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Government of the Kingdom of Lesotho

The Lesotho We Want: Dialogue and Reforms for National Transformation

Vision, Overview and Roadmap

Maseru, 30 November 2017

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Vision Overview and Roadmap

1 INTRODUCTION

This document represents the proposal of the Government of Lesotho regarding the implementation of fundamental national reforms. The purpose of the document is to provide an overall view of the envisioned reforms; their rationale; objectives and expected results; detailed actions in each area of reform; timelines (roadmap); and resource considerations. It also articulates the proposed national dialogue in two dimensions: that of building stakeholder consensus on the reforms themselves; and that of building long-term national unity and reconciliation.

In the past few years, there has been a growing recognition that Lesotho needs to undertake far-reaching reforms to ensure stability and prosperity. Basotho deserve to live in a stable, peaceful and secure environment and be assured of the enjoyments of their rights and efficient service delivery. The Right Honourable the Prime Minister Dr. Motsoahae Thomas Thabane has on many occasions reiterated the commitment of the Coalition Government to implementing the reforms. In presenting this document to the public, the Government affirms this commitment to Basotho. The Government is cognizant of its responsibility to facilitate and offer leadership in the execution of the reforms and the dialogue that must accompany them. It is also cognizant, and affirms, the participatory and consultative nature of the reforms. In this regard, this document serves as the Government's contribution to the consensus-building and dialogue process. The document has been informed by sector-wide discussions and consultation with key stakeholders.

As a member of the Southern African Development Community (SADC), we recognize and appreciate that the regional body has spent a substantial amount of resources in support of our Kingdom's stability and development. As a Government, we owe it to the country and to our well-meaning neighbours to take ownership of the destiny of our nation and expeditiously implement the reforms for Lesotho's own benefit. This way, the support and goodwill of our regional neighbours will not have been in vain. To do otherwise will be tantamount to squandering the goodwill extended to us and gravely compromising the prosperity of future generations. The time has come to change the course of our beloved Kingdom.

2. CONTEXT

Lesotho has had a long history of political instability and security challenges. The instability has been occasioned by several factors – including weak State and governance institutions; elite dominance of the political space; continuous splintering of leader-centred political parties that are marked by poor management and weak internal democracy; as well as politicisation of security establishments; among others. All these elements run counter to the principles of effective and democratic governance, accountability to the people, and sustainable development; and have resulted in a climate of extended uncertainty, an environment of lawlessness and abuse of human rights, inefficiency, and retrogression in socio-economic development.

In recent times, the instability experienced since the election of the first coalition government in 2012 has underlined the need for Lesotho to urgently change course. In particular, the events leading to the appointment of the SADC Facilitator for Lesotho in 2014 and the establishment of the SADC Observer Mission in Lesotho (SOMILES) have placed Lesotho under the continued spotlight of the regional body. SADC's presence in Lesotho has continued in the form of the Oversight Committee which has been in Lesotho since 2016, and the recently agreed deployment of a SADC Standby Force following the 5 September 2017 assassination of the Commander of the Lesotho Defense Force (LDF). The SADC role and presence in Lesotho is intended to support a conducive environment for the implementation of national reforms for long-term stability.

The need for fundamental reforms in Lesotho has been the subject of several reports and communiqués under the auspices of SADC; reports by other international organizations such as The Commonwealth Secretariat; commitments in coalition agreements; and a matter of public debate. In the June 2015 Final Facilitator's Report, for instance, SOMILES recommended some urgent reforms including, among others, amendments to the LDF and the Lesotho Mounted Police Service (LMPS) Acts to remove overlapping mandates; implementation of the 2013 Commonwealth Envoy recommendations¹ on coalition governments and the reform of the civil service; analysis of the Mixed-Member Proportional (MMP) electoral system and its implications for government stability; ensuring the independence of the judiciary; and relevant constitutional reforms. Political instability and security uncertainties are also well noted in the *SADC Commission of Inquiry on the Death of Lt. Gen. Maaparankoe Mahao* (The Phumaphi Report) of 2016; and by the Commonwealth Envoy's 2014 report.²

¹ Dr. Rajen Prasad (2013) "Sustaining Coalition Governments in the Kingdom of Lesotho: Scoping study of suggested reforms for the Government of Lesotho." The Commonwealth Secretariat.

² Dr. Rajen Prasad (2014) "Governance in Lesotho: Repositioning for Success – Report of the study visit to New Zealand by a delegation from the Kingdom of Lesotho" (the New Zealand Report). The Commonwealth Secretariat.

On assuming power in April 2015, the second coalition Government, through *The Coalition Agreement for Stability and Reform*, pledged to be a “reformist government.” It pledged to undertake comprehensive constitutional, institutional and sector reforms, including a review of the laws governing elections and parliament, to address the new reality of coalition politics and ensure political stability. Despite the efforts of the second coalition government and a strong push by SADC, the reforms did not get underway. The eventual collapse of the second coalition government in March 2017 led to the snap election on 3 June 2017. The lessons learnt from previous attempts to implement the reforms suggest the need for a broad national consensus in support of the reforms. These lessons have consequently informed the proposal for the National Multi-Stakeholder Dialogue (MSND), contained in this document, as an integral part of the reform process.

Prior to the 3 June 2017 election, the majority of the twenty-six political parties which took part in that poll, including the four coalition partners now in government, signed ‘*The Reforms Pledge*.’ The pledge affirmed the commitment of parties across Lesotho’s political spectrum, in and outside of parliament, to prioritizing reforms after the elections. At his inauguration on 16 June 2017 and on other occasions thereafter, The Right Honourable the Prime Minister Dr. Motsoahae Thomas Thabane has reiterated his commitment to a process of home-grown reforms. His Majesty King Letsie III, while opening the 10th Parliament, emphasised the need to prioritise the reforms. In *The Coalition Agreement for National Unity, Reconciliation, Peace and Stability*, the four-party Coalition Government lists one of its Core Objectives as: “To undertake constitutional, political, security and administrative reforms in an independent and inclusive reform process” (emphasis in the original.) The Coalition lists the areas of reform as economic, public service, parliament, judiciary, security sector, decentralization and the review and amendment of the constitution. At the same time, the Coalition undertakes “to implement all reform proposals outlined by both SOMILES and the Commonwealth (New Zealand Reforms) that do not require constitutional amendments and lengthy legislative process.”

In the spirit of the intended inclusivity, this document presents the details of the Government’s proposals to elicit dialogue and feedback. The time has come for the Government and the people of Lesotho to take responsibility for the implementation of the reforms.

3. THE GOVERNMENT OF LESOTHO REFORM AGENDA

3.1 Guiding Vision

The proposed reforms as detailed in this document are intended to anchor a future Lesotho that is politically stable so that every Mosotho can freely attain their aspirations; a future where all our institutions and sectors are allowed and enabled to excel and are fully accountable under democratic norms, and are a source of national pride in the manner they serve the people; a future where the three arms of Government work collaboratively and synergistically; a future where people-centred development is the major preoccupation of the government of the day; a future where people live in a safe and just society and where human rights are fully guaranteed for all. This is the Lesotho every Mosotho would want.

In summary, the vision of the national reform agenda is **“The transformation of the Kingdom of Lesotho into a just, prosperous and stable country marked by effective and people-focused institutions; national unity of purpose; rule of law, good governance and human rights.”**

Every nation reaches a moment in history when it turns the page and crosses rivers of despair and desperation, scales the mountain of faith and hope, and descends into the valleys of success and progress. For Lesotho, this is the time.

3.2. Objectives of the national reforms

The overall objective of the reforms is to facilitate the national transformation of Lesotho to a just, prosperous and stable society through:

- a. The promotion of long-term national stability, unity and reconciliation;
- b. The creation of professional, functioning and effective institutions for the efficient management of public affairs, service delivery and development;
- c. Building a national consensus on and implementation of constitutional changes as needed.

The specific objectives of the reforms include:

- a. Promotion of stakeholder consensus on the reforms and long-term national unity and reconciliation;
- b. Reform and re-organization of the security establishments to ensure fitness for purpose and responsiveness to the country’s needs;

- c. Reform and creation of an effective, efficient, professional and results-oriented civil service for enhanced service delivery and development;
- d. Review and reform of the justice sector to ensure greater justice, rule of law and protection of human rights;
- e. Review and reform of critical institutions such as parliament and relevant legislation, including that pertaining to elections and representation, to ensure enhanced institutional independence and stability of politics
- f. Generate consensus on an inclusive mechanism to undertake a review of the Constitution to ensure its alignment to the needs of present-day Lesotho.

3.3 Guiding Principles for the Reform Process

The process will be anchored on the following key principles:

3.3.1. The Facilitative Role of the Government: The Government will facilitate and offer strategic leadership for the reforms;

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

3.3.3. Strategic Vision: The Reform Stakeholders will articulate and be guided by a vision of “The Lesotho We Want”. This will require a dialogical engagement with the historical, cultural and social complexities in which that vision is grounded.

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

3.3.5. Transparency and Accountability: Information about the processes of the reforms will be accessible to those concerned, and information will be provided to render the processes of the reforms understandable and monitorable; all stakeholders will be accountable to each other and to the people.

3.3.6. Dialogue and consensus building: The reform process will be guided by the Basotho culture of consultation and consensus building and by established international standards of democratic participation.

3.4. The Areas of Reform and Action

This section presents a summary review of each sector or area of proposed action. It broadly indicates the detailed objectives of the proposed changes. The section is followed by a combined matrix detailing the objectives, proposed actions, expected results, timelines and resource considerations.

3.4.1. Reforms relating to the functioning of the political system and constitutional arrangements

3.4.1.1. Context and Rationale

Over the past two decades, Lesotho has confronted a variety of problems that have made effective, stable and accountable government difficult. The opening words of the August 2017 Coalition Agreement express these problems and their consequences concisely and strongly and trace them further back: “For most of its 50 years of independence, Lesotho has been dominated by political instability, weak institutions and polarization of society on political grounds. Consequently, its economy has remained fragile and dependent on factors Lesotho has little control of. Weak democratic culture has contributed to the lack of strong institutions as well as social and economic policies to build a strong shared economy needed to support all its people. In the absence of strong institutions and public policies, poverty, hunger, inequality, ignorance and ill-health have persisted and have left many Basotho vulnerable to daily challenges of life.”

The problem of securing political stability has been flagged repeatedly and concerns raised about the adequacy of accountability mechanisms and the rule of law. Given these challenges, a common view has emerged that reforming the country must include constitutional changes. Indeed, a revision of the Constitution may provide a more stable base on which to build a stronger and more accountable political system. ***It may be misleading, however, to assume that all the problems of Lesotho need to be or can be addressed through constitutional changes. A major task of the reform process will be to distil and generate consensus on precisely which of the problems facing the Kingdom require constitutional changes.*** In the immediate, attention to strengthening existing laws and transforming our political culture is as important. Therefore, even as we plan for a constitutional review process, we must implement immediate and short-term administrative, policy and legislative changes which do not necessarily require constitutional changes, in order to enhance stability and strengthen our institutions.

