Promotion and Management**

Parliament currently has no control over its budget, resulting in no funding available to train staff or purchase necessary technology such as laptops. Staff are demoralised and feel that the Parliament needs to offer them sufficient opportunities for career advancement. Parliament also has insufficient researchers and legal advisors and lacks specialists who could analyse financial documents, hampering Parliament's ability to scrutinise the government's economic performance (5.1.4). Parliament also has no staff with the specialised knowledge required to draft Bills, resulting in all Bills being drafted by the Executive.

Staff are, however, appointed through a transparent recruitment process from qualified members of the public service, and no evidence was provided that unqualified people were appointed due to their political connections (5.1.1, 5.2.2, 5.3.1). Since Parliament does not have independent recruitment policies, they do not currently have policies in place to promote the employment of women, people with disabilities, and other minorities. There are currently no people with visible disabilities working for Parliament. While women are commonly employed in the public service in Lesotho and many women are employed in Parliament, few women are currently employed in senior management roles in Parliament. This is in line with the traditional cultural values of Lesotho, as recounted by stakeholders, which are accepting of women in various roles in the public service, civil society, and business but maintain a bias against women occupying leadership roles.

##### **RECOMMENDATION 13**

**Once Parliament acquires administrative independence, it should adopt recruitment practices that promote equal employment opportunities for women and people with disabilities. Parliament should use the opportunity provided by the reforms to put measures in place to meet staff training needs.**

<sup>32</sup> Members of Parliament Salaries Act, 1998.





From left to right: Hon. Richard Ramoeletsi, Minister of Law and Justice, Natascha Visser, Researcher at the Western Cape Provincial Parliament (CPA Consultant for this Self-Assessment), Hon. Dr. Ntoi Rapapa, Minister of Education and Training, Hon. Justice Nthomeng Majara, Deputy Prime Minister and Minister of Parliamentary Affairs, Clive Barker, CPA Programmes Manager, Hon. Limpho Tau, Minister in the Prime Minister's Office

### III. FUNCTIONS OF THE LEGISLATURE

#### 5. LEGISLATIVE FUNCTION

*“The current Parliament has been one of the worst in the number of passed laws. The Omnibus Bill has been a major barrier to progress in the governance of Lesotho.”*

*Stakeholder during a consultation meeting*

#### Legislative Process

Legislation is currently drafted by the Executive and then reviewed by the Legislature. The Parliament needs more legislative drafting capacity, with very few staff members overseeing it. Only one legal officer is working for the Parliament, based in the National Assembly, and they face severe capacity issues in trying to carry out their role in supporting the work of the Parliament. There needs to be a formal quality impact assessment process in the passage of legislation or after laws have received royal assent (6.1.5). Stakeholders throughout the institution were not optimistic about the level of engagement with relevant stakeholders when passing laws.

The Legislature has interest and desire but needs processes or resources to deliver post-legislative scrutiny. This could be an area for future engagement with other parliaments to understand how post-legislative scrutiny can be undertaken. Civil society organisations, such as South Africa's Parliamentary Monitoring Group (PMG)<sup>33</sup>, could also be looked to, for examples of best practices. The Senate is expected to review bills within 30 days of being presented. Regarding its scrutiny of the budget, though it is presented there, stakeholders throughout the Senate mentioned that its scrutiny is not more than a 'rubber stamp'.

#### RECOMMENDATION 14

**A process for post-legislative scrutiny should be considered by consulting with other parliaments and NGOs for examples of good practice and what is simple, efficient, and effective.**

The Legislature's budget is set by the Public Service Commission and voted on by the National Assembly. It then needs to be submitted to the Ministry of Justice, and there are then negotiations and reductions. There is a desire for a proportion of the government budget to be allocated to the Parliament, like attempts made in other Parliaments<sup>34</sup>. However, this may bring constitutional challenges, as only the Executive can present money bills.

#### The Public and Legislation

Limited consultations with the public were mentioned during the consultation meetings as part of the Self-Assessment. As discussed elsewhere in this report, the Parliament does have mechanisms for receiving and meaningfully considering petitions posed by the public. However, as mentioned in the committee section, visits as part of investigations and research projects they conduct are rare. In principle, the public should have timely information on legislation under consideration. In practice, it is hard for the public to get information on the progress of bills and the schedule of Parliament.

