

# LESOTHO

## EU country roadmap for engagement with civil society 2014 to 2017

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# 1 INTRODUCTION

In recent years the Delegation of the European to the Kingdom of Lesotho has reinforced its relations with Government and with the country's civil society organisations. Enhanced engagement with civil society has taken the form of information sharing meetings, the annual governance dialogue, and consultations in the framework of call for proposals. The annual Europe Day celebrations have also provided a platform for engagement with Lesotho's civil society.

The communication on the *"Roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations"* recommends the development of a roadmap for engagement of civil society. The communication identifies the following priorities:

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

In developing this roadmap the Delegation consulted with CSOs under the umbrella of the Lesotho Council of NGOs (LCN), an organisation with a membership base of more than 200 organisations country wide. At least 25 CSOs were consulted by the LCN representing the youth, children, women, persons with disabilities, LGBTI, faith-based and human rights organisations, and workers.

The consultations with the different stakeholders showed that Lesotho's CSOs do not participate (sufficiently) in setting the development agenda and monitoring its implementation. As a result there is still ample scope for enhancing the accountability and transparency of those entrusted with the use of public resources.

Covering the three areas above, the Roadmap on engagement with civil society 2014-2017, identifies challenges, strategic interventions and indicators of success; the role of stakeholders is clearly developed. The engagement of civil society has also been the subject matter of recent studies by UNDP and Reality of Aid Africa, a Pan African network that seeks to strengthen the involvement of African civil society organisations.

The Roadmap serves to guide and improve coordination between the Member States, the Delegation and other international actors on CSO matters. This Roadmap will be updated regularly.

## 2 STATE OF CIVIL SOCIETY

### 2.1 ENABLING ENVIRONMENT

Lesotho Civil Society is commonly referred to as non-governmental organisations (NGO). There is no distinction between faith-based (FBO), community based (CBO) and employee/employer organisations. For the purpose of this roadmap, Civil Society Organisation (CSO) refers to all organisations that fall under NGO sector in Lesotho.

The exact number of CSOs active in Lesotho is not known.

The environment for Civil Society in Lesotho is conducive, both in law and in practice. CSOs commonly register under the Society's Act of 1966. Furthermore the civil society sector is governed by several laws including the Societies' Act 1966, the Cooperative Societies' Act 2000, the Labour Code 1992, the Partnership Proclamation, and the Friendly Society's Act.<sup>1</sup> There is a shared understanding that a single legislative framework for CSOs could be beneficial to the sector.

A variety of representing a wide range of thematic area exist covering different groups including persons with disabilities, women, children, youth, herd boys, lesbians/gays/bisexual/transgender and intersex (LGBTI), farmers, workers, and employers. Most of these groups fall under the umbrella of Lesotho Council of NGOs (LCN). The current membership of LCN is 200 organisations representing both rural and urban organisations.

Lesotho's CSOs enjoy constitutional freedoms and in general are free from interference. Civil society has steadily gained recognitions in their different fields of expertise.

Nevertheless, a 2014 research study by Reality of Aid Africa and Hand in Hand Southern Africa Lesotho concludes that CSO consultations in policy and strategic formulation lack a clear policy framework. As a result civil society's involvement is unstructured and fragmented. Moreover, the government selects CSO organizations it engages with. Selection is not always transparent and certain CSOs feel excluded.

A 2007 study by Armstrong (2007) 'Rapid Assessment of Civil Society Engagement on HIV/AIDS in Lesotho' reviewed also the capacity of CSOs in general terms. The study concludes that civil society has grown, both quantitatively and qualitatively. The study concludes that civil society at all levels has gained recognition. However, it is noted that the lack of a comprehensive legal and policy framework affects adversely the effectiveness of the sector.

Access to information on matters of public interest is legally provided for, but CSOs find it challenging to obtain such information. This concerns information related to bills, information on the budget, audits etc. This limits CSOs efficient participation in national decision making and dialogues.

There are no formal procedures guiding domestic or foreign fund raising and CSOs independently source the funding. However, private domestic funding is rarely available for CSOs because of the tax laws are not civil society friendly. Legislation provides for reduction in taxation where

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<sup>1</sup> CSO Enabling environment for development effectiveness: a mapping study 2014

support is for sporting activities and does not apply to any other donations or support. Income Tax Act 1993 provides for exemption where a taxpayer has made a charitable donation of M1000 or more in cash or in goods and services, to: (a) support sport and recreation development through provision of sports equipment and facilities; and (b) provide sponsorship of different sport codes and sport competitions and tournaments at different levels of the sports development continuum the taxpayer shall be entitled to a deduction in income tax equal to the value of the donation. The act further provides for exemption for the following types of organisations; (a) religious or charitable; or (b) an amateur sporting association; or(c) a trade union or similar organisation.<sup>2</sup> This has left out the vast majority of CSOs in Lesotho and has promoted reluctance of privately owned companies to support CSOs.