3.4.1.2. Objectives

The reform programme on constitutional and political issues seeks to provide a practical and achievable roadmap. It recognizes that the reform agenda, in its entirety, is substantial and that not all outcomes can be achieved at the same time. It also recognizes that the Government must continue to execute its

day-to-day responsibilities of ensuring that services are delivered effectively and responding to demands that it faces daily. For this reason, the constitutional and political reforms section of the roadmap is divided into three parts:

- **Short-term measures (up to twelve months) and has two objectives.**
 - **Objective 1: *Measures to enhance political stability including those to bring parliamentary practice into line with MMP system (particularly relating to representation, political parties and government formation):*** The majority of Basotho acknowledge that Lesotho has experienced an unacceptable level of political instability that undermines Government's ability to serve the people and promote sustainable development. The introduction of the MMP system enhanced inclusiveness by enabling more parties to be represented in the National Assembly. However, issues have emerged that require attention: floor-crossing, party registration and funding, thresholds for representation in the National Assembly, coalition formation, votes of no confidence (and prorogation) and caretaker governments. Considerable public debate has taken place over these matters. A deeper understanding is now required of the options available on these and any other related issues that may be raised and their likely implications if they were to be adopted in Lesotho. Once agreement is reached, it will need to be translated into practice. In most cases, it may be possible to address these issues without amending the Constitution but rather focusing on amendments to relevant Acts. In some cases (for example coalition formation), development of policy documents, guidance notes and/or amendment to the Standing Orders of Parliament might be the appropriate approach. The particular implementation mechanism will depend both on the nature of the specific reform and what the stakeholders prefer.
 - **Objective 2: *Strengthen Parliament by enhancing its autonomy and its ability to fulfil its legislative, monitoring and oversight functions.*** As in most countries, the role of the Executive in relation to that of Parliament and its autonomy has emerged as an issue. Reform of Parliament has two, interlinked elements: (i) to enhance the autonomy of Parliament, primarily through creating an independent Parliamentary Service Commission, and (ii) to review and revise practices, procedures and access to resources to enable it to fulfil its functions, and particularly its oversight role, more effectively. Reform of Standing Orders may also be necessary to implement agreements reached under Objective One. Work on these reforms has already started: A Parliamentary Reform Committee led some work under the last Parliament. Re-established, and supported by a parliamentary task team, it will be a multi-party committee, with representation from the executive and backbenchers. It will thus continue to provide an inclusive forum for overseeing the process of reforming Parliament.

The Standing Orders have been revised and the committee system expanded to include clustered portfolio committees. However, the proposed Administration of Parliament Act which is to provide the basis of a Parliamentary Service Commission is yet to be drafted, debated and adopted. This will be prioritised and once the Act is in place the basis will have been laid for a Parliament with appropriate autonomy to manage its human resources and other processes in a manner that conforms with the 2008 Commonwealth (Latimer House) Principles on the three branches of government.³

- **Medium-term measures (12 – 24 months) has three objectives.**
 - **Objective 3: *Interim measures to enhance the independence of the judiciary to enable it to better protect democracy and the rule of law pending a broader constitutional review process:*** The judiciary and other role players have identified problems with the relationship between the judiciary and the other two branches of government, the legislature and executive and the functioning of the judiciary more broadly. It is accepted that a judiciary that is independent and that is also perceived to be independent is key to securing the rule of law, promoting fair and effective governance and ensuring stability and protection of institutions. In this context, the appointment process for the judiciary requires urgent attention because currently the Executive has a powerful role in appointments to the Judicial Service Commission and the bench. **Changes to these appointment arrangements will require a constitutional amendment.** While the longer-term reforms are debated, interim measures, such as opening up the appointments process through openly advertising positions, announcing the candidates, public interviews and vetting by a Committee of Parliament, will be considered.
 - **Objective 4: *Enhance ability of institutions intended to protect democracy and promote accountable government to fulfil their roles (including IEC, DCEO, Auditor-General, the Ombudsman and the Human Rights Commission).*** The IEC, DCEO, Auditor-General, Public Service Commission and Ombudsman are expected to play a key role in protecting democratic practices in Lesotho. To do this they need to be independent and to be perceived to be independent. The independence and legitimacy of such bodies is undermined if they are considered to be politicised, too close to the Executive or if there are ambiguities and gaps in their statutory mandates. While the appointment process for the IEC was made more

³Currently, parliamentary staff are members of the public service and thus, in terms of Article 137 of the Constitution, under the control of the Public Service Commission. This means that a constitutional amendment is necessary to remove parliamentary staff from the authority of the Public Service Commission. As an interim measure, the Public Service Commission may delegate its authority over staff of Parliament to the Clerks of Parliament under Constitution Art 137(2).

rigorous through a constitutional amendment in 2001, it will be reviewed. Appointment processes for the Auditor-General and the Ombudsman have not been reviewed since the Constitution was adopted. Thus, although the independence of the Auditor-General is asserted in Article 6 of the Constitution, he or she is a member of the public service and appointed by the Public Service Commission with no need for consultation. The Ombudsman is appointed on the recommendation of the Prime Minister. This undermines the confidence of the public in the ability of the Office of the Ombudsman to act impartially in relation to their complaints about the public administration. In addition, legislation governing these bodies requires certain amendments to clarify their mandates and avoid disputes about how they work. Similarly, although establishment of the Human Rights Commission is underway, some concerns about the appointment process envisaged in its enabling statute and its mandate will be reviewed.

- **Objective 5: *Establishing a process to review the constitution*:** This objective entails laying the ground for a constitutional review through building consensus on and developing options for the process. Developing the process will start within the framework of the Multi-Stakeholder National Dialogue and will include discussions based on option papers for constitution-making processes, including possible constitution-making bodies, mechanisms for involving the public, building inclusion, deadlock-breaking and adoption process. Consultations will lead to a law setting out the constitutional review process and the establishment of the mechanisms or bodies that will conduct the actual constitutional review. Consensus among stakeholders will be key to the adoption of the law by parliament. The Government expects that the actual constitutional review will unfold over a longer period.

- **Longer-term constitutional review.**

- Under the medium-term objectives above, a provision is made for a deliberative process of establishing the constitutional matters to be addressed and a legitimate pathway to review the constitution, to be implemented in the long-term. Here, the objective is to review the constitution according to the process agreed and enacted in a law under Objective 5 above. It will involve a nationally-owned deliberative, transparent, participatory and inclusive process of reviewing and revising the constitution as found necessary.
- Notwithstanding the caveat above that it should not be assumed that changing the constitution would cure all problems, three main reasons underlie the call for constitutional review: (i) that there is an absence of consensus on how to govern Lesotho (including how powers should be divided); (ii) that aspects of the constitutional arrangements are not appropriately designed to manage new challenges, including, in particular, those that have resulted from the new MMP electoral system and from inadequate accountability

mechanisms; and (iii) the belief that a comprehensive process of constitutional review will provide an opportunity to bring the Constitution better into line with the aspirations of the Basotho people and will be an opportunity to contribute to nation building.

- The first action would be to establish the bodies or mechanisms as will be prescribed in the legislation and developing a constitutional review roadmap. Through a consultative process, the roll of issues for constitutional review will be identified and agreed. Given that certain issues have already been highlighted as central concerns (for example government stability; provisions regarding government formation and accountability; methods of appointing the eleven seats in the Senate; and the role of the King and the Council of State; the bill of rights; provisions on the judiciary to further its independence; and security sector issues; etc.), these will be subjected to the consultative process for the public's inputs. **At this point, however, the Government has not, and does not intend to, prejudge the issues of constitutional review ahead of the consultative process, and further issues may be added to the list through that process.**

3.4.2. Reforms Relating to the Security Sector

3.4.2.1. Context and Rationale:

Lesotho's security institutions have historically been apportioned blame for the political instability and insecurity in the Kingdom. Consequently, the need for security sector reform has come to occupy a prominent place in national debates. Reviewing and reforming our national security agencies is seen by most of the Basotho as key to the achievement of lasting peace, democracy and a stable political, security and social environment. Some of the immediate challenges affecting the security services have been identified in some reports including the SOMILES Report of 2015 and include:

- Overlapping of mandates and functions of the different security sector agencies;
- Relations among the different security sector agencies;
- Relations between the civilian leadership and the leadership of the security sector agencies;
- Appointment of the leadership of the security sector agencies;
- Issues of synergy and complementarity among the different security sector agencies.

The Government recognizes the need for reforms of the security sector that would, for the first time, allow Basotho, to develop a nationally-owned vision for its security sector including on the institutional architecture that would best suit the Lesotho context, needs and aspirations of the Kingdom. In this regard, reviewing and reforming the sector is for the benefit of all Basotho, including the many honourable men and women who are serving in our security agencies and who are eager to proudly

belong to a nationally owned security sector that is unified and serves the needs of the Basotho people in a professional manner, free from political interference or other influence. Some initial steps have already been taken towards the implementation of the SADC decisions both by this and the previous government. The reform of the security sector will be continued as a matter of priority.

3.4.2.2. Key Objectives and actions

The proposed process of reforms is centred on three key objectives:

Objective 1: Development of a common and inclusive national vision and policy for the security sector and the roles that the sector should play in achieving the overall national vision for our country. The development and adoption by parliament of a national security policy should provide a strong and widely owned foundation from which the actual reform process should depart. Expert and stakeholder consultations will serve to build ownership of the security sector reform (SSR) process and to expand participation in security and defence policy making to different segments of society. It will be a structured and broadly publicized consultation process to solicit input on security perceptions, needs and aspirations making sure that voices of different groups are heard including, ordinary citizens, political party representatives, civil society, media, women, business community, academics, youth and students. The report out of this process will help to frame the consensus around the issues to be included in a National Security Policy (NSP); It will also have an educational character and help in setting the stage for a more informed participation of different stakeholders in the process of democratic oversight of security forces.

The NSP will: i) provide the overall strategic direction and long-term vision for the security sector reform process; ii) contain a vision statement and specific timeframe (3-5 years); iii) identify the guiding principles, values, national interests and goals that are pursued through the policy; iv) describe the strategic environment of the state and society and outline how this relates to national interests and goals. The description of the strategic environment will contain an analysis of threats, risks and challenges taking into account political, social, economic and environmental aspects of the internal, regional and global context.

