

## EU ROADMAP FOR ENGAGEMENT WITH CIVIL SOCIETY IN LESOTHO 2018-2020



### GENERAL INFORMATION

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## INTRODUCTION

This Roadmap has been devised to translate the priorities of the September 2012 Commission Communication "Roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations" into concrete actions on the ground. The priorities identified in this communication are:

1. To enhance efforts to promote a **conducive environment** for CSO's in partner countries;
2. To promote a meaningful and **structured participation** of CSO's in domestic policies of partner countries, in the EU programming cycle and in international processes; and
3. To increase local CSO's **capacity** to perform their roles as independent development actors more effectively.

The goal of this Roadmap is to further strengthen EU engagement with civil society in Lesotho, which over the years has become more strategic and much less fragmented. The Roadmap will ensure implementation at country level of the policy spelled out in the communication. Covering these three areas above, the Roadmap on engagement with civil society highlights developments since the 2014-2017 Roadmap and points to key opportunities for the 2018-2020 Roadmap. The Roadmap serves to guide and improve coordination between the Member States, the Delegation and other international actors on CSO matters.

In developing this Roadmap the Delegation consulted with CSO's under the umbrella of the Lesotho Council of NGO's (LCN), an organization with a membership base of more than 200 organizations country wide.

## PART I – BRIEF ANALYSIS OF THE CONTEXT AND PAST EU ENGAGEMENT

### THE STATE OF CS: BRIEF UPDATE ON RECENT DEVELOPMENTS

#### 1.1 RECENT DEVELOPMENTS SINCE ROADMAP 2014-2017

a) The EU is supporting the Lesotho Council of NGOs (LCN), an umbrella organisation that is active in governance and human rights, in supporting open budgets and in third party accountability. LCN has an important coordination and advocacy role but as it had limited institutional capacity to function and operate, it has been competing over the years with its own member organisations to survive. The EUD has made the appropriate decision to continue to support LCN given its strategic role in the form of a direct grant to the tune of **EUR 1.5 million** for institutional support and capacity development of its members as well as for budget analysis and tracking and for supporting an inclusive process of the national reforms.

b) Launch of a new call for proposal under the 11<sup>th</sup> EDF titled **EU Support to Civil Society in Lesotho** to the tune of EUR 2.7 million to further support to local CSO's under the governance program with priorities under human rights, civic education and gender.

c) Three CSO's are currently being supported under the **European Instrument of Human Rights and Democracy** covering a wide range of issues ranging from state accountability, promoting the setting up of a Paris Principles compliant human right institution, ending discrimination on LGBTI persons and abolishing child marriage. Also one CSO is currently being supported under the energy program for a three year grant.

#### 1.2 ENABLING ENVIRONMENT

An enabling environment refers to the conditions necessary for civil society in order to play their roles as active, effective and necessary actors of development. For the purposes of this Roadmap the overarching term 'Civil Society Organizations' (CSO) will be used as a collective term to include all non-state and non-profit making actors operating on an independent and accountable basis. Despite a national development vision that is in principle favourable to civil society, in practice the operating environment is not very positive. Rural and local CSO's have limited capacity and international CSO's find the environment unrewarding'. The main factors to consider in assessing the **enabling environment** are outlined below:

##### a) **The Legal and Regulatory Environment:**

The environment for CSO's in Lesotho is conducive, both in law and in practice. The regulatory laws are clear and well defined as CSO's commonly register under the **Societies' Act of 1966**. Other pieces of legislation that govern the sector are the **Cooperatives Societies Act 2000**, the **Labour Code 1992**, the **Partnership Proclamation** and the

**Friendly Societies Act**<sup>ii</sup>. The registration process is quick, easy and inexpensive providing interest groups a platform to be legally recognised. The state laws, regulations and policies on civil society make it easy for civil society groups to form, operate free from interference, express their views, communicate, convene, cooperate and seek resources as enshrined in the **Constitution, 1993**. However, there is a shared understanding that a single legislative framework for CSO's could benefit the sector.