<sup>33</sup> pmg.org.za. (n.d.). Parliamentary Monitoring Group | South Africa. [online] Available at: <https://pmg.org.za>

<sup>34</sup> www.cpahq.org. (2023). CPA Benchmarks report provides the Malawi Parliament with an opportunity for parliamentary reform. [online] Available at: [https://www.cpahq.org/news/2023\\_07-malawi-benchmarks/](https://www.cpahq.org/news/2023_07-malawi-benchmarks/) [Accessed 26 Feb. 2024].

## 6. OVERSIGHT FUNCTION

*“It feels like the electoral process is our Parliamentarians’ only accountability mechanism.”*

*Stakeholder during a consultation meeting*

### Oversight

To address the oversight function, the Executive is required to provide timely responses to oral and written questions and Parliamentary reports, but this only happens sometimes. There were complaints that information comes late from the Executive and that they use the deadlines for responses as a guideline for when such responses should be provided. Better communication processes would aid the effectiveness of Parliament and the Government. An improved process for more coordinated responses, particularly to committee reports, including follow-up to see if recommendations are implemented, would increase the effectiveness of the committee oversight function.

A report by the Auditor-General on a state-owned enterprise would be presented to the Minister of Finance, who is obliged to table the report in Parliament. However, it was noted that, at times, these reports are not tabled, meaning that parliamentary scrutiny is optional. The Office of the Auditor-General plans to submit a list of reports to the Parliament, allowing it to compare which have and have yet to be tabled. The Office of the Auditor-General is even located within the Ministry of Finance, symbolising its need for more independence from the Executive.

The Public Accounts Committee did not meet for the entirety of the last (10th) Parliament. As a result, there is now a backlog of reports that still need to be reviewed, though the Public Accounts Committee is now convening in this Parliament to work through this backlog.

### RECOMMENDATION 15

**All reports by the Auditor-General should be tabled in Parliament, allowing Members to scrutinise the content and ensuring that they can carry out their roles in overseeing actions by the Executive.**

### Oversight of Independent Constitutional Bodies

Independent constitutional offices in Lesotho include the office of the Auditor-General (7.2.7), the Ombudsman (7.1.6), and the Electoral Commission (1.1.5). As stakeholders of the Electoral Commission agreed, it is the most autonomous and well-resourced of the country’s constitutional offices. It was established after the country’s 1998 political crisis when riots broke out following that year’s elections<sup>35</sup>. The Commission was founded due to a great deal of pressure from the international community to ensure that elections were fairly contested. This is a broader point highlighted in other meetings as part of this self-assessment, as various stakeholders mentioned their awareness of the power of major governments and international organisations in pressuring the Government of Lesotho to democratically reform its political system and increase its transparency and integrity.

An amendment to the Constitution in 2011 provided for establishing the Lesotho Human Rights Commission<sup>36</sup> (7.1.7); however, it has yet to be formed. A Bill to ‘operationalise’ the Commission was drafted and passed by Parliament in 2016<sup>37</sup>. However, it was perceived that this law was not a productive step forward in establishing an appropriate commission as it did not provide for the required independence that a human rights commission should have.

### RECOMMENDATION 16

**A Human Rights Commission should be established and it should be mandated to protect against human rights violations.**

35 Refworld. (n.d.). Freedom in the World 1998 - Lesotho. [online] Available at: <https://www.refworld.org/reference/annualreport/freedom/1998/en/95069> [Accessed 11 Mar. 2024].

36 www.constituteproject.org. (n.d.). Lesotho 1993 (rev. 2018) Constitution - Constitute. Section 66 [online] Available at: [https://www.constituteproject.org/constitution/Lesotho\\_2018](https://www.constituteproject.org/constitution/Lesotho_2018). [Accessed 26 February 2024]

37 lesotho.un.org. (n.d.). The prospect of establishment of a Human Rights Commission sparks new hope for the defenceless | United Nations in Lesotho. [online] Available at: <https://lesotho.un.org/en/237277-prospect-establishment-human-rights-commission-sparks-new-hope-defenceless> [Accessed 27 Feb. 2024].

## Financial and Budget Oversight

The financial and budget oversight procedures are specified in the rules of procedure, the Constitution, and legislation, such as the 2011 Public Financial Management and Accountability Act<sup>38</sup>. Ministers responsible for government agencies submit annual reports to Parliament within four months of the end of a financial year, in June. Once Parliament has approved the reports, by July, the Minister of Finance and Development Planning submits the Consolidated Financial Statements to the Auditor General. When the audit of these statements is completed in October, the Minister of Finance and Development Planning brings the audited financial statements back to Parliament. They will be reviewed by the Public Accounts Committee, which will report back to the House. As is mentioned elsewhere in this report, a vital part of this process is that the Minister of Finance brings audited financial statements to Parliament rather than the Auditor-General. This practice needs to be corrected, as the reports could be edited again<sup>39</sup>.