Objective 2: Implementation of immediate measures for enhanced professionalism, coordination, information sharing and transparency in the security sector. While the reform process should lead to legislative changes and institutional reforms and reorganization, the Government will identify and implement immediate measures to increase professionalism and public trust in the sector; cooperation and coordination among security institutions; enhance implementation and adherence to existing legislation; and improve planning and execution of security policy. This will be facilitated through;

- The establishment of a national security coordination body (such as a *National Security Council (NSC)*, to be chaired by the Prime Minister. The NSC will be established through a Cabinet decision and validated through its inclusion into the National Security Sector (governance) laws. The NSC will meet regularly and will be composed of the ministers of security, defence, foreign affairs, justice and finance; and Service chiefs as ex-officio members. The government will regularly inform the public of the decisions of the Council. Throughout the reform process the NSC will be the primary government body to lead the SSR process. The NSC will also consider establishing a standing coordination forum with international partners such as SADC, AU and UN.
- A Technical Committee (TechCom) to oversee progress on SSR reforms, ensure coordination at the technical level and bring to the attention of the NSC any issue relevant to the body. The TechCom will be supported by a small secretariat that will schedule meetings, take notes and facilitate public communications. The TechCom will establish its working methods, define frequency of meetings, agenda items and may consider holding periodic meetings with different national stakeholders to solicit their views and inputs on particular issues. The TechCom will establish a regular platform for coordination and information sharing with international partners such as SADC and others and provide for regular communication with citizens.
- A dedicated secretariat to support regular meetings of the NSC And the Technical Committee and enhanced communication with the public.
- A programme of enhanced training and orientation at all levels of our security personnel, in coordination with SADC, to enhance professionalism and public trust.

Objective 3: Development and implementation of a longer-term reform strategy for the security sector linked to legislative changes and the constitutional review process as necessary. The strategy will be informed by:

- Detailed institutional assessments of the Lesotho Defence Force, the Lesotho Mounted Police, the Lesotho Correctional Service and the National Security Service.
- Expert and public expenditure review of the security sector to provide additional insights into financial aspects of security sector management and inform policy decisions and options for reforms.
- In-depth assessments and expert discussions to reach broad agreements on solutions that are best suited to address the challenges stemming from the current configuration of the security sector.
- As necessary, legislation to set out the overall governance arrangements for the security sector. Such legislation will spell out the overall institutional set-up and relationships between security institutions, and contain detailed provisions on mechanisms for enhancing and ensuring civilian control and democratic oversight of the agencies. Importantly, it will specify provisions for

strengthening the professional independence of security institutions and measures to safeguard against political interference in their work, along with strengthened accountability mechanisms.

3.4.3. Reforms Relating to the Justice Sector

3.4.3.1. Context and rationale

The rule of law is a necessary precondition for a well-functioning government, national stability and accelerating sustainable development. Within the framework of the justice reform policy and strategy, efforts to improve the administration of justice in Lesotho has included High Court circuit hearings, legal aid provision, introduction of mediation and establishing a case management system. From 2010, Lesotho embarked on civil justice reforms to establish a well performing commercial court to quickly resolve cases using well established rules and procedures, and this has enhanced the business and investment environment. Additionally, there have been public outreach programs, increased access to legal information, and training conducted to improve staff skills.

Inadequate provisions for judicial independence and other structural and systemic deficiencies in the justice system combined with cyclical political instability has undermined the rule of law and denied people in Lesotho from having equal access to justice. The steps needed to ensure the independence of the judiciary and other institutions are articulated in the section on Political Stability and Constitutional Arrangements, above. The reform of laws experiences excessive process delays. Most justice institutions are centralized in the capital Maseru and some urban centres; and they suffer from capacity constraints due to lack of basic infrastructure and material resources, shortage of staff and insufficient budgets to address the high caseload. Similarly, the state run legal aid scheme also based in Maseru is unable to provide services to all who need it. Moreover, the Directorate of Public Prosecutions (DPP) and Police lack sufficient skills, capacities and tools necessary to effectively investigate and prosecute cases particularly in emerging and complex areas.

The net result is a slow throughput of cases, long trials and a high case backlog in a system already constrained by weak case management and poor sector wide coordination, communication and cooperation. The prisons are overcrowded with over 5,000 inmates of whom approximately 25% are pretrial detainees awaiting trial. The excessive use of incarceration of suspects who could safely await trial in their homes has placed undue pressure on the budget of the Correctional Services to cater for detainees who go on to experience harsh socio-economic effects that often last long after their detention. Furthermore, the commercial justice reforms have slowed while there is limited attention paid to other civil justice reforms. The fact that no single criminal justice institution takes responsibility for this state of affairs provides the basis for a thorough sector-wide review to address the deficiencies in the system.

Public perceptions and confidence in the justice system is currently low. Coupled with low levels of public knowledge about their rights, the costly legal services and long distances to access services, most Basotho especially in the rural areas opt instead to rely on the lay-manned Central and Local Courts, and traditional justice that is delivered through Chiefs. While these mechanisms offer an accessible, affordable and efficient means of resolving disputes, they often fail to follow due process or comply with human rights standards, thus undermining the quality of justice they dispense.

The key challenges in the justice sector are well known; but there is no evidence of the scale of the problem. Neither have the views of the Basotho been canvassed in defining these challenges or used to determine their justice needs. Moreover, the challenges are viewed largely from an institutional, rather than from a system wide perspective – an approach that is not efficient for yielding positive impact across the justice chain when resources are inadequate to address major and complex challenges.

Complementary efforts to systematically domesticate, implement and fulfil Lesotho's human rights obligation has not yet led to a culture of human rights respect, despite the ratification of core international human rights treaties. Lesotho does not yet have the means to establish and sustain a legislative, policy and regulatory framework that fully complies with human rights standards and which are conducive also to peacebuilding and national development. Compared to civil and political rights, inadequate attention is being paid to socio-economic rights including in the Constitution where they are expressed as directive principles of state policy and not included in the main text of the Bill of Rights.

Additionally, the national human rights system in Lesotho remains weak in the absence of a National Human Rights Commission (NHRC). The Office of the Ombudsman which has a broad-based mandate including human rights, is financially constrained, short-staffed and unable to effectively perform all its functions. Several promotion and monitoring activities are carried out by the Human Rights Unit (HRU) of the Ministry of Law and Constitutional Affairs which does not have a mandate to investigate and provide redress to complaints of human rights violations. The delays in operationalizing the NHRC has therefore left a gap in the legal protection of human rights, limiting the impact of work especially at the community level where there is little or no outreach. Noting the similarity in their functions, the HRU, the Ombudsman and the NHRC, runs the risk of duplication and inefficient, ineffective and inequitable delivery of services and information in a manner that does not improve the human rights of *Basotho*.

Functioning as the secretariat for treaty body reporting and the Universal Periodic Review (UPR), the HRU has been able to carry out several promotional activities, prepare and submit treaty reports to different Treaty Bodies despite being understaffed and underfunded. In 2010 and 2015, the GoL also submitted on time its UPR Report on the state of human rights in the country to the Human Rights Council. The HRU however faced challenges in coordinating government ministries, departments and

agencies who do not have a shared understanding of their reporting roles. The absence of a clear process and inadequate capacity of technical staff within other ministries to collate information and prepare human rights oriented reports coupled with lack of available data to draw from has led to a high number of residual reports that are overdue, some dating as far back as 2002 or 2001. Moreover, there is no systematized way for follow up action on ensuing recommendations from these mechanisms.

The national reform agenda provides a timely opportunity for the justice actors to renew their commitment to address these challenges.

3.4.3.2. Objectives

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

3.4.3.3. Key reform actions and processes

In order to achieve these objectives, it is envisaged that the justice sector will immediately organize itself to engage in the national reform process by building in-sector consensus on the needed reforms. Having already identified some areas for reforms, the sector will concurrently implement them in the short to medium term. In the longer term, the sector will collectively and as individual institutions, engage in and propose rule of law, justice and human rights issues for consideration in the constitutional review process. Throughout these efforts, the sector will ensure that linkages are made with other reform areas, in particular, the security sector and public service. Furthermore, in the long term, the sector will take steps to evaluate the impact of implemented reforms, review and revise the reform strategy with a view to consolidating past gains while responding to emerging issues and expanding the reforms.

To this end, the roadmap recommends the following actions under three phases:

- **Short Term:**

In order to build national consensus on justice reform areas and priorities aimed at increasing equal access to justice for all, particularly for the poor and marginalized groups, the justice sector will:

- Set up a two-tier decision-making structure (a sector-wide coordinating mechanism, and institution-specific mechanisms) to prepare and submit a unified or coordinated position in the national reform process;
- Work through the above structure, to develop an evidence based national justice policy and revised reform strategy to which institutions will align their respective Strategic Plans. These instruments will collectively guide the implementation of future reforms in an integrated way.
- Develop a framework/guidance to anchor the national reform process on human rights and ensure its standards and principles (e.g. equality and non-discrimination, participation) are mainstreamed;

- **Medium Term:**

By building on past decisions and actions, the justice sector will continue to implement short to medium term reforms, which include:

- Developing a national human rights policy and a National Human Rights Action Plan in a consultative and participatory way;
- Strengthening the capacity of justice institutions to become effective, accountable and inclusive. Making linkages with public sector reforms on performance management will be key.
- Implementing plans to decentralize justice related services in a rationalized way, complemented by implementation of an efficiency saving strategy within all institutions that should also be developed;
- Identifying and implementing measures to reduce the high case backlog, length of pre-trial detention and prison congestion;
- Establishing a fast track mechanism and processes to revise, reform and enact new priority laws;
- Increasing and expanding implementation of civil justice reforms that have not given due attention compared to criminal justice reforms;
- Strengthening Lesotho's reporting obligation to international/regional human rights mechanisms to reduce the backlog of residual reports and ensure that upcoming reports are submitted timely;
- Operationalizing the NHRC within a strong national human rights system to be able to effectively promote and protect human rights

- **Long-Term:**

Using inclusive and participatory approaches, the justice sector will facilitate sector and institution specific dialogues and consensus on issues related to the rule of law, justice and human rights for consideration during the constitutional review process. It will result in consolidated justice sector and institution specific Technical Notes that will be submitted to the constitution review structures. Additionally, the sector will evaluate implemented reforms and use the findings to revise the reform strategy with a view to consolidating past gains and addressing emerging areas of concern.

3.4.4. Reforms Relating to the Public Service

3.4.4.1. Context and rationale

Evidence within and outside Africa has demonstrated that civil service excellence can be a driver of national transformation through the diligent implementation of socio-economic development plans and service delivery. Like in any successful enterprise, civil service excellence is founded, among other things, on professionalism, efficiency, dedication to service and a results orientation. In this age of information and exponential technological advancements, a modern civil service must be in tune with innovations that improve management and service delivery. Lesotho's civil service must re-invent its approach to service to propel the country beyond the multiple socio-economic challenges that confront Basotho. Currently, Lesotho has one of the highest wage bills in sub-Saharan Africa. Public service salaries, wages and capital expenditures are about 80% of Lesotho's total revenue collection. While revenue has more or less stagnated, there have been steady increases in government employees and in salaries per employee, leaving the government to become the leading employer ahead of the private sector. Human and institutional capacity limitations are significant factors in poor service delivery and gaps across Ministries, Departments and Agencies (MDAs).

