



South African Institute of International Affairs Roundtable:

**Lessons from Lesotho's African Peer Review
Mechanism Process**

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This summary is based on the views exchanged at a SAIIA Roundtable discussion entitled ‘Lessons from Lesotho’s African Peer Review Mechanism (APRM) Process’, held at SAIIA’s Johannesburg offices on 29 March 2010. The keynote speaker was His Excellency **Ambassador HM Leteka**, former APRM Focal Point and head of the Lesotho National APRM Secretariat in Maseru, Lesotho. The respondents were **Professor Roger Southall** of the University of the Witwatersrand, who has followed Lesotho politics for 30 years, and **Tšoeu Petlane**, deputy head of SAIIA’s Governance and APRM Programme, and former research co-ordinator for the APRM in Lesotho. The Roundtable was chaired by **Steven Gruzd**, head of SAIIA’s Governance and APRM Programme.

Over 25 participants – drawn from South African civil society, research institutions, government and development partners – engaged in the lively and rich discussion, reflected in this summary.

Ambassador Leteka called the APRM ‘a bold step by African leadership’, especially set against the history of the continent where issues of governance were too often shrouded in secrecy. He remarked on Lesotho’s unique circumstances of being an enclave entirely contained within another country, calling it ‘not only landlocked but South Africa-locked’. He mentioned the country’s history of unconstitutional changes of government starting in 1970, military rule from 1986 to 1992 and the burning down of the capital Maseru, due to political unrest in 1998 and subsequent intervention by a Southern African Development Community (SADC) force led by South Africa. Lesotho’s leadership therefore saw value in a process like the APRM that might be ‘a measure to reduce recurrence of these sorts of events’.



The road to review

Leteka outlined the key milestones on Lesotho’s APRM journey. After accession in July 2004, a stakeholder workshop was convened in October 2005 to create national ownership, and to inform, involve and engage the people of Lesotho. Due to its involvement with these issues at international level, the Ministry of Foreign Affairs was selected to drive the process. Leteka noted that in many countries there is a ‘fight for turf’ between the lead ministry and others involved in development planning.

Leteka was appointed as the National Focal Point, and was made responsible for putting other APRM structures and institutions in place. Government was a key stakeholder, and established a cabinet subcommittee on the APRM, composed of six ministers, including the minister of finance. His inclusion was significant, as government would have to provide finance for the process. As a small country, Lesotho was aware that it would need to guard against government involvement coming into conflict with the basic tenets of governance itself. He noted that, so far, government has not unduly interfered and has played an oversight role. An 18-member multi-stakeholder National Governing Council (NGC) was created, and it was chaired by Mrs Mamosebi Pholo, representing women's groups.

In 2006, countrywide sensitisation activities began in all ten districts of Lesotho, using radio, television, newspapers and public meetings. A Country Support Mission was hosted in that year, to formally launch the process. The mission was led by Dr Chris Stals, then a member of the APRM Panel of Eminent Persons. A memorandum of understanding was also signed between the Government of Lesotho and the APRM at this time.

However, a snap election was called for February 2007. There was a real danger that the APRM would be accused of driving the programme of a specific political party, so the NGC chose to suspend the APRM activities. This affected the timelines, including when the country would have its peer review at heads of state level.

During this period, the ground was laid for the technical work required to complete the Country Self-Assessment Report (CSAR). In line with the standard requirement that each process be given a national character, the National University of Lesotho and the Lesotho Institute of Public Administration and Management formed a consortium and were appointed as Lesotho's APRM Technical Research Institution. A contract was signed with them in 2007. This helped to ensure that Lesotho's own researchers were used and that there was national ownership of the process.

Work on the self-assessment began in earnest in December 2007, and by mid-2008, the bulk of the research work had been completed. To ensure transparency, the draft was circulated to the districts and a national validation workshop was held in September 2008. By November, the final CSAR was submitted to the continental APRM Secretariat in Midrand, South Africa.