The above challenges call for harmonization through a single Act of Parliament the abovementioned legislations in order to streamline, unify, structure and promote effectiveness of CSOs in Lesotho. A comprehensive policy document that sets out parameters for CSO consultation and participation could enhance the work of CSOs.

Despite the above challenges, there have been positive measures to create volunteerism through the National Volunteer Corps, a programme under the Ministry of Gender & Youth, Sport & Recreation (MGYSR). Under the programmes, a volunteer is placed in an organisation for a year. Under this programme, graduates register with the Ministry and organisations submit their request to the Ministry detailing the qualification sought. This support is not only available for CSOs but it is highly appreciated by CSOs whom majority are unable to maintain minimal staff required to run programmes. At least 500 volunteers are placed in different institutions annually.

## **2.2 PARTICIPATION AND ROLES**

The absence of a formalised structured way of engagement constraints the role of CSOs in national development and the political reform process. Moreover, the role of civil society is not always understood; there is still often a perception of civil society as "opposition in disguise" or unwelcome "watchdogs".

At the central level CSOs have been engaged in public consultations on the budgeting process, and the review of the draft budget following the annual budget speech of the Minister of Finance. Nevertheless a comprehensive tracking of public revenues and expenditure by CSOs lacks coordination and effectiveness.

At a global level, civil society participation in promoting domestic transparency and accountability must be enhanced. In particular CSOs are not always able to monitor the effective implementation of domestic laws and the compliance with international conventions to which Lesotho is a party. Nevertheless, CSOs have been consulted on draft legislation for which it had made proposals.

Civil society is active in the fields of poverty alleviation, service delivery, governance issues and policy advocacy. The umbrella organisation Lesotho Council of NGOs (LCN) supports the organisational capacity of CSOs and is instrumental in mobilising CSOs for policy dialogue

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<sup>2</sup> Income Tax Act 1993: Available on 26<sup>th</sup> June 2014  
[http://www.lra.org.ls/Downloadable\\_Docs/Legislation/Tax\\_Revenue\\_Acts/IncomeTax/Income%20Tax%20Act%201993%20-%20Updated%20up%20to%201%20April%202012.pdf](http://www.lra.org.ls/Downloadable_Docs/Legislation/Tax_Revenue_Acts/IncomeTax/Income%20Tax%20Act%201993%20-%20Updated%20up%20to%201%20April%202012.pdf)

purposes. While CSOs do not always find it easy to engage, at various occasions there has been an active involvement of CSOs in policy formulation. Examples in case are: the development of the National Vision 2020, the Poverty Reduction Strategy (PRS), National Strategic Development Plan (NSDP) 2012/2013-2016/2017 and the drafting of Lesotho's African Peer Review Mechanism (APRM) country assessment report (Lesotho, 2014). CSOs have also played an important role in fostering peace around the time of elections. The role of Christian Council of Lesotho (CCL) has been particularly noteworthy. With EU support, the Transformation Resource Centre (TRC) has been engaged in advocating the setting up of a national human rights commission and the Lesotho Council of NGOs (LCN) supports capacity building of rural CSOs.

Participation of CSOs is predominantly channelled through the Lesotho Council of NGOs or other umbrella organisations. As a result there is only limited involvement of rural-based CSOs.

### **2.3 CAPACITY**

Limited capacity of CSOs in terms of financial and human resources restricts CSOs in Lesotho in their effective participation in the different national fora and dialogues. International funding can only partly compensate for this, also because the management of external funding is often complex and very demanding in terms of scarce human resources. The sector is also characterised by a high turn-over of staff and a high reliance on volunteers and/or young graduates that have not yet found a job.

Most CSOs do not conduct their own research, but rely instead on consultants to undertake this task. As the lobbying capacity and analytical skills of CSOs are weak, this has an adverse effect on CSOs ability to hold government accountable.