The current situation calls for changes to create an efficient, motivated, results-driven and productive public service. The structure of our public service is bottom-heavy, with a large pool of support staff against a small number of professional staff. At the same time, our public service is perceived as polarized, politicized and nepotistic. The current situation calls for a radical shift. Change is inevitable. Various public service reforms have been mooted and tried before but failed because of poor implementation strategies. For example, the Public Sector Improvement and Reform Programme (PSIRP) launched in 2001-2002 had little impact on service delivery due to a lack of enthusiasm for change, and monitoring and evaluation plans. These previous reform initiatives may also have suffered for lack of strategic leadership and champions. These lessons will inform the renewed efforts for public service reforms.

3.4.4.2 Overall Objective of Public Service Reforms

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

Specific Objectives

- **Short-Term**

Objective 1: Strategic administrative changes to increase transparency and public confidence in the public service

There are number of administrative reforms that do not require new legislation or Constitutional changes. These administrative changes will be jointly identified with stakeholders – but include:

- Review and strengthen the Public Service Commission so that it is an autonomous and can perform its duties diligently with minimized influence.
- Conduct special designed Leadership training course including change management skills for leaders and managers in Public Service to strengthen capacities and make them effective change managers/agents
- Strengthen the leadership and monitoring functions of the Office of the Government Secretary and that of the Director-General for better performance in overseeing, coordinating and monitoring all reforms implementations.
- Use technology to be more innovative in disseminating information, i.e. Enhance publication of more GOL documents – e.g. Strategic and Sector plans, reform programmes, procurement notices. Have and implement clear Service Charters: All MDAs have Service Charters developed and in place. They should immediately display “Service Charters” on their respective notice boards and implement accordingly. Likewise, each MDA will endeavour to educate the public, through media mainly radios and TVs, and other fora on what services they provide and how.
- Conduct feasibility study for the establishment of an independently-managed government training institute or outsourcing arrangements – including examination of Lesotho Institute of Public Administration and Management’s (LIPAM) role and significance in addressing training challenges and if it can be transformed to a school of government.
- Further develop and implement the concept of One-Stop Service Centres.

- **Medium-Term**

Objective 2: Develop a holistic plan for the Creation of a professional results-oriented public service for improved service delivery and development

Under this objective, the Reforms Task Force at the Ministry of Public Service will ensure, in inclusive consultations, in the development and implementation of a comprehensive reforms plan for the Public Service to implement in the medium term including:

- Review, agree, and implement better selection and appointment procedures into leadership positions,
- Improve leadership and management competencies at managerial levels to make it effective, professional and results oriented through training and retraining,
- Adopt and institutionalize contractual Performance Management System with senior managers and Organizational Performance Management System in Public Service to hold leaders accountable.
- Adopt and implement best practices (adhering to Code of Conduct and Ethics, Attitude and change management, rewards and sanctions) to promote accountability, transparency and ethics in public service.
- Strengthen management systems by implementing sector strategies,
- Develop a public service competency framework and create a system wide audit of skills and competencies to aid targeted training and/ or recruitment
- Review and improve Public Service Training Policy and include self-learning procedures,
- Enhance Information Communication Technology across public service.

Objective 3: To improve terms and conditions of public service in order to retain professional public servants

The public service is characterized by poor human resource management practices such as ineffective recruitment systems, lack of succession planning and career progression, distorted and inconsistent compensation structures, lack of effective performance appraisal and the associated rewards and sanctions; high vacancy rates in some establishments while there is over establishment in others, and serious skill and competence gaps across the public service. There is a general absence of computer literacy and low use of ICT in service and in human resource management. There is poor working environment, low staff morale and poor work ethics and low productivity. A Holistic Reforms Plan for Public Service should have some commitments concerning the following to implement in Medium to long term:

- To attract, develop and retain brilliant individuals in public service.
- Enhance the recruitment processes to make them shorter and effective,
- Improve human resource forecasting system in the Public Service, define clear succession plans, career progression so that public servants may be encouraged to stay in service.
- Improve and update jobs description at all levels,
- Improve public service remunerations

- Revise Human Resource Management systems and procedures.
- Continuously conduct Leadership and Management competence assessment for senior GoL positions including all positions so that we can place the right people in the right positions across MDAs.
- Streamline HR management functions in the public service,
- Develop and adopt Communication Strategy,
- Improve Terms and Conditions of Service,
- Review and adopt a better Pension system that when people retire, can go home happily after many years of service.

Long-Term

Objective 4: To review laws and regulations in order to clarify mandates and roles to improve institutional functions

The intention under this objective is to undergird reforms through reviewing laws and regulations that govern MDAs and the public service itself. The Holistic Reforms Plan for Public Service should have some commitments to review outdated laws and conflicting institutional mandates that compromise the leadership and management in MDAs and to be implemented in the long term. Among many others:

- Employees of Parliament and Judiciary are recruited by Public Service Commission. Review this situation to reduce the work load of the Public Service Commission and separate Powers of the three branches of Government to create their full independence.
- Strengthen the Auditor General's office by reviewing relevant laws and regulations.
- Likewise, carry out inclusive consultations to review the operating systems and policies governing Public Service for effectiveness,
- Develop and adopt better policies and systems that are inclusive and evidence based,
- Consult all stakeholders and agree, develop and adopt standardized and transparent Human Resource Systems across the Public Service,
- Review, restructure and align structures of MDAs to remove overlapping and conflicting mandates (for example that between the central government and local authorities.)

Ministries and organizational units should have clearly defined roles, responsibilities and working relationships.

3.5. National Dialogue on the Lesotho we Want

3.5.1 Context and Rationale

The nature of the reforms and transformation envisioned for our Kingdom cannot succeed without an open, honest and inclusive dialogue among all Basotho in a way that could address concerns for national unity and reconciliation. We need to undertake a process through which, together, we can define the Lesotho we Want and how the reforms can contribute to that future.

Through its Summit Decisions, SADC, mandated its Facilitator for Lesotho, H.E. Deputy President of South Africa Cyril Ramaphosa, to spearhead a national dialogue on the reforms immediately after the election. The Prime Minister Dr. Motsoahae Thomas Thabane has severally affirmed the commitment to the national dialogue to facilitate the reforms. We, as a government, appreciate the centrality of inclusion of all key stakeholders in the dialogue process. We fully appreciate that undertaking reforms in the absence of representatives of a large segment of our population would be inconsistent with our stated goal of a fully inclusive reform process and national reconciliation. It is in this regard that the government is engaging all political leaders to ensure everyone's participation and contribution in the reform process.

Our well-established tradition demands that every Mosotho must be heard. Indeed, we have a saying that 'BOHLALE HA BO AHE NTLOANA NGOE': wisdom does not reside in one household or individual. The proposed Multi-Stakeholder National Dialogue (MSND) recognizes the need for an inclusive and consultative process that is representative of all Basotho.

We must develop a with home-grown solutions to promote our unity and reconciliation. Lesotho has a rich tradition of dialogue and consensus building, and a legendary connection to the concept and practice of peace. The Great Founder of our nation, King Moshoeshoe I, built Lesotho on a foundation of consensus, peace and diplomacy among Basotho and between Basotho and their neighbours. We must not let him down! Our traditional form of consultation and consensus building is the *pitso*. In modern times, the pitso has been used as an instrument for government to communicate with its people and for the people to express their views to government. The pitso format allows for open dialogue in which people freely speak their minds in order to reach a consensus.

All Basotho are stakeholders in the national dialogue about the future of their country. In this regard, we are grateful for the contribution of Lesotho's civil society who in October 2017 organised the "Post-Election National Dialogue – Reforms, Rule of Law and Nation Building." This civil society-led dialogue fits into our well-established tradition of open exchange. As we work towards the MSND, we recognize the role of civil society and our religious leaders and will work closely with them in the design and facilitation of the dialogue.

3.5.2 Objectives and Proposed Process

The government proposes to facilitate a *Multi-Stakeholder National Dialogue (MSND) on the Lesotho we Want* with two main objectives:

- To consult on issues affecting the peace and stability of Lesotho and build consensus on how these could be addressed through the national reforms agenda;
- To forge a way forward for national unity, healing and reconciliation.

To facilitate these objectives, the MSND will give an opportunity to Basotho to articulate their views on the reforms and how greater unity and reconciliation could be cemented towards the Lesotho we want. The principles of inclusiveness, transparency, equity, participation, accountability, democratic rules and procedures, and consensus building, will guide the dialogue. Through the MSND, we intend to go beyond simply throwing words at each other. We want to have real honest interactions among ourselves – one Mosotho looking the other in the face, and agreeing to accommodate each other for the betterment of the whole nation. In doing this, we will often need to ask tough questions that may require uncomfortable answers. The dialogue platform provides us with an opportunity to do this without offence.

A Concept Note outlining the design of the MSND is annexed to this document. In broad strokes, however, the GoL proposes the following structure and process:

- A National Leaders Forum, primarily involving political leaders, to forge a political consensus on the reforms and national reconciliation. As agreed by the leaders, this Forum could meet at intervals as needed during the implementation of the reforms;
- A MSND on the Lesotho we Want consisting of the following:
 - *An Inaugural Session (National Plenary 1 – NP1)* of the MSND to formally launch the national dialogue. The details of this inaugural conversation will be developed in a consultative way. The GoL's suggestion is that NP1 should help in defining the issues requiring dialogue; give direction on the cascading of the dialogue to the districts; and how these consultations will be facilitated and the contributions harnessed.
 - *In-district consultations* to be facilitated by civil society partners or as agreed based on questions and procedures agreed in NP1.

- National Plenary 2 (NP2) which will receive feedback from the districts, draw conclusions of the national dialogue, and agree on the way forward to implement its recommendations.

To start off the process, the GoL will facilitate the composition of a National Dialogue Planning Committee (NDPC) inclusive of stakeholders. Once the process is agreed, and all preparations are in place, the Prime Minister will announce to the nation on the commencement date of the national dialogue and the reform process. At the National Plenary I, the Government will present its reforms proposal including a detailed Roadmap and seek the plenary's feedback.

3.6 CROSS SECTORAL LINKAGES AND SEQUENCING

The proposed Reforms Framework recognizes that the targeted institutions and sectors function as a part of system. A sector and institutional approach to the reforms facilitates ease of management and may even encourage a healthy competition for excellence among the individual entities; however, reforming one area in isolation would not produce the desired effects. The examples listed here are not exhaustive:

- In terms of checks and balances, the oversight role of parliament over the Executive and the security agencies will require changes such as enhanced independence and capacity of Parliament through its portfolio committees;
- Strengthening Parliament oversight will enhance the idea of the civilian control of the security forces;
- Enhancing the independence of the judiciary to enable it better to protect democracy and the rule of law; ensuring professionalism and dedication by all public servants including those in the security forces duty; will be linked to the broader entrenchment of results-oriented, motivated and professional public service.
- At the same time, the judiciary cannot deliver on justice and human rights in the absence of an efficient investigative, prosecutorial, correctional and other services. Sector-wide reform and capacity building will be necessary.
- In order to demand and enjoy their rights and services, people require to be educated and informed about their rights. Public information and dialogue will be indispensable.
- Appointment mechanism for senior public service officials affects all the sectors, hence the Constitutional reforms will require inputs from all the sectoral groups to finalize possible amendments.