Lesotho hosted its Country Review Mission in March 2009, led by Professor Adebayo Adedeji, chairperson of the APRM Panel of Eminent Persons, and assisted by Dr Chris Stals, who had in fact

retired from the Panel by that time. Leteka said the mission met with stakeholders around the country, and were assured of commitment to the process at the highest level. He said, 'If you lack that, the APRM is a non-starter'. He noted that Lesotho's prime minister took a strong personal interest in the process, 'because he was convinced that periodic reviews would point out weaknesses, which if addressed, would solidify good governance'.

By May 2009, government responded to the findings of the Panel, and at the end of June, Lesotho became the 12th country to be peer reviewed at heads of state level, after both Mali and Mozambique were also reviewed at the meeting of the APRM Forum in Sirte, Libya in July 2009.

Leteka raised concerns that so little time was put aside for the heads of state review. Just one day was allocated to cover three countries, along with other business of the APRM, yet the whole process took several years and much work to complete. He suggested that setting aside at least two days in future would be preferable.

Since then, Lesotho has conducted exchange visits with other nearby APRM countries, including South Africa and Mozambique as well as the Secretariat in Midrand. He noted that 'the APRM encourages transparency, and if that is not followed, the process is threatened' and suggested that the operations of APRM institutions required review.

Lesotho was working on its first annual APRM Implementation Report, due in July 2010, but noted that this is hampered because the country has not yet received its final, official report from the APRM Panel. These long delays prompted Lesotho to produce and publish their own summarised popular version of the report, in English and Sesotho. An implementer's workshop was planned in advance of the July deadline.

Key findings of Lesotho's Country Review Report

Leteka asserted that the assessment was a transparent process: 'People said what they wanted to say and we had to record what they said ... they were encouraged to raise issues'.

In the section on Democracy and Political Governance, the review revealed that the country was lagging in ratifying, domesticating, implementing and reporting on key international treaties, codes and conventions to which it had acceded. A key action was for the ministry of foreign affairs and

international relations to update its treaty records, and liaise with ministries that had not responded. The ministry has already done this and an updated list is now available.

He noted that the report discussed Lesotho's unique Mixed-Member Proportional (MMP) representation electoral system, introduced after the 1998 crisis and first used in the 2002 elections. He said that MMP addressed some key problems with elections, and was more inclusive than the traditional First-Past-The-Post (FPTP) system. He said the report also acknowledged that problems within parties and tensions between parties do exist, as well as perceptions of a dominant executive, with the ruling party having a large majority in parliament.

In terms of economic governance, the report explored the unique nature of Lesotho's enclave economy, being completely surrounded by South Africa. Its fortunes are therefore closely tied with what happens in South Africa. Deeper regional integration was put forward as a policy for Lesotho to pursue.

The report also highlighted the country's vulnerability due to its dependence on both international development aid and revenue from the Southern African Customs Union. The report urged Lesotho to look for ways to reduce its high unemployment and poverty rates. Corruption was also flagged as an issue, with limited resources, institutions and staff to address the problem.

Lessons from Lesotho

Leteka touched on some lessons that emerged from Lesotho's APRM experiences.

- 1 Funding proved to be a key issue. He cautioned smaller countries before venturing into the process to sort out their budgets. Lesotho did manage to raise funds at national level – mainly from the United Nations Development Programme and the German Technical Co-operation (GTZ) – without those donors imposing their views or compromising the process.
- 2 Although government holds the purse strings, the threat of government interference has thus far not been an issue in Lesotho.
- 3 It was important to establish unity of purpose among stakeholders, so that they could work towards a common goal together. Role-players needed to understand what the APRM was all about. Some wrongly thought it was solely to evaluate the performance of the ruling party.