As mentioned in the section on committees, the backlog of reports that the Public Accounts Committee is working through has severely hampered the Parliament's ability to review the financial reports it presents.

### RECOMMENDATION 17

**Financial reports audited by the Auditor-General should be presented to Parliament by the Auditor-General, not the Minister of Finance.**

## No Confidence and Impeachment

The Legislature has the powers and mechanisms to impeach or censure the Executive or express no-confidence in the government (7.3.2)<sup>40</sup>. It is fair to state that such motions have been deployed frequently by various parties in opposition in Lesotho's recent political history. Most recently, a motion of no confidence was presented in October 2023<sup>41</sup>. A vote on this motion of no confidence was delayed until early 2024. By that point, the governing party had secured the support of a sufficient number of Members of the National Assembly to defeat the vote. As several of Lesotho's recent elections have taken place because of no confidence votes, they loom large in the Chamber and appear to influence the day-to-day activities in the Parliament, as mentioned by stakeholders.

## 7. REPRESENTATIONAL FUNCTION

Of the three functions of any modern legislature, representation of the people of Lesotho is the Parliament's strongest. With 153 Parliamentarians spread across two chambers, its composition is larger than that of all South Africa's provincial Parliaments despite being smaller in population than most.

### Representation of Women

Currently, women's representation in Parliament is 25%<sup>42</sup>, and in the cabinet, it is 14%<sup>43</sup>. At the time of writing, the Deputy Prime Minister, President of the Senate<sup>44</sup>, Deputy Speaker of the National Assembly<sup>45</sup>, and Deputy Clerk of the National Assembly are women.

While women in Lesotho have equal rights, as provided for in the Constitution<sup>46</sup>, there are still social and economic barriers to women being fully equal. The Parliament is committed to increasing women's representation. However, it is widely recognised that the 'zebra model' proportional party list (arranging that a candidate of the opposite sex follows a male or female candidate),

38 commons.laws.africa. (n.d.). Public Financial Management and Accountability Act, 2011 – Laws.Africa. [online] Available at: <https://commons.laws.africa/akn/ls/act/2011/12/eng@2011-06-17?ts=2023-03-17T16:05:50.681071+00:00> [Accessed 11 Mar. 2024].

39 The Role of the Parliament in the Lesotho Budget Cycle Ministry of Finance and Development Planning. (n.d.). Available at: <http://www.finance.gov.ls/documents/Budget%20Formulation/budget%20guidelines/Lesotho%20Roles%20of%20Members%20of%20Parliamentin%20MTEF%20Budget.pdf> [Accessed 11 Mar. 2024].

40 www.constituteproject.org. (n.d.). Lesotho 1993 (rev. 2018) Constitution - Constitute. Section 87(5)(a) [online] Available at: [https://www.constituteproject.org/constitution/Lesotho\\_2018](https://www.constituteproject.org/constitution/Lesotho_2018) [Accessed 26 February 2024]

41 AfricaNews (2023). Lesotho's Prime Minister Faces Uncertainty Amid Constitutional Challenge. [online] Africanews. Available at: <https://www.africanews.com/2023/10/17/lesothos-prime-minister-faces-uncertainty-amid-constitutional-challenge/> [Accessed 11 Mar. 2024].

42 <https://www.ipu.org/parliament/ls>

43 <https://www.gov.ls/cabinet/>

44 <https://senate.parliament.ls/president-of-the-senate/>

45 [https://nationalassembly.parliament.ls/deputy\\_speaker/](https://nationalassembly.parliament.ls/deputy_speaker/)

46 www.constituteproject.org. (n.d.). Lesotho 1993 (rev. 2018) Constitution - Constitute. Section 4(1) [online] Available at: [https://www.constituteproject.org/constitution/Lesotho\\_2018](https://www.constituteproject.org/constitution/Lesotho_2018). [Accessed 26 February 2024]



in accordance with the 2011 National Assembly Electoral Act<sup>47</sup>, has been the driving force ensuring that the level of women's representation remains at its current level, though it only affects the significantly larger lower house.

The Parliament's planned 'Taking Parliament to the People' initiative, which has gained funding after quite some time planning, could successfully change the perception of women in politics, given the otherwise mentioned challenges the Parliament has in public outreach. There are promising early signs of the future of women's representation in Lesotho, from the country's triumphant story of girls in secondary education, comparable to many developed nations<sup>48</sup>.