- The pursuit of civil service excellence and a culture of results-orientation will have far-reaching effects on all arms of government including parliament, the judiciary and the security agencies.

The framework is also premised on the idea that beginning with urgent legislative, policy and administrative measures would consolidate stability in the identified sectors, build confidence and create momentum for the longer-term reforms and constitutional review. Sequentially, this approach allows fundamental root issues in each institution or sector to be filtered upwards and, as necessary, be referred to longer-term reforms or to the constitutional review process.

4. IMMEDIATE STEPS TO INITIATE THE NATIONAL DIALOGUE AND THE REFORMS

The journey of national transformation proposed in this document is no doubt ambitious, but one on which we must embark. As the saying goes, the journey of a thousand miles starts with a single step. As a starting point, the GoL proposes the following immediate steps to initiate the national dialogue and the reforms. These steps will be undertaken according to the timelines indicated in the Gant Chart below.

4.1 Build trust and confidence among political and other leaders to create an enabling environment for the national dialogue and the reforms: The national dialogue and reforms envisaged for the country will require the participation, contribution, dedication and goodwill of every Mosotho. These cannot be achieved in an environment of mistrust, anger, fear or suspicion. Rather, Lesotho's leaders across the political divide must work together to create a conducive environment for the national dialogue and reforms. The proposed **National Leaders Forum** is intended to support the trust and confidence building process. Initial steps have already been taken, in conjunction with SADC, to contact political leaders outside of Lesotho's borders. These efforts will be continued in earnest.

4.2 Establish an Inclusive Committee to Plan the three-tier National Dialogue: The Government will facilitate the formation of the National Dialogue Planning Committee (NDPC) to plan the MSND as outlined in the section on National Dialogue. The NDPC will plan Plenaries I and II and facilitate the organisation of the In-district Consultations as will be agreed in Plenary I of the MSND.

4.3 Facilitate the formation of a National Reforms Mechanism (NRM) as agreed at the end of Plenary II: As articulated in the Guiding Principles in this document and in *The Coalition Agreement for National Unity, Reconciliation, Peace and Stability*, the Government is committed to facilitating an inclusive and independent reform process. The Government will therefore facilitate the formation and operationalization of a National Reforms Mechanism as agreed at the end of Plenary II of the MSND.

4.4. Create a Resource Basket for the national dialogue and reforms processes: The Government recognises that the reform agenda will require a substantial outlay of resources. The reforms will also unfold alongside other day-to-day priorities of ensuring that Basotho have access to services. The Government will set aside its own resources for the reforms while at the same time seeking the support of its international partners. Steps in this regard are articulated in the Gant Chart below.

4.5. Develop and roll-out a communication strategy for the reform agenda and national dialogue: Every Mosotho and all Lesotho's partners will need to be well informed about the national dialogue and the reforms. It will be critical for all stakeholders to be aware of what is happening and the opportunities to be involved. Clarity and coherence of the messages about the national dialogue and the reforms will be enhanced through an effective communication strategy and provision of staff dedicated to ensuring public education and information on the national dialogue and reforms.

5. SUMMARY SCHEMATIC

Summary Presentation of Reform Objectives and Indicative Outputs by Sector			
Reform Area	Short-Term Objectives (up to 12 months)	Medium-Term Objectives (12 – 24 months)	Long-Term Objectives
Reforms relating to the functioning of the political system and constitutional arrangements	Objective 1: Measures to enhance political stability including those to bring parliamentary practice into line with MMP system (particularly relating to political representation, political parties and government formation) <ul style="list-style-type: none"> Options' papers and recommendations on floor crossing, coalition governments, caretaker governments and party formation are completed Reform proposals agreed Reforms adopted 	Objective 3: Interim measures to enhance the independence of the judiciary to enable it to better protect democracy and the rule of law pending a broader constitutional review process <ul style="list-style-type: none"> Urgent reforms to the judiciary adopted 	Constitutional review proper <ul style="list-style-type: none"> New constitution or revisions to the Constitution is adopted Report of the constitutional review process
	Objective 2: Strengthen Parliament by enhancing its autonomy and its ability to fulfil its legislative, monitoring and oversight functions. <ul style="list-style-type: none"> Inter-party Parliamentary Reforms Committee reviewed and strengthened Administration of Parliament Act providing for autonomy adopted and harmonized with other regulations. Parliament's autonomy over its administration and capacity of members and staff strengthened Revised Standing Orders of National Assembly and Senate and Joint Standing Orders adopted A unit with technical capacity to provide support to MPs to carry out their responsibilities is established. 	Objective 4: Enhance ability of institutions intended to protect democracy and promote accountable government to fulfil their roles (including IEC, Auditor-General, the Ombudsman and the Human Rights Commission). <ul style="list-style-type: none"> Appointment processes for office bearers reformed Relevant Acts and Regulations reviewed and harmonized 	
		Objective 5: Establishing a process to review the constitution <ul style="list-style-type: none"> Options for a constitution-making process, and their strengths and weaknesses Identified Law on constitutional Review process adopted 	
Reform Area	Immediate and Short-Term Objectives	Medium-Term Objectives	Long-Term Objectives
Reforms Relating to the Security Sector	Objective 1: Implementing immediate measures to enhance professionalism, coordination, and transparency in security sector <ul style="list-style-type: none"> Training and re-orientation of security personnel Recruitment and career progression procedures streamlined 	Objective 3: The development and implement a long-term strategy for the security sector. <ul style="list-style-type: none"> Comprehensive Institutional assessments of LDF, NSS and the LMPS Conducted Public Expenditure Review of the Security and Defense Sector is conducted Political/expert dialogue on national security institutional design options that may be best suited for Lesotho is carried out Security sector strategy Adopted 	

	<ul style="list-style-type: none"> National Security Council established Technical National Security committee established An SSR Monitoring and Reporting body established Intra-security sector Information-sharing mechanism in plan 	<ul style="list-style-type: none"> Legislation to clarify and harmonize security sector architecture in line with NSP/Security Sector S strategy adopted Strategic Defense, security and police Plans are in place Legislative and/or Constitutional amendments as necessary. 	
	<p>Objective 2: To develop a common and inclusive national policy for security sector</p> <ul style="list-style-type: none"> National Security Sector dialogue to develop the national security policy (NSP) is held NSP dialogue Report produced and disseminated National security policy (NSP) of Lesotho is adopted 		

Reform Area	Immediate and Short-Term Objectives	Medium-Term Objectives	Long-Term Objectives
Reforms Relating to the Justice Sector	<p>Objective 1: To develop a holistic sectoral reforms framework for strengthening the rule of law, justice and human rights</p> <ul style="list-style-type: none"> A Position Paper on justice, law and order related reforms developed, agreed to by the sector for inclusion in the National Reform Document Evidence of justice institutional gaps and people's unmet needs are identified through a justice sector assessment, and public perception survey on the demand, use and experiences A national justice sector policy and strategy developed and agreed The Strategic Plans of justice sector institutions are aligned to the new justice sector policy and strategy, and adopted Guiding Principles are developed, disseminated to all sectors and used to guide the mainstreaming of human rights standards and principles into the national reform process 	<p>Objective 2: To implement innovative reform oriented strategies to increase equal access to justice for all especially marginalised and vulnerable groups</p> <ul style="list-style-type: none"> Justice sector institutions are strengthened to become effective, accountable and inclusive. A mechanism to manage, coordinate and sustain sector-wide policy formulation, planning, budgeting and reforms among justice actors is established. Priority laws that need to be revised, reformed and or newly enacted are expeditiously handled using an established fast track mechanism and processes A plan to extend, decentralize and improve core justice related services in a rationalized way is developed and implemented through a phased approach Strategies with innovative solutions are designed to reduce criminal case backlog, length of pre-trial detention and prison congestion and implemented. Civil justice reforms including on commercial, land and family justice are identified and strategies are developed and implemented People are empowered to use and shape law in ways that allow them to have easy access to justice, legal security and reach their full potential 	<p>Objective 5: To consolidate past gains and expand justice and legal empowerment reforms</p> <ul style="list-style-type: none"> Evaluate the impact of the justice reform strategy Justice reform strategy is reviewed, revised and adopted Strategic Plans of justice institutions are aligned to the revised reform strategy Revised strategy is implemented
		<p>Objective 3: To facilitate the identification of and consensus on issues relating to the rule of law, justice and human rights for consideration through the constitutional making/review process.</p> <ul style="list-style-type: none"> Technical Notes developed, endorsed and approved by the Justice Sector decision making structure as the focus of the constitutional making/review 	
		<p>Objective 4: To mainstream human rights standards and principles within the national reform and development processes.</p> <ul style="list-style-type: none"> Human rights guiding principles are applied in all sector reform process and regularly monitored and reported. A national human rights policy and National Human Rights Action Plan for Lesotho is developed, agreed to and implemented to guide the mainstreaming of human rights in development A National Human Rights Commission (NHRC) is operational and functional 	

Reform Area	Immediate and Short-Term Objectives	Medium-Term Objectives	Long-Term Objectives
<p>Reforms Relating to the Public Sector</p>	<p>Objective 1: Strategic administrative changes to increase transparency and public confidence in the public service</p> <ul style="list-style-type: none"> • Signage at government offices to provide basic directions to GOL offices and Ministries Improved • Technology used to be more innovative in disseminating information, • Public Service Commission reviewed and strengthened • Special designed Leadership training course conducted for leaders and managers in Public Service to strengthen capacities and make them effective change managers/agents • Leadership and monitoring functions of the Office of the Government Secretary and that of the Director-General strengthened • Feasibility study for the establishment of an independently-managed government training institute conducted 	<p>Objective 2: Create a professional results-oriented public service for improved service delivery and development</p> <ul style="list-style-type: none"> • Better selection and appointment procedures into leadership positions agreed on and implemented, • Leadership and management competencies at managerial levels improved through training • Contractual Performance Management System with senior managers and Organizational Performance Management System in Public Service adopted and institutionalised. • Best practices to promote accountability, transparency and ethics in public service adopted and implemented • Management systems by implementing sector strategies strengthened, • A public service competency framework developed • A system wide audit of skills and competencies to aid targeted training and or recruitment created • Public Service Training Policy and include self-learning procedures improved, • Information Communication Technology across public service enhanced. 	<p>Objective 4: To review laws and regulations in order to clarify mandates and roles to improve institutional functions</p> <ul style="list-style-type: none"> • Relevant Laws and regulations to the Public Service reviewed harmonized and implemented • Systems and policies governing Public Service reviewed, adopted and operationalized, • Ministries, Departments and Agencies structures reviewed, restructured and aligned to remove overlapping and conflicting mandates. • Independence of Parliament and Judiciary created
		<p>Objective 3: To improve terms and conditions of public service in order to retain professional public servants</p> <ul style="list-style-type: none"> • Brilliant individuals attracted, developed and retained in public service • Recruitment processes enhanced to make them shorter and effective • Human resource forecasting system in the Public Service improved, clear succession plans, career progression defined • Jobs description at all levels improved and updated • Public service remunerations improved • Human Resource Management systems and procedures revised. • Continuously Leadership and Management competence assessment for senior GoL positions conducted • HR management functions in the public service streamlined • Communication Strategy developed and adopted • Terms and Conditions of Service improved • Better Pension system adopted 	
		<ul style="list-style-type: none"> • Lesotho is up-to-date with its international reporting and engagement with international and regional human rights mechanisms 	