**b) Political Environment:**

Governments and politicians recognise civil society as legitimate social and political actors that provide systematic opportunities for state and civil society institutions to work together. However they have been labelled "opposition in disguise" or "unwelcome watchdogs" in their quest to ensure respect for the rule of law and state accountability. However, under the current government this trend seems to have smoothed and there seems to be an open dialogue and trust being built up. CSO's have ventured on with much success in initiating the process of the national reforms head on by holding an LCN led Post Elections and **National Dialogue on National Reforms** in 2017 which saw political parties, government and CSO's of various mandates united to find an amicable solution to the reforms debate. The role of LCN and Christian Council of Lesotho which was a formidable mediator in the peace-making process has been particularly noteworthy.

**c) Public Attitudes and Perception:**

Amongst the Basotho, there is tolerance of groups and people who have different viewpoints and identities amongst and generally CSO's are welcome in both urban and rural areas. In some communities there are very strong cultural and traditional ties but with effective advocacy and mobilization strategies CSO's have been able to penetrate such communities in order to attend to the grievances of the public. CSO's are deemed to be the voice of the voiceless as they air the views of individuals at grassroots level to the highest political authority.

**d) Building Connections, Coalitions and Solidarity:**

CSO's are organized along specific thematic areas and are more effective and many of them have well-functioning alliances. The existence of federations for the disabled, youth, women and children's coalitions are example of this. Furthermore there are a number of ad hoc coalitions aimed at supporting advocacy efforts and building capacity of CSO's on different issues. Examples in this case are an Advocacy Coalition under the auspices of the Lesotho National Federation of Organizations of the Disabled (LNFOD) and Civil Society Forum by Lesotho Council of Organizations. Ideally, there should be multiple connections and collaborations between different civil society groups and individuals. This is witnessed usually during calls for proposals process when CSO's with a common agenda form consortiums for EU grants.

**e) Public Information and Communication:**

Access to information on matters of public interest is a constitutional right however CSO's find it challenging to obtain such information. This concerns information related to legislative bills, national budgets, audits etc. This therefore limits CSO's efficient participation in national decision making agenda and policies. Its major constraint in fulfilling its role of supporting third party accountability is the lack of access to budget data. Its observations on the budget process and allocations are solely based on the budget speech, as the detailed budget data remains unpublished. Despite this, interesting initiatives including (mock) community budget hearings, discussions and tracking are organised but there is scope to further support LCN to deepen its maturity in order to reach international benchmarks for supporting public scrutiny of the budget through third party monitoring. There is also an opportunity here for the donor community to push for greater transparency with regards to the publication of budget data<sup>iii</sup>. The information and documents is crucial as CSO's often hold budget tracking exercises and Budget speech analysis dialogues.

The EU Delegation and Member State bodies such as GIZ have held consultation sessions with CSO's on the preparation of the upcoming call for proposals (EU Support to Civil Society in Lesotho) and Program on Violence against Women and Children (GiZ).

#### f) Resources:

Civil society groups do not have access to resources from a range of sustainable sources, including domestically and this hinders their mandate to define their own activities rather they align with funding opportunities. As the number of development partners has dwindled over the years, the last to close its doors being the Irish Embassy in 2014 CSO's struggle for funding and some have shut down operations due to lack of funds. However the German Government continues to support CSO's through GIZ. There are areas of interest which CSO's would like to venture into, such areas are global warming, climate change, migration and human trafficking but as funds are allocated on pre-set priorities it becomes difficult for CSO's to explore these areas. Under the institutional support grant with LCN, one of the expected results is to sign a Memorandum of Understanding with the Government of Lesotho that would ideally foresee some regular funding for civil society.

### 1.3 CIVIL SOCIETY INVOLVEMENT AND PARTICIPATION IN DOMESTIC POLICIES

CSO's in Lesotho continue to engage in a wide range of activities, including advocacy and lobbying, human rights, democracy and governance, capacity building, gender and development. CSO's play a critical role in the consolidation of democracy but have not often been the initiator of policies. There is a perception that CSO's have been rather "reactive" instead of "proactive". The absence of a formalised structured way of engagement constraints the role of CSO's in national development. As the role of CSO's is not often understood there is often a perception of organizations being deemed as "opposition in disguise" or "unwelcome watchdogs". Nevertheless they create connections between national and international communities, contribute as watch dogs in the political system and articulate the demands from the grassroots to the authorities and political elites. By mobilising on issues and concerns among the population, CSO's are also pursuing change and reform in the political system.