- 4 Leadership by civil society was important. The chairperson of the National Governing Council was a representative of women organisations in Lesotho, and she managed to lead the process well. The active participation of stakeholders is critical. He said, 'There is no way you can have a transparent process without the media. It's high time that governments consider the media and civil society organisations not as enemies but as partners in pursuing this noble process. They give it legitimacy and demand transparency.'
- 5 As can be seen from the popular version of the report, the APRM looked at real issues openly, and proposed real strategies in the National Programme of Action (NPoA). The NPoA will play a complimentary role to the National Development Plan, and not replace it. The two should work together.
- 6 Leteka noted that the relevance and contribution of the APRM to development are, in his view, unquestionable and hold real promise for Africa. This is not just a public relations exercise; signing the APRM's Memorandum of Understanding indicates the country takes this seriously. There must be benchmarks against which to measure ourselves, and we have to involve our citizens. In itself, this process can help create a culture of democracy. 'The seeds have been sown', he said, 'and we hope that they take root and sprout', to make Lesotho and other countries more democratic and more transparent.

Professor Roger Southall responded to the comments made by Ambassador Leteka and offered insights on the popular version of Lesotho's Country Review Report distributed at the Roundtable. He said that the APRM was a thorough and impressive process, and the report comes to grips with 'rather unkind hand that Lesotho has been dealt by history'.

Southall said that the report highlights 'the good news' from the Mountain Kingdom. Since 2002, the revised MMP electoral system has been a relative success, given the history of intermittent military rule and a fractious political process. He also said the country's Independent Electoral Commission needs



to be congratulated for consistently being able to hold free and fair elections since 1993, despite disputes from losing parties. He noted that there is a very high level of continuity in voting patterns, taking into account changes in the political system.

The 1998 election had a disputed outcome, which led to violent riots and the burning of Maseru. The crisis provoked South African intervention, which eventually convinced political parties to alter the country's electoral system, somewhat reluctantly. They agreed to change from FPTP to the MMP electoral system. The MMP has had considerable success and longevity, having been used in the 2002 and 2007 polls, which were both ultimately accepted, especially compared to elections before that. MMP was a major breakthrough and has proved a framework for stability that needs to be highlighted more internationally. Southall suggested that Kenya consider adapting Lesotho's MMP in its own electoral and constitutional reform process, as a way to overcome the dangerous mix of ethnicity and politics than can become explosive in a FPTP system where winner takes all.

Southall noted, however, that the popular report seems to be silent on the important security reforms since 1998 that broke the close association between the military and the former ruling party, the Basotho National Party. South Africa played a constructive role in these reforms to ensure a greater level of civil peace.

Southall remarked that other good news included the maintenance of the macroeconomic framework, consistent (if not particularly high) growth, and expansion of the clothing and textile industry, particularly spurred by the US's African Growth and Opportunity Act. Factories in this industry were able to clean up some of the country's high unemployment. However, as policies in the global textile industry changed, some of the factories closed, and employment and output levels dropped accordingly.

Southall commented that although the APRM process sounds like it was positive in Lesotho, the report is a sad reflection of the country's profound underdevelopment. He discussed the crisis of unemployment with a formal measure of 30% (5% higher than in South Africa), that hides much higher levels of effective unemployment. He also discussed changes in Lesotho's employment profile. Many Basotho men traditionally worked as migrant labourers in South African mines to the late 1980s, but this sector has shrunk considerably. It was mostly women that worked in the textile factories, earning less than miners, so Lesotho is definitely worse off without a vibrant clothing and textile industry. The physical movement of many Basothos to South Africa obscures the real misery

and consequences of unemployment. And as some of these jobs in South Africa are lost, remittances of salaries back to Lesotho decline as well.

Socio-economic indicators show evidence of very high levels of poverty and dramatic declines in life expectancy, principally due to HIV/Aids and other related diseases. Indications of a stagnant or declining population mean limited prospects for growth and development.

He noted that the prominence of women in political representation and domestic economic activity can have positive effects, as can the country's high literacy levels among women. However, the negative side is the growth of a cohort of young men without prospects, with limited education and job opportunities. This potentially poses a crisis for families and the stability of society.

Southall questioned whether Lesotho was developing the right skills. Aiming at being a service economy 'was a fine aspiration, but is this really credible?' he asked. He recalled the economics work of Sussex University's Professor Mike Ward in the 1970s that argued for Lesotho to focus on training plumbers and electricians and workers with other basic skills, to avoid increasing the country's underdevelopment and dependence on South Africa. Would a sustained focus on technical training equip Lesotho to survive in the modern world?