6. DETAILED ACTIONS, OUTPUTS, TIMELINES AND RESOURCE CONSIDERATIONS

Overall Vision of the Reform Programme: The transformation of the Kingdom of Lesotho into a peaceful, stable, secure, just, and prosperous country marked by effective and citizen-focused institutions; national unity of purpose; rule of law and good governance				
National Dialogue on the Lesotho We want				
Outputs	Timelines	Detailed Actions	Responsibilities	Resources considerations and Options
Objective 1: Stakeholders agree on issues affecting peace and stability in Lesotho and reach consensus on the reform agenda				
Output 1.1 A National Dialogue Planning committee (NDPC) appointed to prepare and undertake pre-Dialogue preparations.	November	<ol style="list-style-type: none"> 1. Design dialogue process in consultation with key stakeholders 2. The NDPC prepares the dialogue methodology and operational procedures for conducting the inaugural Multi-Stakeholder Dialogue 3. The NDPC prepares a programme for the dialogue for approval by GoL and stakeholders 4. In consultation with stakeholders NDPC prepares and agree on a list of participants for approval by GoL and stakeholders 5. The NDPC make an appropriate public announcement of the dialogue. <i>This will ensure continued engagement of the population that will not be physically at the dialogue.</i> 	Government of Lesotho, Non-state Actors	Government Officials CSO and CCL appointees Dialogue Facilitators Experts in “issues areas”
Output 1.2 Issues/Areas requiring reforms framed and agreed	December	<ol style="list-style-type: none"> 6. Hold National Leaders Forum 7. The Right Honourable the Prime Minister addresses Parliament 8. Hold Inaugural Session (National Plenary I) of National Dialogue 9. GoL presents the Draft Framework and Roadmap for reforms 10. Plenary and group discussions to identify and agree on issues 	Government of Lesotho, Non-state Actors	Government Officials CSO and CCL appointees Dialogue Facilitators Experts in “issues areas”

		11. Agree on number, principles, content, process and facilitation of in-district consultations		
Output 1.3 In-District consultations undertaken	January 2018	12. Hold at least one in-district consultation in each district 13. Each district prepares record of the consultation and submits for discussion at National Plenary II	Government of Lesotho, Non-state Actors	
Output 1.4 District submissions receive and reviewed and way forward agreed		14. Hold National Plenary II 15. Participants agree on mechanisms and processes for the reforms	Government of Lesotho, Non-state Actors	
Objective 2: Objective 2: Stakeholders agree on pathways for national unity and reconciliation				
Output 2.1 Proposals for national unity and reconciliation discussed and agreed	December	16. Discuss and agree on Issues and approaches to national healing and reconciliation.	Government of Lesotho, Non-state Actors Development Partners SADC and AU	Support from Peacebuilding Fund (PBF) Dialogue Facilitators Experts in “issues areas”
Reforms relating to the Functioning of the Political System and Constitutional Arrangements				
Outputs	Timelines	Required Actions	Responsibilities	Technical and Financial Resources Required
PART ONE: IMMEDIATE STEPS				
Objective 1: Measures to enhance political stability including those to bring parliamentary practice into line with MMP system (particularly relating to political representation, political parties and government formation				
<u>Output 1.1</u> Options’ papers and recommendations on floor crossing, coalition governments, caretaker governments and		1. Commission papers that present analysis, options and recommendations on floor-crossing, coalition formation and caretaker governments, party formation and other issues identified in previous reports and by the current role players. 2. Hold meeting/s with experts and relevant actors to publicize the contents of the papers and empower	Body responsible for the sector Ministry of Law and Constitutional Affairs, Parliamentary Reform Committee, IEC, CS	Resources to commission papers and hold awareness workshops with key stakeholders (eg Political parties)

party formation are completed]		people to understand the issues better, and understand the implications of different options.		
<u>Output 1.2</u> Reform proposals agreed		3. Hold consultations with sector stakeholders to agree on proposals for reform 4. Decide on mechanisms for implementing reforms (such as legislation, Standing Orders of Parliament, policy or guidance documents, or constitutional amendment) 5. Prepare reform proposals in the appropriate form	Body responsible for the sector, Ministry of Law and Constitutional Affairs, Parliamentary Reform Committee, IEC, CS Legal drafters	Support from experts who contributed to initial papers on reform options, including expert legislative drafters with experience of electoral systems.
<u>Output 1.3</u> Reforms adopted		6. Present reforms to appropriate bodies for adoption (eg Parliament, National Assembly Committee on Standing Orders)	Body responsible for the sector, Government and Parliament	No additional resources as this is a statutory legislative process
Objective 2: Strengthen Parliament by enhancing its autonomy and its ability to fulfil its legislative, monitoring and oversight functions.				
<u>Output 2.1</u> Inter-party Parliamentary Reforms Committee reviewed and strengthened		7. Review the composition of Parliamentary Reform Committee in consultation with relevant stakeholders 8. Agree on, and establish Task Force of Parliamentary Staff to support process, manage and carry out research, propose and prepare amendments to parliamentary Standing Orders and structures.	Parliament, government	No additional resources
<u>Output 2.2</u> Administration of Parliament Act providing for autonomy adopted and harmonized with other laws and regulations.		9. Prepare drafting instructions for Administration of Parliament Act 10. Secure agreement of Parliamentary Reform Committee and submit to legal drafters 11. Debate and adopt bill in Parliament. 12. Prepare a medium to long term plan to facilitate the review of acts that govern Parliament and propose appropriate amendments to align them with the administration of Parliament Act.	Parliamentary Reforms Task Team, Legal drafters	Technical assistance (e.g. expert on admin of Parliament to assist in preparing drafting instructions and possibly a legal drafter) Once established, Parliamentary Service Commission
<u>Output 2.3</u> Parliament's autonomy over its administration and capacity of members and staff strengthened.		13. Establish Parliamentary Service Commission in terms of new Administration of Parliament Act 14. Prepare parliamentary service policy and adopt regulations, including terms of service for parliamentary staff.	Parliamentary Reforms Task Team, Legal drafters	
<u>Output 2.4</u>		15. Revise rules and committee structures drawing on the experience of the past years and that of other	Parliamentary Reforms Committee, National	Possible technical assistance

Revised Standing Orders of National Assembly and Senate and Joint Standing Orders adopted		<p>parliaments, particularly small parliaments that operate with coalition governments.</p> <p>16. Prepare ToRs and commission proposals on reforms and ensure that the process is transparent and that relevant stakeholders can participate</p> <p>17. Parliamentary Review Committee presents revised rules to the National Assembly and Senate.</p> <p>18. Draft Standing Orders and a policy concerning parliamentary oversight of the security services in consultation with stakeholders</p>	Assembly, Senate, Parliamentary Task Team.	
<u>Output 2.5.</u> A unit with technical capacity to provide support to MPs to carry out their responsibilities is established.		<p>19. Establish an information/Research Unit</p> <p>20. Develop ToRs and work plan</p>	Task Force, Parliament, CSOs	Technical support from experts with experience in empowering small parliaments in small countries.
Objective 3: Interim measures to enhance the independence of the judiciary to enable it to better protect democracy and the rule of law pending a broader constitutional review process				
<u>Output 3.1</u> Urgent reforms to the judiciary adopted	November 2018	<p>21. Review the appointment process of Judges and Magistrates</p> <p>22. Review the roles and mandates of the Chief Justice and the President of the Court of Appeal</p> <p>23. Coordinate with the justice reform body as established under the Justice reforms body</p> <p>24. Prepare technical notes on issues identified (as provided in the Justice sector reforms section below) in consultation with the portfolio committee responsible for Law and Constitutional Affairs, the Ministry of Law and Constitutional Affairs and relevant civil society actors</p> <p>25. Present proposals to relevant bodies for adoption.</p> <p>26. Body responsible for reforms to the judiciary identifies further urgent reforms necessary in the judiciary to secure its independence and effective functioning.</p> <p>27. Prepare proposals in consultation with relevant stakeholders and institutions</p> <p>28. Present proposals to relevant bodies for adoption</p>	Constitutional reform body, Judiciary Sector Reform Body	Resources for workshop, consultation meetings and drafting that may be necessary
Objective 4: Enhance ability of institutions intended to protect democracy and promote accountable government to fulfil their roles (including IEC, DCEO, Auditor-General, the Ombudsman and the Human Rights Commission)				

<u>Output 4.1</u> Appointment processes for office bearers reformed		29. Consult and prepare proposals for revised appointment procedures 30. Submit suggested proposals to Parliament for adoption.	Constitutional reform body, IEC, DCEO, Auditor General's office, the Ombudsman and the Human rights Commission, Parliament,	
<u>Output 4.2</u> Relevant Acts and Regulations reviewed and harmonized		31. Consult and gather information about necessary urgent revisions to Acts and regulations 32. Facilitate drafting of relevant amendments. Adopt amendments	Constitutional reform body, IEC, DCEO, Auditor General's office, the Ombudsman and the Human Rights Commission, Parliament	
Objective 5: Establishing a process to review the constitution				
<u>Output 5.1</u> Options for a constitution-making process, and their strengths and weaknesses Identified		33. Commission papers on options and recommendations on constitution-making processes 34. Disseminate the content of the options papers	Parliament, Law and Constitutional Affairs	
<u>Output 5.2</u> Law on constitutional Review process adopted		35. Examine options for constitutional review 36. Conduct broad-based, inclusive and transparent consultation and deliberation on proposal for constitution-making process 37. Finalize and submit proposals to Parliament for adoption	Constitutional review body as decided under objective 3.2	External technical assistance may be necessary
LONGER TERM - PROGRAMME FOR CONSTITUTIONAL REVIEW PROCESS				
Objective 6: Review the Constitution according to the legislative process provided				
<u>Output 6.1</u> New constitution or revisions to the Constitution is adopted		38. Develop draft Constitution/ amendments to the constitution 39. Validate through public consultations 40. Adopt the New Constitution/amendments	Constitutional review body as decided under objective 3.2	Technical assistance and resources to hold the necessary consultation workshops
<u>Output 7.2</u>		41. Prepare, disseminate and publish report as determined in the constitutional reform process	As determined in design of constitution-making process. This should	Research support to write report