At national level, CSO's have several opportunities to engage in policy making by participating in different government initiated mechanisms, including Thematic/Technical Working Groups. At community level an evaluation conducted by local CSO Catholic Commission for Justice and Peace (CCJP) and funded by the EU proposed that at council level CSO representation at council meetings must be pursued thus engaging deeper with local government officials. In particular CSO's are not always able to monitor the effective implementation of domestic laws and compliance with international conventions to which Lesotho is a party to. Nevertheless, they have been consulted on draft legislation for which it had made proposals such as the Amendment of the Children and Protection and Welfare Act to end child marriage and the National Reforms Bill.

Civil Society is also active in the fields of civic education, elections monitoring, national reforms, policy formulation and advocacy. The umbrella organization Lesotho Council of NGO's (LCN) supports the organizational capacity of CSO's and is instrumental in mobilising CSO's for policy dialogue purposes.

### 1.4 CAPACITY DEVELOPMENT

There are a myriad of internally and externally driven capacity constraints that impede CSO ability to effectively perform its role as advocate for citizens' rights and community interests.

The **main constraints** of the CSO's include:

**Legitimacy:** Many civil society organizations have failed to establish their legitimacy to engage Government, largely because they have failed to effectively develop strong constituencies of citizens; and weak internal governance undermines their credibility and therefore impedes their engagement with Government.

**Distrust:** Political leaders still perceive civil society organizations as a threat to the sustenance of power to govern. In addition, probably out of fears resulting from experiences of the one party regime, people are not inclined to get involved in controversial political and economic debates. This frustrates the efforts of CSO's in advocating for changes in policies.

**Weak Capacity:** Civil society organizations are characterized by weak institutional capacity, weak linkage to reliable and credible sources of information to inform programming, poorly qualified staff and weak financial management systems. Furthermore, there are quite a number of CSO's which lack expertise and skills in project management and implementation. Civil society needs to increase its effectiveness, in particular, capacity for evidence based advocacy and ability to work with traditional and local authorities, if it is to contribute to improvements in service

delivery and fulfil its watch dog mandate and fostering accountability. The only exception in terms of capacity is private sector associations which seem to have sufficient capacity to perform their role.

**Inadequate Transparency and Governance Structure:** Most CSO's have governance systems and structures that clearly segregate organizational authority. In such CSO's, upward accountability is enforced which the management of the CSO's account to their boards as well as to their donors both on the operations and activities of the CSO's as well as on finances. However, other CSO's lack an appropriate division of responsibilities between their boards of directors and staff members and are consequently lacking effective governance altogether. Furthermore, many local CSO's suffer from "founder syndrome", in which the founders make all organizational decisions without effective supervision from their boards, and their boards are comprised of the founder's associates and often the procedures to select the board members are not transparent. Such CSO's also suffer from lack of accountability especially on how well they use monetary resources. For International CSO's operating in Lesotho though they generally have the expertise and know-how they are often managed by the main/lead body often in a foreign country.

**Dependence on Foreign Funding:** Almost all local civil society organizations have a weak financial base, as they are not able to generate resources locally and rely on donor funding or (very low) membership fees. CSO's do not receive tax favours under the **Income Tax Act 1993** and government has not put in place mechanisms to deliberately support and sustain their operations. This means all organizations have to seek donor funds to survive. Due to the waning donor support most CSO's have scaled down their operations and others have completely closed operations. An emerging challenge is for local organizations for the same resources with international organizations. A typical scenario in Lesotho is that most organizations survive on volunteers as they cannot maintain on a full time basis and high staff turn-over.

**Umbrella Organization Reach Is limited:** LCN has a de facto monopoly therefore CSO participation is channelled exclusively through the organization as a result there is only limited involvement of rural-based CSO's. While the membership is on voluntary basis, there might be bureaucratic procedures that discourage new organizations from registering under the umbrella body as some are based in rural and remote areas and members with no formal education hence these organizations suffer immensely as they do not enjoy the benefits afforded to LCN members through capacity development initiatives.

**Duplication of Efforts:** Many CSO's tend to develop projects with similar thematic areas and this leads to duplication of efforts.

**Terrain:** Lesotho is characterized by partly rugged terrain thus most CSO's are based in the low lands but only a few are based in these regions. Due to lack of funds not all CSO's can place field officers in the districts.