On the other hand, CSOs organised along specific thematic areas are more effective and many of them have well-functioning alliances nationally and internationally. The existence of federations for the disabled, youth, women and children's coalition are example of this. Furthermore there are a number of ad hoc coalitions aimed at supporting advocacy efforts and building capacity of CSOs on different issues. Examples in case are an Advocacy Coalition under the auspices of the Lesotho National Federation of Organisations of the Disabled (LNFOD), Civil Society Forum by Lesotho Council of NGOs and PACT; PACT is a grant management agency for USAID.

## **3 CURRENT EU ENGAGEMENT**

### **3.1 STRUCTURED EU DIALOGUE WITH CIVIL SOCIETY**

While civil society is a long standing partner of the EU, in recent years the EU has developed a more structured approach for its engagement with civil society. The 2012 communication "*The roots of democracy and sustainable development: Europe's engagement with Civil Society in external relations.*" advocates a deeper engagement of the EU with civil society.

The EU engages with civil society in Lesotho at different levels.

Firstly, many efforts have been made to enhance the capacity of COSs to participate in calls for proposal and to increase awareness about the EU rules for funding (financial and contractual aspects, need for communication, reporting etc.).

Secondly, the EU engages with civil society in the framework of the preparation of calls for proposals, on programming and on more specific issues. In 2013 and 2014, consultations were held in relation to calls for proposal under the Deepening Decentralisation and Non-State Actors Programme (DDNSA). Other examples are the consultations on EDF11 programming and consultations with the private sector on the EUs role in supporting private sector development.

Thirdly, selected CSOs have been invited to participate in the governance dialogue (see below).

Fourthly, support (EUR 3 million) under the Deepening Decentralisation and Non-State Actors (DDNSA) has benefitted a large number of CSOs. As a result there are now more civil society interventions in different thematic and geographical areas reaching a much larger population. Currently Civil Society Organisations implement EU funded programmes in all (10) districts of the country.

Finally, in the framework of EU Day celebrations, civil society organisations have been provided a platform to showcase their activities. Both the 2013 Europe Week with the theme of 'Civil Society, our partner' and the 2014 Europe Week (theme: 'the EU to the districts') highlighted the Union's support for and engagement with civil society.

### **3.2 POLICY DIALOGUE FOR AN ENABLING ENVIRONMENT**

In Lesotho the initiative was taken for an annual governance dialogue co-chaired by the Minister of Law and the Head of Delegation. The agenda for this dialogue has focused on matters related to governance and human rights. One of the key agenda points has been the creation of an enabling legal framework for civil society. Also the establishment of a National Human Rights Commission, the effectiveness of other oversight bodies, the domestication of international convention into the national laws, and the reporting obligations of Lesotho towards these international conventions have been discussed. CSOs have been participants in this dialogue.

At the 2013 governance dialogue it was agreed that a memorandum of understanding (MoU) should be drafted for signature between the government and civil society. The MoU would guide and structure consultations between the government and CSOs.

In high level contacts the Delegation has promoted the respect of human rights. In the last 12 months meetings were held with the responsible minister on the abolition of the death penalty and the rights of LGBTI. In 2014, the EU was associated with the international day against Homophobia. A two hours march was organised with the local support group Matrix; about 150 people took part in the march.

### **3.3 MAINSTREAMING CIVIL SOCIETY**

Mainstreaming of civil society in cooperation has been strengthened. Prior to each call for proposals, CSOs are consulted on the guidelines to the call.

Civil society is also associated with the EU's budget support; CSO representatives participate in the joint annual reviews. At these reviews government representatives, civil society and development partners meet, thereby promoting greater transparency and accountability. CSOs are also part of the regular coordination meetings in the water sector.

CSOs participation in the framework of the annual Europe Day celebrations has become an established feature. In 2014, Europe week was celebrated in all districts with the support of civil society organisations receiving grant under the DDNSA programme.

### **3.4 COORDINATION**

Ireland is the only Member State represented at ambassador's level. However, the Irish government has decided to close down embassy as from 1 September 2014. Irish Aid has supported CSOs work especially in the field of human rights and the establishment of the National Human Rights Commission. There has been effective co-ordination on these matters. Germany supports CSOs in Lesotho through GIZ and the German Protestant Church.

As for international actors, the Delegation works together on civil society matters with the United Nations Development Programme (UNDP) and UNICEF. The UN supports CSOs capacity development in Lesotho; it does not provide funding to CSOs. In 2013, the UNDP engaged the Lesotho Council of Non-governmental Organisations (LCN) with a view to guiding the consultation process on the post-2015 agenda. Also with the UNDP support a study assessed in 2014 the state of civil society in Lesotho with an aim to identifying gaps and drawing up a long-term capacity building strategy. The UN exercise coincides with the elaboration of this Roadmap and coordination meeting have taken place.