Report of the constitutional review process			include the sectoral reform bodies	Resources for dissemination of the report
Reforms Relating to the Security Sector				
Outputs	Timelines	Required Actions	Responsibilities	Resources considerations/ options
Objective 1: Development of a common and inclusive national vision and policy for the security sector and the roles that the sector should play in achieving the overall national vision for our country				
<u>Output 1.1</u> Security Sector dialogue to develop the national security policy (NSP) is held	By April 2018	1. Facilitate public and expert dialogue on Lesotho's security vision and policy	Inter-disciplinary drafting team established at the National multi-stakeholders to develop draft; Draft NSP to be presented at a multi-stakeholder workshop Adoption of NSP by Parliament	Resources to hold focus group workshops. Expert consultant to assist the inter-disciplinary team in drafting and facilitating the process
<u>Output 1.2</u> NSP Dialogue Report produced and disseminated	4-6 months from launch to submission to Parliament;	2. Write and submit the report The report would begin to frame the consensus around issues to be part of a National Security Policy; It should also have an educational character if possible and setting the stage for a more informed participation of different stakeholders in the process of democratic oversight of security forces;	Government to facilitate, propose process design including timelines and outreach to specific groups 'Interest groups' to consolidate into clear positions Media to report on substance of consultations.	Extensive consultations may require dedicated resources to hold workshops to disseminate the conclusions of the dialogue on national security policy including expert support to facilitate workshops and provide data analysis.

<u>Output 1.3</u> National security policy (NSP) of Lesotho is adopted		3. SSR Technical Committee led by MoFA to develop a draft NSP 4. NSC considers the draft and releases for consultations as provided below 5. Present NSP to a (series of) multi-stakeholder workshop(s) 6. Revise and validate the Draft by the NSC 7. Parliament adopts NSP	Inter-disciplinary body established by at the National multi-stakeholders, Government, Parliament	Resources to hold Multi-stakeholder workshops on the National Security policy before its tabling to Parliament
Objective 2: Implementation of immediate measures for enhanced professionalism, coordination, information sharing and transparency in the security sector				
<u>Output 2.1.</u> National Security Council established		8. Establish a national security coordination body (such as a National Security Council), to be chaired by the Prime Minister 9. Establish a dedicated secretariat to support regular meetings and enhanced communication with the public 10. Undertake a programme of enhanced training and orientation at all levels of security personnel, in coordination with SADC, to enhance professionalism and public trust	It is the government's responsibility to demonstrate civilian control over the security sector through predictable and transparent democratic dialogue and policy-making.	Internal government process with no additional resources required
<u>Output 2.2</u> Technical National Security Committee (TNSC) established		11. Set up a standing technical security sector coordination body 12. Define composition and ToR of TNSC	Government;	Internal government process with no additional resources required
<u>Output 2.3</u> An SSR Monitoring and Reporting body established		13. Establish a dedicated SSR monitoring and Reporting body that will compile information and monitor progress against agreed indicators and milestones	Inter-disciplinary body team established by at the National multi-stakeholders;	Resources to allow the monitoring committee to meet and produce its reports
Objective 3: Development and implementation of a longer-term reform strategy for the security sector linked to legislative changes and the constitutional review process as necessary				

<p><u>Output 3.1</u> Comprehensive Institutional assessments of security agencies conducted</p>		<p>14. Conduct comprehensive institutional assessment of security agencies</p> <p>15. Clarify the role of Lesotho Correctional Service</p> <p><i>Detailed assessment and analysis of institutional structures, processes and capacities with a view to identifying major gaps and areas that require development and/or alignment with the NSP;</i></p> <p><i>The assessment should be led by the Military Command, Chief of NSS or the Police Commissioner respectively, with participation from a multi-disciplinary team of experts including from civil society and academia and with external experts where necessary.</i></p> <p><i>The assessment should consider: strength, composition, structure, training, leadership, internal accountability, appointments and promotions.</i></p> <p><i>The inter-disciplinary expert team agrees and adopts the methodology, timelines and expected output (assessment report) and the NSC and the Committee for Security and Defence endorses</i></p>	<p>LDF Commander, Police Commissioner Director General of NSS or the with participation from a multi-disciplinary team of experts including from civil society and academia and with external experts where necessary</p>	<p>Technical assistance to ensure expert support to the whole process</p>
<p><u>Output 3.2</u> Public Expenditure Review of the Security and defence Sector is conducted</p>		<p>16. Conduct an in-depth analysis of security sector expenditure;</p> <p>17. Identify and formulate policy options for government to meet the stated objectives of the NSP/NSS,</p> <p>18. Formulation of trade-offs in terms of budget allocations vis-a-vis other sectors</p> <p>19. Hold broad consultations including with civil society to share and discuss the findings and recommendations of the review</p>	<p>LDF Commander, Police Commissioner Director General of NSS</p>	<p>Technical assistance to ensure expert support to the whole process</p>
<p><u>Output 3.3</u> Political/expert dialogue on national security institutional design options that may be best suited for Lesotho is carried out</p>		<p>20. Organize political/expert consultations on National security institutional set up that respond to the NSP. Seek views of stakeholders on issues related to checks and balances, civilian control, professionalism of the security forces, etc.</p>	<p>LDF Commander, Police Commissioner Director General of NSS with participation from a multi-disciplinary team of experts</p>	<p>Technical assistance to ensure expert support to the whole process</p>

<u>Output 3.4</u> Security sector strategy Adopted		21. Develop a National Security Sector strategy. Issues that require enhanced clarity included: <ul style="list-style-type: none"> • Overall institutional set-up of the security sector • re-enforcement of checks and balances: • Civilian control and democratic oversight • Professional independence of security institutions • Political non-interference and accountability mechanisms 	LDF Commander, Police Commissioner Director General of NSS with participation from a multi-disciplinary team of experts	Technical assistance to ensure expert support to the whole process
<u>Output 3.5</u> Legislation to clarify and harmonize security sector architecture in line with NSP/Security Sector Strategy adopted		22. Develop/review legislation on security sector architecture in line with the NSP and National security strategy The legislative process should be preceded by multi-stakeholder discussions around the key topics that should be addressed in the law including the National Defence Act, Police Act, etc.; The discussions should be informed by regional, continental and international-best practice;	Inter-disciplinary body team established by at the National multi-stakeholders;	Resources to support the process
<u>Output 3.6</u> Strategic Defence, security and police Plans are in place		23. Develop 5-year plan to meet the stated objectives coming out of the National security sector strategic plan. The defence, national security and the police to develop their respective 5 years plans to implement the national security sector strategy	LDF, LMPS and NSS	
Reforms Relating to the Justice Sector				
Dialogue Outputs	Timelines	Required Actions	Responsibilities	Technical and Financial Resources Required
Objective 1: To build an across-sector consensus and implement measures aimed at increasing equal access to justice for all including the poor and vulnerable				
<u>Output 1.1</u> A Position Paper on justice, law and order related reforms developed, agreed to by the sector and included in the Framework for Reforms Document	December 2017	<ol style="list-style-type: none"> 1. Set up a sector wide decision-making structure to build consensus on sector reform priorities 2. Appoint a team of justice sector focal points to participate in the National Dialogue for reforms 3. Draft a sector position paper on key justice issues with inputs from all institutions to be considered in the national reform agenda 4. Working through the sector wide structure, present, debate issues in and agree on the draft paper 	MOJCS, MOLCAHRs, MOPPS, Judiciary, DPP, Corrections Services, LMPS, LRC, MOPS, MOF, MOPD, Law Society, Select CSOs	Resources to hold intra sector workshops to develop the paper

		<ol style="list-style-type: none"> 5. Present the Justice Paper to the National Dialogue process for reforms for inclusion in the Framework for Reforms document 6. Focal Points report back on the endorsed Reforms Framework and Roadmap to the sector structure 7. Representatives to the sector wide decision-making structure report back to their own institutions 		
<p><u>Output 1.2</u> A national justice policy and revised reform strategy are developed and agreed to by Cabinet and the Justice Sector respectively</p>	December 2018	<ol style="list-style-type: none"> 8. Carry out institutional capacity assessments of key justice institutions, collect views of the <i>Basotho</i> on their justice needs 9. Prepare a synthesized report based on the above assessment and survey of structural and systemic barriers and justice needs of the <i>Basotho</i> with recommendations for reform 10. Revise the national justice policy informed by the report on the assessment and survey of public views 11. Review and update the justice reform strategy into a prioritized and sequenced framework for reform 12. Present the national justice policy and strategy to the sector decision making structure for endorsement as the framework for reform 13. Align justice sector institutional strategic plans to the national justice policy and new sector wide reform strategy 	MOJCS, MOLCAHRs, MOPPS, Judiciary, DPP, Corrections Services, LMPS, LRC, MOPS, MOF, MOPD, Law Society, Select CSOs and the Private Sector	Technical Assistance
<p><u>Output 1.3</u> Innovative solutions are discussed, agreed to and implemented to increase access to justice for all, especially the poor and marginalized groups is increased</p>	December 2018	<ol style="list-style-type: none"> 14. Institutionalize a mechanism to manage and strengthen justice sector wide coordination, communication and cooperation for policy formulation, planning, budgeting and sustainable reforms 15. Strengthen Justice sector institutions to become effective, accountable and inclusive 16. Establish a fast track mechanism and processes to reform priority laws that will be revised, reformed and or newly enacted 17. Develop and implement a plan to decentralize justice related services in a rationalized way using a phased approach 	MOJCS, MOLCAHRs, MOPPS, Judiciary, DPP, Corrections Services, LMPS, LRC, MOPS, MOF, MOPD, Law Society, Select CSOs and the Private Sector	

		<p>18. Design and implement innovative measures to reduce criminal case backlog, length of pre-trial detention and prison congestion</p> <p>19. Step up efforts to reform the civil justice system including the commercial, land and family justice reforms</p> <p>20. Empower the people legally, to use and shape law in ways to allow them to have access to justice, administrative processes and ensure legal security</p>		
Objective 2: To facilitate the identification of and consensus on issues relating to the rule of law, justice and human rights for consideration through the constitutional making/review process				
<p><u>Output 2.1</u> Technical Notes are endorsed and approved by the Justice Sector decision making structure as the focus of the constitutional making/review</p>	November 2018	<p>21. Prepare a Sectoral and Institution Technical Notes on rule of law areas requiring constitutional review</p> <p>22. Present the draft Technical Notes to the Justice Sector management structure and working in groups debate the issues</p> <p>23. Institutions and Justice Sector finalize the Technical Notes and management structures approve them for presentation to the constitutional review structures</p> <p>24. Present the Sectoral and institution specific Technical Notes to the Constitutional Review Structures</p>	Justice sector reform body as provided in action 14 of the Road Map under the section on Dialogue and Consensus building	
Objective 3: To mainstream human rights standards and principles within the national reform and development processes				
<p><u>Output 3.1</u> A human rights framework to the National Reform Agenda is adopted</p>	March 2018	<p>25. Develop guidelines for applying human rights based approaches including on discrimination, to the national reform agenda</p> <p>26. Present the guidelines to the National Dialogue structures for discussion and endorsement as the framework for human rights in the reforms</p> <p>27. Monitor the appointment and sensitization of human rights focal points in every ministry, department and agency who will ensure that human rights standards/principles are applied in their reform areas</p>	MoLCAHR, government Ministries, departments and agencies, Parliament, Judiciary, CSOs, Chiefs, Private Sector, Ombudsman	Technical Assistance