## **1.6 LESSONS LEARNT FROM THE EU ENGAGEMENT SO FAR**

The EU Roadmap 2014-2017 was the first step to pave a clear well defined strategy for CSO's engagement. The roadmap provided the basis for a more structured engagement with civil society. Outlined below are some lessons learnt from the implementation of the roadmap.

a) As there is only limited domestic funding available, there is a continued need for development partners to support CSO's. Limited access to financial resources inhibits CSO capacity to participate actively in the country's development.

b) Some CSO's find it difficult to implement EU procedures and the EU Delegation often has to provide significant guidance. International NGO's usually have more experience and find it easier to comply with the EU rules and procedures.

c) Given the necessary resources CSO's provide high quality work and produce concrete impact. However their activities seem to last only within the life-span of the project and are not carried on.

d) Development partners tend to set the agenda therefore CSO's must collaborate to set their specific objectives. This would enhance civil society ownership over their strategic direction.

e) There is need to support capacity development understood in its broad sense, not only project management but also leadership, human resource management, strategic planning, monitoring and evaluation, financial management and internal organizational management.

**1.7 RELEVANT REFERENCES AND SOURCES TO DEEPEN THE UNDERSTANDING ON THE STATE OF CS AND EU ENGAGEMENT WITH CS**

a) **Evaluation of the EU's Cooperation with Lesotho 2008-2013** provides the EU with results of its engagement with Lesotho. The evaluation is cross-cutting as it deals with EU engagement with Government, civil society and other development partners.

b) EU funded Evaluation Report by Catholic Commission for Justice and Peace titled: **Strengthening Civil Society in Lesotho (SCIL 3)** studied ways in which CSO's could effectively contribute to developing a participatory democracy.

c) **LCN NGO mapping and Assessment 2015 Report** highlights the challenges experienced by CSO's in Lesotho. The report sheds light on issues ranging from limited public participation, weak capacity and lack of dialogue between CSO's and Government.

**PART II – EU STRATEGY AND ACTION PLAN TO ENGAGE WITH CSO's**

KEY CHALLENGES AND OPPORTUNITIES	PRIORITIES FOR EU ENGAGEMENT	ACTIONS (analysis, policy dialogue, operational support)	MEANS (programmes / instruments, etc.)
Absence of Memorandum of Understanding with Government for CSO engagement	Engage Government on the current status of CSO's in Lesotho and highlight key areas of change that need to be addressed	i) At least eight sessions discussing the MoU take place between LCN, its members and Government officials, leading to the drafting and signature of the MoU	EDF 11 -"Building LCN institutional capacity for effective and constructive engagement in development and governance"
Lack of clear and defined CSO platforms for engagement with Government on policy formulation, decision making and in promoting accountable governance	Encourage CSO participation platforms within development agenda in the form of joint actions and collective advocacy actions with LCN leading to provide a harmonised response	i) Regular (at least one per quarter) engagement of LCN with duty bearers based on agreed process for consultation  ii) At least three community parliament meetings take place  iii) Full representation of LCN and its members	EDF 11 -"Building LCN institutional capacity for effective and constructive engagement in development and governance"
Improved mechanisms for dialogue on Policy and Political Reforms and Nation Building in Lesotho between LCN-CSO's and the Government	Engage Government on the importance of CSO's in the National Reforms Process and highlight past successes achieved through CSO support and collaboration with Government	i) Structured platform between Government and CSO'S on Reforms and Nation Building established  ii) At least two national meetings/dialogues of platform are organised up to 2020	i) Joint funding with UNDP for involvement of LCN in the Reforms Agenda  ii) Joint funding with GiZ for consultation of communities in the Reform process
Lack of resources for CSO's to complete their mandates	Engage CSO's through consultative and information sessions to highlight priority	i) Release of calls for proposals to assist CSO's	EDF 11-EU Support to Civil Society in Lesotho and EIDHR

	areas for calls for proposals		calls
Increased promotion and coordination on gender sensitivity and accountability within CSO community	Engage CSO's on the importance of gender sensitive/transformational/positive approaches in development agenda	i) At least three policies and strategies developed in consultation with CSO's ii) At least 10 gender positive or gender transformative capacity building seminars are held for CSO's iii) At least five potential pieces of legislation identified with discriminatory provisions on gender iv) Technical Assistance to LCN-CSO's in the form of a gender specialist to assist with gender trainings	i) EDF 11- EU Support to Civil Society in Lesotho ii) EDF 11 -"Building LCN institutional capacity for effective and constructive engagement in development and governance"