The EU is member of the Development Partners Coordination Forum (DPCF). The Forum's secretariat was formed in 2009 and currently under a troika chairmanship of UN, Ireland and the USA. Until recently CSOs were not represented in this forum. The DPCF is currently being transformed into a forum under the leadership of the Government.

### **3.5 LESSONS LEARNT**

- Although the EU engagement with civil society in Lesotho has developed in recent years, it has not been guided by a well-defined strategy and approach with clear objectives. The

current Roadmap provides the basis for more structured engagement with civil society that defines clear benchmarks and objectives;

- As there is only limited domestic funding available, there is a continued need for development partners to support CSOs. Limited access to financial resources inhibits CSO's capacity to participate actively in the country's development;
- Coordination among donors and other funders in support of CSO is essential. Failing to do so can lead to a duplication of efforts and/or leaving out possible vulnerable sectors/thematic areas that are also highly relevant;
- Effective implementation of the Cotonou Agreement calls for full-fledged stakeholder collaboration, including Government, Civil Society, the European Union and development partners.

## **4 PRIORITIES**

### **PRIORITY 1**

Enactment of a single legislation to harmonise provisions in Societies' Act 1966, Cooperative Societies' Act 2000, Labour Code 1992, Partnership Proclamation, and Friendly Society's Act and amendment of other legislations which are unfavourable to CSOs operation

Indicators:

- Draft National Civil Society Policy available by 2016;
- Number of unfavourable legislations identified for amendment by 2017;
- Availability of data related to CSO in terms of geographic and thematic areas by 2017;

### **PRIORITY 2**

Civil Society capacity development considering thematic and geographic representation

Indicators:

- Participation of CSO in Sector dialogues;
- Signing of a Memorandum of Understanding (MoU) between the Government of Lesotho and CSO structuring engagements by 2015;
- Continued EU financial support for CSOs through EDF 11 and other funding beyond 2014;
- CSO Capacity development plan available by 2015;
- Structured participation of CSO in National Policy development by 2016;

### **PRIORITY 3**

Coordination between the Delegation of the European Union, Member States and other international actors including division of labour and joint support where feasible.

Indicators:

- Development Partners Coordination mechanism expanded to accommodate CSO by 2016;
- Development Partners Coordination agenda relates to CSO;

## 5 ACTIONS

### Action tables

<b>Priority 1</b>
Enactment of a single legislation to harmonise provisions in Societies’ Act 1966, Cooperative Societies’ Act 2000, Labour Code 1992, Partnership Proclamation, and Friendly Society’s Act
<b>Indicator(s)</b>
<ul style="list-style-type: none"> <li>• Draft National Civil Society Policy available</li> <li>• Number of unfavourable legislations for CSO identified for amendment</li> <li>• Available data related to CSO in terms of geographic and thematic areas</li> </ul>
<b>Actions:</b>
<b>A. Analysis: Studies, mappings and research</b>
<ul style="list-style-type: none"> <li>• Desk top research to identify legislations/ clauses within legislation unfavourable towards CSO</li> </ul> <p>Ministry of Law supported by Lesotho Council of NGOs, UNDP with support from Local and/ Regional Research Institutions.</p>
<b>A. Policy dialogue, consultation and facilitation</b>
<ul style="list-style-type: none"> <li>• Enactment of National Civil Society Legislation</li> <li>• Abolishment, amendment or repeal of identified legislations and/or clauses within some laws</li> <li>• International treaties, ratification, domestication and reporting</li> </ul> <p>Ministry of Law, CSOs, EUD, UNDP and other donors facilitated by Lesotho Council of NGOs</p> <p>The following platform will be used; LCN and PACT through Civil Society Forum and LNFOD Advocacy Coalition and EU Governance Dialogue</p>
<b>B. Funding: Operational support including mainstreaming</b>
<ol style="list-style-type: none"> <li>1) Already existing platforms will be used which only need to be better structured, and communicated to other actors</li> <li>2) One annual conference - information sharing session including multiple stakeholders reporting on work done by sectors; EUD, UNDP, LCN and Government Ministries.</li> </ol>