Southall observed that levels of development have not changed much over the years, despite the current political situation being far better than in the 1980s and 1990s. A state like Lesotho has very limited choices, and the APRM report does not seem to really recommend viable alternatives. It points out that improving corporate governance can make the country comparatively more attractive to foreign investors. However, Lesotho is likely to remain a dormitory economy – resembling the former Transkei homeland – dependent on the core areas of South Africa and money coming in from remittances. It does have the advantage of water resources and small mining opportunities, but that will not offer extensive employment.

Finally, Southall felt that the report could have paid more attention to the role of civil society in Lesotho.

Lesotho's Mixed-Member Proportional Electoral Model

The Mixed-Member Proportional (MPP) electoral model combines elements of the First-Past-the-Post (FPTP) or constituency-based plurality model inherited from Britain at independence, with those of Proportional Representation (PR). Under the current system, two-thirds (80) of the 120 seats in the National Assembly are decided according to FPTP plurality, and the remaining one-third (40) are allocated according to PR principles.

At the polls, voters are asked to vote for a constituency candidate (FPTP) and a party (PR) in two ballots. The PR seats are allocated as compensatory, meaning that:

- a) they compensate parties that have run candidates in the FPTP ballot, but scored disproportionately less seats than their share of votes;
- b) a party that obtains a majority of seats in the FPTP poll (50% plus 1 seat) does not qualify for the PR allocation; and
- c) PR seats are then allocated proportionally to parties according to their national share of the votes – less seats secured through FPTP.

The model has been hailed as a success as it ensures direct accountability of representatives (through the FPTP seats) and takes into account the relative popular support of political parties (PR). This has, among others, ensured broad-based representation in parliament and reduced the overwhelming domination of this body by the majority party as was the case before.

Tšoeu Petlane chose to focus on what the report does not say and raised some questions about what the value of the APRM process has been for Lesotho.



In terms of missing issues, Petlane felt that:

- 1 The role of Basothos in the Diaspora (in South Africa and beyond) was not discussed or explored sufficiently in the report. He argued that there are complex economic and cultural links with other Basothos working or living in countries in the region and further afield in the UK, Europe and North America have implications for policy trajectories, regional integration and national economic dynamics.
- 2 The complexities of the relationship between Lesotho and South Africa seemed underplayed in the final report, although several questions related to sovereignty were asked as part of the field research in the APRM process. The debate about the value of sovereignty surfaces every few years in Lesotho, indicating this is a perennially important issue that merited greater examination.
- 3 The report did not tease out the failures of long-term planning in Lesotho in any historical depth. For example, because of its high rate of development aid per capita and its geographical position in the belly of apartheid South Africa, from the 1970s Maseru had a large diplomatic presence. He contends that officials failed to envisage that as democratic change came to South Africa, this presence would dwindle to the handful of embassies and high commissions in Maseru today. They appeared to be taken by surprise and did not address the strategic implications of these departures, despite many signs that they were coming.
- 4 Petlane described what he termed ‘the cultural policy gap’. There are about three million Basothos living in South Africa (comprising South African ethnic Basothos, migrant workers from the Kingdom and immigrants who have lived in South Africa for many decades) who still look towards Maseru and the Basotho monarchy as the source and core of their identity and nationhood. But he observed that South Africa, particularly the Free State province, tended to be better at selling Basotho heritage and cultural experiences to tourists. Basotho

tourist attractions such as cultural villages and monuments were established in South Africa years before those in Lesotho.

At this relatively early stage in the APRM in Lesotho, he argued, it is not possible to discern 'hard' quantifiable outcomes and solutions. Benefits are therefore around 'soft' issues, such as the space that the APRM created for communication between citizens and government, and an opportunity to seek consensus on national goals. He noted that like most APRM Country Review Reports, Lesotho's does not reveal much that was not already known. But it was able to flag the key issues, which have been endorsed and emphasised. The APRM represented a way to get political support for jointly finding solutions to these problems. Lesotho's APRM structures also adopted a strategy of active learning from other countries, including field visits, as part of the spirit of deepening inter-African peer learning.