***“If there is just one male Member amongst a committee of, say, 14 Committee Members, that individual will be appointed as Chairperson.”***

*Stakeholder during a consultation meeting*

### **Representation of Persons with Disabilities**

With Hon. Pitso Lesaoana, Minister of Gender, Youth and Social Development, the Parliament and Government have an advocate with lived experience who can champion the inclusion of persons with disability<sup>49</sup>. However, it was noted that the awareness of persons with disabilities within the Chamber is an area of weakness for the institution. Stakeholders across the institution were not immediately aware of other Parliamentarians with disabilities despite there being 152 other Members. This suggests that there may still be a stigma to identifying as a person with a disability within the Chamber, given how broad the definition of disability in the Convention on the Rights of Persons with Disabilities is and the resulting likelihood that there are, therefore, other Members with impairments.

## **8. PARLIAMENTARY ASSISTANCE, NETWORKING AND DIPLOMACY**

### **Representation at Inter-Parliamentary Events**

Resource constraints, as mentioned frequently throughout this report, have affected the Parliament's engagement with inter-parliamentary organisations. As a result, it is learning from the best practices of other legislatures. Having stated this, the Parliament is frequently represented at inter-parliamentary forums like the Commonwealth Parliamentary Conference and the IPU's biannual assemblies.

At the time of writing this report, the Parliament is in the advanced stages of approving its hosting of the CPA's Africa Regional Conference in August 2024; it is hoped that this report and the hosting of this event will be the first steps in greater collaboration with the CPA and other international organisations. The Parliament also hosted the 15th Session of the Network of African Parliamentary Committees of Health (NEAPACOH)<sup>50</sup> during the consultation week of meetings during this Self-Assessment.



CPA UK conference on parliamentary committees, 10-12 May 2021

47 <https://www.eisa.org/pdf/les2011electoralcode.pdf>

48 Borgen Project (2018). Female Education in Lesotho Highest in the World | The Borgen Project. [online] The Borgen Project. Available at: <https://borgenproject.org/female-education-in-lesotho/>.

49 Anon, (2023). LANFOD Installs Disability Advisory Council. [online] Available at: <https://informativenews.co.ls/2023/07/26/lanfod-installs-disability-advisory-council/> [Accessed 28 Feb. 2024].

50 Anon, (2024). Lesotho hosts 15th conference for the African Parliamentary committees of Health. [online] Available at: <https://informativenews.co.ls/2024/02/28/lesotho-hosts-15th-conference-for-the-african-parliamentary-committees-of-health/> [Accessed 11 Mar. 2024].

## Development Assistance

As mentioned elsewhere, in adhering to all the relevant Benchmarks in this area, stakeholders within Lesotho's Parliament have the right to engage with external organisations and other Parliaments for their development. This right is also regularly exercised as the European Union and United Nations Development Programme have actively provided the Parliament with technical assistance.



## IV. VALUES OF THE LEGISLATURE

### 9. ACCESSIBILITY, OPENNESS, AND ENGAGEMENT

#### Citizens and the Media

Article 20 of the Constitution provides for the right of citizens to participate in government, envisioned as the right to participate in public affairs and elections and to receive equal access to public services<sup>51</sup>. Both sets of Standing Orders provide for public participation<sup>52</sup>. The National Assembly acknowledges the importance of public involvement in the Parliament's functions and has prioritised the aforementioned 'Taking Parliament to the People' initiative as an activity for 2024-2025. In practice, however, Parliament lacks resources and cannot conduct oversight visits or public hearings in rural areas. In the past, donor funding has allowed Senate staff to conduct an outreach campaign to educate members of the public on the function of the Senate. Donor funding also paid for Members of the National Assembly to visit their constituencies. These programmes have lapsed, however, and the Parliament currently does not have suitable vehicles, given the country's terrain, with which to conduct visits, meaning that none have taken place recently. Much of Lesotho can be reached within a day of driving, and the Parliament should be mindful of this in prioritising oversight visits given the reduced funding (in not needing to book accommodation provision) that would be required compared to other neighbouring jurisdictions.

Parliament has entered a Memorandum of Understanding with the Lesotho Council of Non-Governmental Organisations and certain media companies, allowing MPs to accompany NGOs on outreach and fact-finding missions and ensure that such trips receive sufficient media coverage<sup>53</sup>. However, a copy of this MoU could not be obtained, and it needs to be clarified whether Parliament is actively pursuing the opportunities it offers, considering its current logistical challenges.