<b>Priority 2</b>
Capacity building of Civil Society Organisations considering thematic and geographic representation
<b>Indicator(s)</b>
<ul style="list-style-type: none"> <li>• Participation of CSO in Sector dialogues</li> <li>• Civil Society capacity development plan developed</li> <li>• Number of policies, strategies developed with CSO participation</li> <li>• A signed Memorandum of Understanding (MoU) between government of Lesotho and CSO structuring engagements</li> <li>• Increased EU financial support towards CSO in 2015 through EDF funding</li> </ul>
<b>Actions:</b>
<b>A. Analysis: Studies, mappings and research</b>
<ul style="list-style-type: none"> <li>• Mapping of CSO in terms of geographic and thematic areas, assessing capacities.</li> </ul> <p>Ministry of Law supported by Lesotho Council of NGOs and UNDP.</p>
<b>A. Policy dialogue, consultation and facilitation</b>
<ul style="list-style-type: none"> <li>• Cotonou agreement, Paris declaration etc – role of each stakeholder</li> <li>• The role of CSO &amp; need to empower and strengthen them</li> <li>• Participation of CSO in national development agenda (budgeting, policy and strategic developments, implementation and monitoring)</li> </ul> <p>Ministry of Law, Foreign Affairs and other line Ministries, CSOs, EUD, UNDP and other donors facilitated by Lesotho Council of NGOs</p>
<b>B. Funding: Operational support including mainstreaming</b>
EUD is currently funding CSO operations; this will be expanded through future calls for proposals.

<b>Priority 3</b>
Coordination between the EUD, Member States and other international actors including division of labour and joint support where feasible.
<b>Indicator(s)</b>
<ul style="list-style-type: none"> <li>• Development Partners Coordination expanded to accommodate CSO</li> <li>• Development Partners Coordination agenda item related to CSO</li> </ul>
<b>Actions:</b>
<b>A. Analysis: Studies, mappings and research</b>
<ul style="list-style-type: none"> <li>• Ministry of Development Planning maps development partners active in Lesotho who do not necessarily have country representatives</li> </ul>
<b>A. Policy dialogue, consultation and facilitation</b>
<ul style="list-style-type: none"> <li>• Annual Development Partners Coordination meeting discussing thematic, geographic, synergies and collaboration</li> </ul> <p>Ministry of Development Planning, CSOs through LCN and development partners supporting Lesotho</p>
<b>B. Funding: Operational support including mainstreaming</b>
<p>Coordinated approach by Development Partners towards CSO capacity building</p> <p>Coordination Secretariat within the Ministry of Development Planning</p>

## 6 DASHBOARD

Country: LESOTHO		
Process		
Area	Indicator	Achievement
Involvement of Member States in Roadmap elaboration	Member States present in the country are actively involved in the elaboration of the Roadmap	There is currently no member state present in Lesotho dealing with civil society matters. Irish was the only Member State actively supporting CSOs in Lesotho but has recently closed its operations in the country.
Consultation with local civil society	The Roadmap has been prepared on the basis of consultations with a broad range of local CSOs respecting principles of access to information, sufficient advance notice, and clear provisions for feedback and follow-up.	Consultations of the civil society were led by the umbrella of all civil society organisations in Lesotho, the Lesotho Council of NGOs who wrote a report on CSOs.
Joint actions	Member States present in the country are actively involved in the implementation of the Roadmap priorities	There are no Member States present in the country at Ambassadorial level following the closure of Irish Embassy.
Outcome		
Priority	Indicator	Achievement
Enactment of a single legislation to harmonise provisions in Societies' Act 1966, Cooperative Societies' Act 2000, Labor Code 1992, Partnership Proclamation, and Friendly Society's Act	<ul style="list-style-type: none"> <li>• Draft National Civil Society Policy available</li> <li>• Number of unfavourable legislations for CSO identified for amendment</li> <li>• Available data related to CSO in terms of geographic and thematic areas</li> </ul>	
Capacity building of Civil Society Organisations considering thematic and geographic representation	<ul style="list-style-type: none"> <li>• Participation of CSO in Sector dialogues</li> <li>• Civil Society capacity development plan developed</li> <li>• Number of policies, strategies developed with CSO participation</li> <li>• A signed Memorandum of Understanding (MoU) between government of Lesotho and CSO structuring engagements</li> <li>• Increased EU financial support towards CSO through EDF funding</li> </ul>	
Coordination between the EUD, Member States and other international actors including division of labour and joint support where feasible.	<ul style="list-style-type: none"> <li>• Development Partners Coordination expanded to accommodate CSO</li> <li>• Development Partners Coordination agenda item related to CSO</li> </ul>	