Petlane reflected on comments from a workshop on the APRM that SAIIA held in Windhoek, Namibia in March 2009, in partnership with the Namibia Institute for Democracy and the Institute for Public Policy Research. Namibia has not yet acceded to the APRM, and its government asked a fundamentally important question: What value would it add for our country [Namibia] to be part of the APRM? Five principal questions were raised in Windhoek:

- 1 If Namibia is already undertaking many of the reforms proposed by the APRM and attracting investment, why would it need another process?
- 2 Was the APRM not a back door for the West to place conditionalities on its aid allocations?
- 3 Was the APRM another manifestation of South Africa imposing its influence on its neighbours in Africa?
- 4 How can one system cater for countries doing relatively well and those with fundamental and profound governance problems?
- 5 Why has the APRM to date not offered suggestions or comment on solving real African governance challenges? Acceding countries should be able to provide answers.

Discussion

In response to a series of questions on the extent to which Lesotho has implemented its APRM NPoA, where the funding is sourced from and where responsibilities for implementation lie, Leteka admitted that nine months after the heads of state peer review, Lesotho had not begun implementation in earnest, apart from ongoing programmes and processes that pre-dated the APRM. An implementers' workshop was planned for the first half of 2010. The responsibility to implement rests with government with the Ministry of Finance footing the bill, but ministers must take responsibility to drive the relevant programmes. He said the NPoA is specific in identifying ministries for programmes, and the ministries then designate focal officers for co-ordination during implementation.

Raymond Louw of the Media Institute of Southern Africa (MISA) reacted to Leteka's comments about the media, noting that the press should not just be expected to be a public relations agency for the process and to merely disseminate information. Louw argued that a free and independent media is fundamental to democracy, yet the popular report made no reference to the issue. He noted that a radio reporter and member of MISA in Lesotho had recently been charged with treason because of a broadcast. Leteka emphasised that he was personally 'a proponent of responsible media', explaining that the media has a role to play, and that in an open process, all must be prepared for criticism and self-criticism. In a democratic setting, the media can be an important partner for development. He admitted that not discussing media issues in the report was a serious omission. He noted that the same representative of MISA Lesotho was a member of the country's APRM National Governing Council, before the individual resigned from MISA and entered politics. He felt that in Lesotho, all views were aired due to the integrity and transparency of the process, noting that this is not always the case.

In responding to a question about why so few countries have ratified the African Union's 2007 African Charter on Democracy Elections and Governance, Leteka admitted that Lesotho too had lagged in its ratification of this particular charter, and that the Ministry of Justice had been trying to fast-track it.

The Ambassador was asked to outline some of the integration options for Lesotho. He acknowledged that there is ongoing debate over Lesotho's economic sustainability, but also that the country was a sovereign state with a right to its sovereignty. He said that regional integration holds a great deal of

promise, and that SADC has worked hard to ensure that Southern Africa as a whole works more closely and is viable, as part of the drive for greater African integration. The African Union had set out parameters for continental integration, and has designated Regional Economic Communities as the best vehicles to ensure the long-term objective of a sustainable continental economic architecture, Leteka argued.

When asked about plans for distributing the APRM Country Review Report and the popular version, Leteka said they intended to reach a broad readership, and had printed 5 000 copies in English and Sesotho. He said that dissemination of the popular version in hard copy had already begun. Reports would be available in all of Lesotho's districts, via the offices of district administrators. APRM structures would also meet with chiefs and schools.

Conclusion

This Roundtable was one of the first times that the APRM in Lesotho and the results of its Country Review Report were publicly discussed. It provided an opportunity to reflect on the process and its outcomes in a frank and open discussion, in the spirit of the APRM itself. It is hoped that when the full report is published, it will enrich discussion and analysis of that document.