The Parliament maintains a website that publishes Bills, Hansards, ATCs, Committee Reports, and the schedule of committee meetings. Parliamentary staff also utilise local radio stations to advertise events and sittings. The website does not use the in-built calendar function, and sections of the website, especially the pages dealing with the King and his role, still need to be completed. Not all links to documents and reports are active. The National Assembly maintains an active Facebook page that posts video recordings of House and committee sittings. The Senate does not have any active social media accounts which contributes to the poor level of public understanding of its role that was conveyed.

#### RECOMMENDATION 18

**Parliament should increase the amount of content on its website, by completing webpages that are currently missing and ensuring that all links are maintained.**

According to the Standing Orders, the public and the media can access House and Committee sittings. Open sittings are broadcast via the National Assembly's Facebook page. Sittings of the PAC are also usually broadcast live by the media, and stakeholders reported that this media attention has led to improved behaviour and engagement from committee members. Meetings of Senate committees are not regularly broadcasted, even when they are open to the public. This should be rectified, with coverage provided to ensure that the public can access proceedings.

#### RECOMMENDATION 19

**The Senate should consider broadcasting its sittings over social media.**

The Standing Orders of the Senate specify several institutional days that should be added to Parliament's annual calendar to provide Parliament with public outreach opportunities. Still, there are currently insufficient resources to hold such events. In the past, donor organisations have facilitated such activities. Parliament should, therefore, pursue agreements with relevant donor organisations and stakeholders from civil society to ensure they can organise these events more regularly.

51 [www.constituteproject.org. \(n.d.\). Lesotho 1993 \(rev. 2018\) Constitution - Constitute. Article 20 \[online\] Available at: https://www.constituteproject.org/constitution/Lesotho\\_2018.](https://www.constituteproject.org/constitution/Lesotho_2018) [Accessed 26 February 2024]

52 Standing Orders of the National Assembly, XII.82; Standing Orders of the Senate, XI. 70.

53 This MoU was a recommendation made to the Lesotho Parliament at the SOCATT regional workshop held in Lesotho from 4 to 6 December 2023.

## Accessibility

The 2011 National Assembly Electoral Act does not allow voting stations to be accessible to people with physical disabilities. Still, the Persons with Disability Equity Act of 2021 does provide for voting stations to be made accessible. Civil society stakeholders, however, claim more efforts should be made to achieve this. However, the topography of Lesotho and the low population density of some rural areas make offering accessible voting stations challenging, as mentioned elsewhere.

While the 2021 Persons with Disability Equity Act states that people with disabilities can register to vote, people with mental disabilities are still barred from voting since the Electoral Act and the Constitution of Lesotho prevents people “of unsound mind” from registering as voters. The legal status of prospective voters with mental disabilities, therefore, needs to be resolved. The Constitution also bars citizens who cannot speak from holding office in the National Assembly<sup>54</sup>, which is another barrier to persons with disabilities achieving public office.

The National Assembly is accessible to people with physical disabilities. Still, the facilities can offer improved access to people with impaired vision by posting signage in braille and installing speakers in the elevators. The current Senate premises are inaccessible to people with mobility impairments in particular, though it is likely that those with other impairments would find navigating the premises challenging. New premises are currently under construction, but it is unclear whether they will provide sufficient accommodation for people with disabilities. Parliament allows the use of both Sesotho and English, and stakeholders did not report that offering translation services between the two languages is necessary or problematic. Parliament, however, does not provide sign language interpretation or subtitles for their video broadcasts. Parliament proceedings are, therefore, not currently accessible to people with audio impairments.

### RECOMMENDATION 20

**An accessibility audit of Parliament’s premises and proceedings should be conducted to identify improvements to the accessibility of the National Assembly and Senate.**

## 10. ETHICAL GOVERNANCE

### Transparency and Integrity

The 1998 Members of Parliament Salaries Act outlines the salaries of Members of the National Assembly and the Senate, including the executive. The schedule of this Act sets out the wages, allowances, and pensions of Members of Parliament, and updates to this schedule are published in the government gazette<sup>55</sup>. Information on the remuneration of Members of Parliament and the Executive is therefore publicly accessible.

The Standing Orders of both the Senate<sup>56</sup> and National Assembly<sup>57</sup> state that Members should disclose when they may have conflicts of interest and recuse themselves from participating in Parliamentary proceedings in which they have a pecuniary interest. However, stakeholders have stated that these rules must be followed consistently. In addition, Parliamentarians are currently not required to disclose their business interests or any gifts they receive. Furthermore, stakeholders remarked that absenteeism is common, especially amongst senators, and Members often use insulting language with one another. A code of conduct for Parliamentarians has been drafted to address unethical and unparliamentary behaviour from Members, but its adoption has been delayed. A Code of Conduct could address the issues raised by stakeholders. It would also increase transparency, improving the institution’s public perception.