<p><u>Output 3.2</u> A national policy and action plan on human rights is developed and endorsed by Cabinet</p>	December 2019	<p>28. Develop a national human rights policy to guide human rights mainstreaming with inputs from stakeholders for Cabinet approval;</p> <p>29. Develop and implement an integrated National Human Rights Action Plan through an inclusive and participatory approach</p> <p>30. Implement and monitor implementation of the National Human Right Action Plan</p>	NHRC, MoLCAHR, MoJCA, LRC, CSOs, Legislature, Political Parties, government Ministries, departments and agencies, Chiefs, Private Sector	Technical Assistance
<p><u>Output 2.3</u> A National Human Rights Commission (NHRC) is operational and functional</p>	December 2019	<p>31. Review and amend the NHRC Act and Rules of Procedure</p> <p>32. Appoint the Chair, Deputy Chair and Commissioner of the NHRC as provided under objective 4 of section on Constitutional Reform section</p> <p>33. Recruit staff for the NHRC and set up systems and procedures for it to function</p> <p>34. Review and streamline the functions of the NHRC with that of the Ombudsman and HRU in the Ministry of Law to minimize duplication</p>	NHRC, MoLCAHR, MoJCA, MoF, MoPS, LRC, CSOs, Legislature, Ombudsman, Law Reform Commission	Technical Assistance
<p><u>Output 2.4</u> Lesotho is up-to-date with its international reporting and engagement with international and regional human rights mechanisms</p>	December 2018	<p>35. Establish a National Mechanism for Reporting and Follow-up</p> <p>36. Design and operationalize a streamlined process for coordinated preparation of reports across government Ministries, departments and agencies</p> <p>37. Build staff capacity in government on how to prepare reports in line with set guidelines by the international and regional monitoring mechanisms</p>	MoLCAHR, MoFA, GoL, Ombudsman, Law Reform Commission	Technical Assistance

Reforms Relating to the Public Sector

	Timelines	Required Actions	Responsibilities	Resources Options	Considerations and
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Objective 1: Strategic administrative changes to increase transparency and public confidence in the public service

<u>Output 1.1</u> Robust Administrative reforms in the Public service agreed on and implemented		1. Implement Service Charters, increase public awareness; 2. Streamline administrative processes in service centres to improve service delivery	Steering Committees of Ministers and Principal secretaries, Ministry of Public Service and other Ministries	
<u>Output 1.2</u> Increased transparency and engagement with the public		3. Increase publication of more GOL documents – e.g. Strategic and Sector plans, reform programmes, procurement notices on websites and in press releases 4. Improve signage at Government Offices to provide basic directions to GOL offices and Ministries		
<u>Output 1.3</u> Public Service Commission strengthened		5. Review the legislation establishing the Public Service Commission to make it an autonomous body 6. Capacitate Public Service Commission staff 7. Harmonize the Commission with the Ministry of Public Service 8. Create Service Commissions for Judiciary and Parliament to reduce the work load of Public Service Commission, separate and create independence for the three branches of Government	Steering Committees of Ministers and Principal secretaries, Ministry of Public Service, Parliament and Judiciary	
<u>Output 1.4</u> Leadership strengthened		9. Conduct special designed Leadership training course including change management skills for leaders and managers in Public Service to strengthen capacities and make them effective change managers/agents 10. Strengthen the leadership and monitoring functions of the Office of the Government Secretary and that of the Director-General for better performance 11. Conduct feasibility study for the establishment of an independently-managed government training institute	Steering Committees of Ministers and Principal secretaries, Ministry of Public Service	Technical Assistance
Objective 2: Create a professional results-oriented public service for improved service delivery and development (Medium Term 12-24 months)				
<u>Output 2.1</u> Leadership strengthened		12. Review, agree, and implement selection and appointment procedures into leadership positions, 13. Conduct training to improve leadership and management competencies in the Public Service,	Steering Committees of Ministers and Principal secretaries, Ministry of Public Service	Technical Assistance

		<p>14. Strengthen Leadership and management capacity for the cross cutting issues including gender and HIV/AIDS, Environment</p> <p>15. Adopt and Implement best practices to promote accountability, transparency and ethics in public service,</p>		
<p><u>Output 2.2</u> Management Systems strengthened</p>		<p>16. Implement Sector strategy</p> <p>17. Develop a public service competency framework and create a system wide audit of skills and competencies to aid targeted training and or recruitment</p> <p>18. Adopt and institutionalize Contractual Performance Management with senior managers and Organizational Performance Management Systems,</p> <p>19. Review and improve Public Service Training Policy and include self-learning procedures,</p> <p>20. Enhance Information communication technology for public service management,</p>	<p>Steering Committees of Ministers and Principal secretaries, Ministry of Public Service</p>	<p>Technical Assistance</p>
<p>Objective 3: To improve terms and conditions of public service in order to retain professional public servants (From 12 months upwards)</p>				
<p><u>Output 3.1</u> Responsive and High-quality Professional Human Resource attracted, developed and retained in Public Service</p>		<p>21. Enhance the recruitment processes to make them shorter and effective</p> <p>22. Improve human resource forecasting system in Public Service</p> <p>23. Define clear plans for succession, Career progression and separation in MDAs;</p> <p>24. Improve and update jobs description at all levels</p> <p>25. Improve public service remunerations</p>	<p>Steering Committees of Ministers and Principal secretaries, Ministry of Public Service</p>	<p>Technical Assistance</p>
<p><u>Output 3.2</u> Terms and Conditions of service improved</p>		<p>26. Revise Human Resource Management systems and procedures</p> <p>27. Conduct Leadership and Management competence assessment for senior GoL position holders, including all positions, in order to place the right people in the right positions across the MDAs</p> <p>28. Streamline HR management functions in public service</p> <p>29. Develop and adopt Communication Strategy</p>	<p>Steering Committees of Ministers and Principal secretaries, Ministry of Public Service</p>	<p>Technical Assistance</p>

		30. Improve Terms and Conditions of Service 31. Review and adopt a better Pension System		
Objective 4: To review laws and regulations in order to clarify mandates and roles to improve institutional functions (From 24 and above)				
<u>Output 4.1</u> Relevant Laws and regulations to the Public Service reviewed, harmonized and implemented		32. Consult all the stakeholders and agree on laws and regulations relevant to PS to review (In Most MDA- Public service, Auditor General etc.) 33. Review on Laws and regulations that are relevant to Public Service and harmonize as necessary	Steering Committees of Ministers and Principal secretaries, Ministry of Public Service	Technical Assistance
<u>Output 4.2</u> Systems and policies governing Public Service reviewed, adopted and operationalized		34. Consult all stakeholder, review, adopt, operationalize Systems and policies governing Public Service 35. Consult all stakeholders and agree, develop and adopt standardized and transparent HR systems across the Public Service	Steering Committees of Ministers and Principal secretaries, Ministry of Public Service	Technical Assistance
<u>Output 4.3</u> Ministries, Departments and Agencies structures reviewed, restructured and aligned to remove overlapping and conflicting mandates		36. Consult all stakeholders to agree on Ministries, Departments and Agencies structures to be reviewed 37. Review all MDAs agreed on 38. Restructure and align MDAs to remove overlapping and conflicting mandates (Public Service Vs LOCAL GOVT)	Steering Committees of Ministers and Principal secretaries, Ministry of Public Service	Technical Assistance

Other Reforms				
Dialogue Outputs	Timelines	Required Actions	Responsibilities	Technical and Financial Resources Required
Objective 1:				
Output 1.1		1.		
Output 1.2				

7. ANNEXES

National Dialogue on the Lesotho We Want

7.0 Process suggestions for the National Multi-Stakeholder National Dialogue (MSND) Consisting of the National Leaders Forum, National Dialogue Plenaries and in-District Conversations

7.1. National Leaders Forum:

The purpose of the National Leaders Forum is to contribute to trust and confidence-building among the country's top political leaders by providing a forum where the leaders can check-in with each other from time to time as necessary in order to promote the reforms. The National Leaders Forum will be convened by the PM in collaboration with the SADC Oversight Committee and/or the SADC Facilitator for Lesotho. The target is the top political leadership in government and opposition and any other leaders whose participation would be deemed helpful.

7.2. National Dialogue Planning Committee (NDPC):

The NDPC will be inclusive of GoL and other stakeholders including civil society and heads of churches. It will coordinate the preparation of Plenary I and II and facilitate the arrangements for In-district consultations as agreed in Plenary I.

7.3. Plenary I:

The first plenary of the National Dialogue (Plenary I) will target a representative sample of Basotho, from top leaders to community representatives, and will include plenary and group discussions around different issues and sectors of reform. The actual participants and numbers will be determined by the NDPC. Plenary I will define the issues affecting peace and causing instability and discuss options for national reconciliation and the way forward for the reforms.

It will also agree on the format, number, facilitation and level (for example district, constituency or ward, etc.) of In-district consultations. The expected outputs are:

- Consensus reached on Issues affecting peace and stability and how they may be addressed through reforms;
- Processes for In-District consultations agreed.

7.4. In-district consultations:

These will be conducted as will have been agreed in Plenary 1. The proposal is to have them conducted by credible civil society organizations and according to a format agreed in Plenary I. The content and structure of the In-district consultations will mirror those of Plenary I to the extent possible. To the extent possible, they will be carried out simultaneously in all districts over one or two days each. Issues raised in the consultations will be recorded and reports forwarded to the NDPC and consolidated to form an input for Plenary II. The expected outputs are

- Proposals made on pathways for national healing and reconciliation;
- Discussions held on issues affecting peace and stability and how they may be addressed through reforms.

7.5. Plenary II:

This will be the concluding session and will draw conclusions of the entire MNSD process. It will agree on the way forward regarding the reform mechanisms; and make proposals for national reconciliation and its implementation.

7.6. Timeline:

The proposed timeframe for the MSND is one month on the assumption that the In-district consultations will be carried out simultaneously or within one week in all locations.

The one-month timeframe is exclusive of the formation of the NDPC.

7.7 Schematic for the Multi-Stakeholder National Dialogue on the Lesotho We Want