### PART III– FOLLOW-UP ON THE PROCESS AND STRATEGY

Process indicators		
INDICATOR	TARGET	BASE LINE INFORMATION AND FURTHER COMMENTS
Involvement of Member States in the RM.	Member States present in the country are actively involved in the RM process.	The member state present (Germany) GIZ has been actively involved and consulted in the development of the Roadmap
Level of consultations held with CSOs regarding the RM.	The RM entails consultations with a broad range of local CSOs. Ultimately it leads to more permanent and structured dialogue.	Consultative sessions with LCN as the umbrella organization to highlight key areas of intervention for CSO's. Also women, youth, vulnerable groups, faith based organizations were consulted.
Complementarity of RM vis-à-vis related EU and other Donor partners' processes.	RMs are complementary to related processes including human rights and democracy country strategies, the rights-based approach to development, gender action plans, etc.	The Roadmap complements all country strategies that are in place.

Outcome indicators				
PRIORITIES	INDICATORS	TARGET	BASELINE INFORMATION (if available)	SOURCES OF INFORMATION & MEANS OF VERIFICATION
MoU between Government and LCN governing civil society operations	i) Status of MoU between Government and LCN governing civil society operations negotiated and agreed iii) Number of initiatives supported by the EUD	CSO's and Government	Reports from Government, CSO'S and LCN	i) MoU which is structuring engagements has been signed, enacted and is operational with significant budget ii) Dialogue established between Government and CSO's for review of legal environment

	<p>and MS with a view to reviewing the legal and institutional framework regulating CSO's</p> <p>iii) Increased level of responsiveness of the Government of Lesotho to the needs and roles of CSO's</p>			<p>governing CSO's</p> <p>iii) Change in attitude and positive response from Government of Lesotho on the needs CSO's</p>
<p>Increased Civil Society Participation in Public Policies and National Dialogue</p>	<p>i) Number and diversity of CSO's invited to attend national policy discussions</p> <p>ii) Level and quality of spaces of dialogue established for policy discussions.</p> <p>iii) Improved mechanisms for dialogue on Policy &amp; Political Reforms and Nation Building in Lesotho between LCN - CSOs and the Government</p> <p>iv) Follow-up on the proposals or inputs put forward attending national policy discussions</p> <p>v) LCN and its members contribute to, analyse, track and ensure gender sensitiveness of National Budget</p>	<p>CSO's</p>	<p>LCN and Government Reports</p>	<p>i) Seats allocated for CSO's covering organizations with different mandates at national level for policy discussions</p> <p>ii) MOU between Government and CSO's for structured engagements</p> <p>iii) CSO inputs and proposals addressed in national policies</p> <p>iv) Adequate access to public documents by CSO's for analysis</p>
<p>Increased Civil Society Capacity Development</p>	<p>i) Percentage of funds/projects awarded through EU grants including initiatives aiming at strengthening CSO's</p> <p>ii) Number of institutional capacity building components included in EU grant contracts for CSO's</p> <p>iii) Number of capacity development initiatives funded by the EU aimed</p>	<p>CSO's</p>	<p>EU Evaluation Report 2013<sup>iv</sup></p>	<p>i) CSO reports illustrating how EU grants supported their initiatives</p> <p>ii) Increased institutional capacity of CSO's illustrated in CSO reports</p> <p>iii) Increased Capacity Development initiatives for CSO's</p>



	<p>at supporting Civil Society</p> <p>iv) Increased promotion, awareness raising and coordination on gender sensitivity, leadership skills, governance expertise and accountability within CSO community.</p>			illustrated in CSO reports
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<sup>i</sup> Evaluation of the EU's Cooperation with Lesotho 2008-2013 (July 2015 Final Report)

<sup>ii</sup> CSO Enabling Environment for Development Effectiveness: A mapping Study 2014.

<sup>iii</sup> DDNSP Identification Report, Contract Europe Aid/119860/C/SV/multi, dated 20th December 2009,

<sup>iv</sup> Evaluation of the EU's Cooperation with Lesotho 2008-2013 (July 2015 Final Report)