<sup>54</sup> Constitution of Lesotho, Section 58.2.c

<sup>55</sup> See Government of Lesotho (5 May 2023). Government Gazette, Vol. 68, No. 34, pp. 523 – 548 for the latest schedule.

<sup>56</sup> Standing Orders of the Senate, XIII. 96.

<sup>57</sup> Standing Orders of the National Assembly, XII. 80.



## RECOMMENDATION 21

**Parliament should adopt a Code of Conduct for its Members including sanctions for members who contravene the Code.**

Committee sittings are advertised as open or closed to the public in advance, and Parliament has procedures set out in the Standing Orders to allow portions of proceedings to be declared closed to the public<sup>58</sup>. Stakeholders remarked, however, that there needs to be more transparency on why meetings are declared open or closed. This raises suspicion that Parliament is attempting to shield the executive from public scrutiny or embarrassment. Greater transparency in the decision-making processes determining whether proceedings are declared open or closed is necessary.

### Freedom of Information

Lesotho does not have legislation governing freedom of access to information (11.2.1). Therefore, the Parliament of Lesotho does not have a legal responsibility to share details of its inner workings with the public and does not publish its corporate documents. The public, therefore, does not currently have the means to measure and interrogate Parliament's financial performance.

## RECOMMENDATION 22

**Parliament should publish its financial statements. Once the reforms have been implemented and Parliament gains administrative independence, Parliament should publish any corporate documents such as plans and policies it may generate.**

58 Standing Orders of the National Assembly, XII.83; Standing Orders of the Senate, XI. 70.

## RECOMMENDATIONS

### RECOMMENDATION 1

An independent body should be established to determine Members' salaries and benefits. Payment (and withholding) of DSA and other allowances should be made public on the independent body's and Parliament's websites.

### RECOMMENDATION 2

Investment in more and better infrastructure is needed, including office space for senior Members.

### RECOMMENDATION 3

For Standing Order amendments to pass, there should be at least a two-thirds majority and, ideally, cross-party consensus. The Standing Orders should require that the PAC Chairperson is an opposition Member and provide a detailed criteria required to justify sittings the public cannot observe. The Parliament's website should publish up-to-date versions of both chambers' Standing Orders and Standing Orders for joint sittings should be established.

### RECOMMENDATION 4

Members and Presiding Officers should obtain thorough training on the Standing Orders' content and purpose, ensuring Parliament can engage in meaningful and productive debates.

### RECOMMENDATION 5

Formal rules allowing Parliament to call itself into extraordinary sessions should be developed.

### RECOMMENDATION 6

A Parliamentary calendar should be established as soon as possible and shared with the public via the Parliament's website.

### RECOMMENDATION 7

Provide instructions, with contact details, on how to submit petitions on the website and consider allowing petitions to be submitted electronically.

### RECOMMENDATION 8

Pool resources by creating a combined Hansard unit serving both chambers and utilising digital transcription software (e.g., For The Record).

### RECOMMENDATION 9

Parliament should invest in the necessary expertise to engage meaningfully with the budget cycle.

### RECOMMENDATION 10

Committee staff should maintain a tracking document for committee resolutions and recommendations.

### RECOMMENDATION 11

Parliament considers the rules and resources for cross-party groups and caucuses and considers providing support for a youth caucus.

### RECOMMENDATION 12

Parliament should redesign its organisational chart; reducing staff in some units, increasing the number of personnel in currently understaffed units, and combined units to serve both the Senate and the National Assembly should be considered.

### RECOMMENDATION 13

Once Parliament acquires administrative independence, it should adopt recruitment practices that promote equal employment opportunities for women and people with disabilities. Parliament should use the opportunity provided by the reforms to put measures in place to meet staff training needs.

### RECOMMENDATION 14

A process for post-legislative scrutiny should be considered by consulting with other parliaments and NGOs for examples of good practice and what is simple, efficient, and effective.

**RECOMMENDATION 15**

All reports by the Auditor-General should be tabled in Parliament, allowing Members to scrutinise the content and ensuring that they can carry out their roles in overseeing actions by the Executive.

**RECOMMENDATION 16**

A Human Rights Commission should be established and it should be mandated to protect against human rights violations.

**RECOMMENDATION 17**

Financial reports audited by the Auditor-General should be presented to Parliament by the Auditor-General, not the Minister of Finance.

**RECOMMENDATION 18**

Parliament should increase the amount of content on its website, by complete webpages that are currently missing and ensuring that all links are maintained.

**RECOMMENDATION 19**

The Senate should consider broadcasting its sittings over social media.

**RECOMMENDATION 20**

An accessibility audit of Parliament's premises and proceedings should be conducted to identify improvements to the accessibility of the National Assembly and Senate.

**RECOMMENDATION 21**

Parliament should adopt a Code of Conduct for its Members including sanctions for members who contravene the Code.

**RECOMMENDATION 22**

Parliament should publish its financial statements. Once the reforms have been implemented and Parliament gains administrative independence, Parliament should publish any corporate documents such as plans and policies it may generate.

# STAKEHOLDERS

Thank you to all of the people consulted as part of this Assessment:

## MEMBERS OF THE NATIONAL ASSEMBLY

**The Rt. Hon. Tlohang Sekhamane**

Speaker of the National Assembly

**Hon. Ts'epang 'Matlhohonolofatso Ts'ita-Mosena**

Deputy Speaker of the National Assembly

**Hon. Mathibeli Mokhothu, MP**

Member of the National Assembly and Leader of the Democratic Congress Party

**Hon. Lethole Lethole**

Chief Whip of the National Assembly

**Hon. Jane Lekunya**

Member of the National Assembly

**Hon. 'Machabana Lemphane-Letsie**

Member of Parliament and Chairperson of the Public Accounts Committee

**Hon. Mamello Phooko**

Member of the National Assembly

**Hon. Voeswa Tsheka**

Member of the National Assembly

**Hon. Manyaneso Taole**

Member of the National Assembly

## GOVERNMENT MINISTERS

**Hon. Nthomeng Majara**

Deputy Prime Minister and Minister of Parliamentary Affairs

**Hon. Ntoi Rapapa**

Minister of Education

**Hon. Richard Ramoeletsi**

Minister of Law and Justice

**Hon. Pitso Lesaoana**

Minister of Gender, Youth and Social Development

**Hon. Limpho Tau**

Minister in the Prime Minister's Office

## MEMBERS OF THE SENATE

**Hon. Mamonaheng Mokitimi**

President of the Senate

**Hon. Tsukutlane Au**

Vice President of the Senate

**Sen. Seabata Motsamai**

Member of the Senate



## FORMER PARLIAMENTARIANS

### **Hon. Makhojane Monyane**

former Member of the National Assembly for the Lesotho Congress for Democracy

### **Hon. Manthabiseng Phohleli**

former Member of the National Assembly for the Democratic Congress and Alliance of Democrats

### **Hon. Motlalentoa Letsosa**

former Ministers of Education and of Home Affairs, former member of the National Assembly for the Democratic Congress

### **Ambassador Calvin Masenyetse**

former Member of the National Assembly for the Democratic Congress

### **Hon. Mats'eliso Tuoane-Sepiriti**

former Member of the National Assembly for the Lesotho Congress for Democracy

### **Hon. Refiloe Litjobo**

former Member of the National Assembly for the Democratic Congress

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Clerk of the National Assembly

### **Lerato Lehohla**

Committee Clerk, National Assembly

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Clerk of the Senate

### **Khotso Manamolela**

Deputy Clerk

### **Makhotso Mohale**

Assistant Deputy Clerk

### **Maduma Tsepane**

Clerk Assistant

### **Tokha Tau**

Research Officer, Senate

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### **Nt'sitsa Thamae**

Committee Clerk

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### **Itumeleng Ntsike**

Hansard Editor

### **Lethole Leche**

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**Mamosalla Ramosalla**  
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## **INDUSTRY ASSOCIATIONS**

**Fako David Hakane**  
Secretary General of the Lesotho Chamber of Commerce and Industry

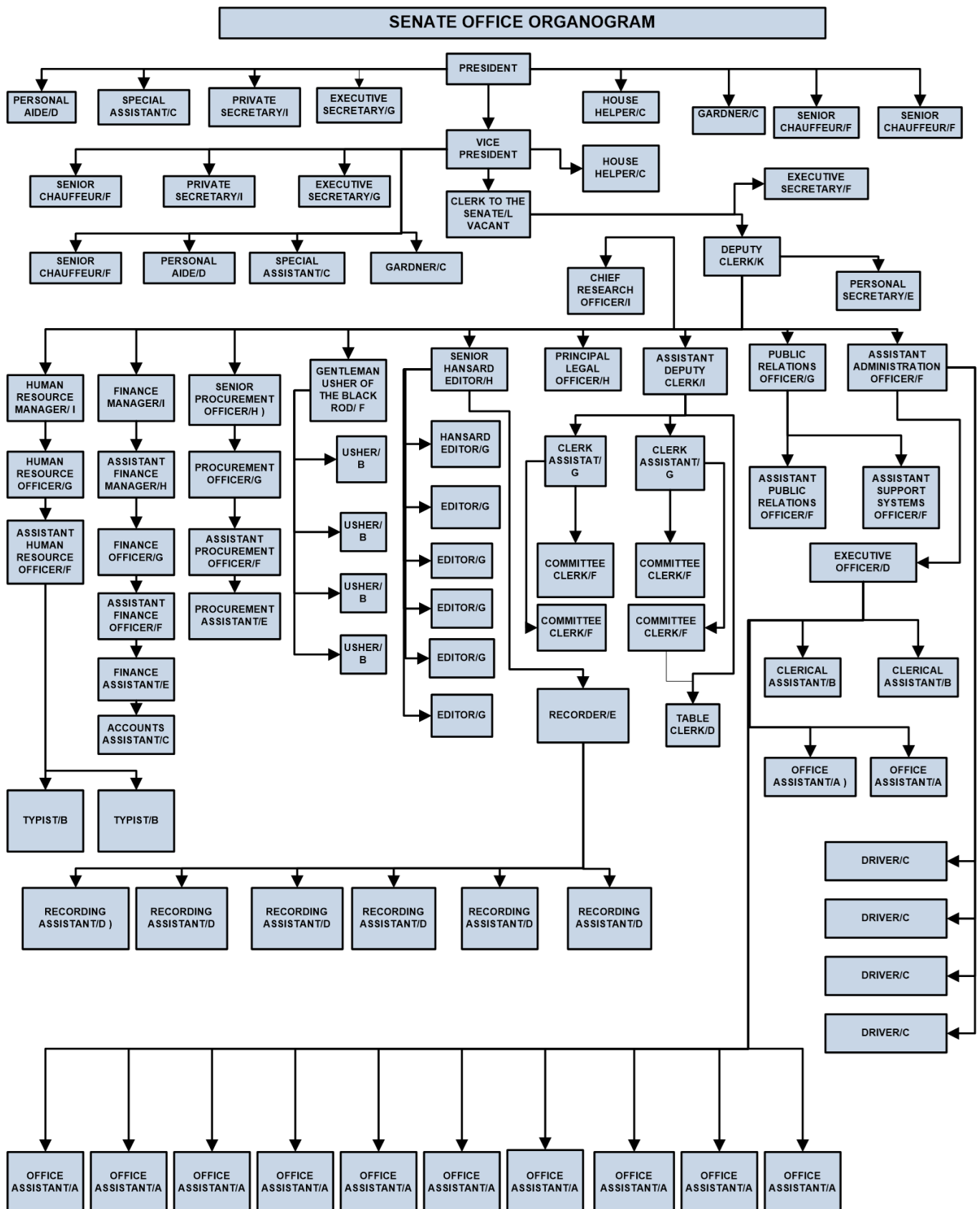
**Mapulumo Mosisili**  
Member of the Lesotho Chamber of Commerce and Industry

## **ELECTORAL COMMISSION**

**Advocate Lehlohonolo Suping**  
Chief Legal Officer

# APPENDIX A

## ORGANOGRAM OF THE SENATE



## APPENDIX B

### CONSTITUTIONAL AND LEGISLATIVE MANDATES FOR THE PARLIAMENT OF LESOTHO

The following mandates define the duties and the requirements of the Parliament of Lesotho:

#### Constitution of Lesotho

The Constitution of Lesotho establishes the Parliament as the legislature and grants its legislative powers. Section 54 states that the Parliament consists of the King, Senate and National Assembly. The Constitution grants the Parliament powers to:

1. Remove the Prime Minister from office (Article 87);
2. Amend the Constitution with a majority vote (Article 85)
3. Appoint the Prime Minister (Article 87); and
4. Pass a motion of no confidence in the Government (Article 83);

#### Legislative Mandates

Members of Parliament Salaries Act 1998

National Assembly Electoral Act 2011

Disability Equity Act 2021

#### Policy Mandates

Standing Orders of the National Assembly of Lesotho: [https://nationalassembly.parliament.ls/standing\\_orders/](https://nationalassembly.parliament.ls/standing_orders/)

Standing Orders of the Senate of Lesotho: available on request from the Parliament - Teboho Sekese, Chief Research Officer, Senate of Lesotho ([tebohot@yahoo.com.au](mailto:tebohot@yahoo.com.au).)

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