

DEVELOPMENT FOR PEACE EDUCATION

Proposed Reforms Structure & Sheparding

November 2018

Private Bag A 483

Maseru.100

Tel +26622326855

BACKGROUND

The process up to the National Multi-stakeholders Dialogue has been guided by the roadmap. The two national leaders' fora, National Dialogue Planning Committee and all the process including legislation of the preliminary stages of the process, gazettelement of the NDPC and organisation of the dialogue bear testimony. However the document lacks conceptual clarity on two significant issues (i) nature and extent of citizens dialogue on what needs to be changed and (ii) the process beyond Plenary II. These two aspects are important because the process which is otherwise supposed to be participatory, inclusive, transparent, none-elitist and people driven rise and fall here.

CONSTITUENT FORUM

In this regard an all-inclusive structure thereafter referred to as Constituent Forum that shall nurture citizens' dialogue on reforms, takeover the work from NDPC and safeguard the process beyond Plenary II to the finality of the new architecture is hereby proposed:

The CF shall be an inclusive independent multi-layered gender balanced structure with authoritative mandate shared into roles and duties distributed in the following hierarchy;

- (i) Chairperson (preferably a person capable of facilitating, leading and guiding deliberations which at times may take form of hard talk), to be a presiding officer who together with three deputies shall be an administrative authority of the structure;
- (ii) CF shall be composed of wide range of stakeholder in the following categorisation and proportionality: CSOs 4, politicians 48, labour 2, academia 2, youth 2, women 2, farmers 2, business 2, aged 2, media 2, church 2, institutions of tertiary education 2, PWDs 2, PLWHAs 2, councillors 2, traditionalists 2, college of chiefs 2, chiefs 2, parastatal 2, security 8, public servants 2, judiciary 2, law society 2, parliament 2, government 2, Ex-prisoners 2, former security chiefs 4, former liberation 2, former diplomats 2, opinion shapers 2, regular callers 2, Representatives of Independent candidates in the previous elections 2 (IEC to be requested to facilitate a meeting where they can elect their reps);

SELECTION AND ELECTION OF OFFICERS & MEMBERS

Members shall be selected through transparent and open way and shall;

- (i) in the case of four presiding officers be done through a professional recruiting body to conduct selection procedures on the basis of merit and shall; Upon recruitment, the four shall elect amongst themselves a chairperson and others shall automatically be deputies;
- (ii) in the case of members of the CF representing sectors other than security 8, judiciary 2, government 2 shall be selected through legitimately convened and openly organised platforms under the auspices of umbrella body or in the case where there is more than single apex body at the meeting organised collectively upon completion submit names to the secretariat;
- (iii) The CF shall have sub-committees (technical committees) along thematic areas namely constitution, parliament, judiciary, public sector, security sector, economy, media and peace & reconciliation.
- (iv) The sub/technical committees shall consist of members of CF and the experts drawn on the thematic areas;
- (v) There shall be Chief Executive who shall be chief of staff accountable directly to the team of four under terms and conditions of service determined by the team and endorsed by the CF;
- (vi) Recruitment of Chief Executive shall be done through transparent, professional and open approach as a matter of principle and trust building.

FUNCTIONS AND POWER OF THE CF

- (i) The administrative powers on the conduct of the process shall be vested in the team of four while authoritative powers shall be vested in the CF itself;
- (ii) Chief Executive shall possess such qualifications as may be suitable for head of a parastatal;
- (iii) The Chief Executive shall set up a secretariat that is adequate to be of, intellectual, expert and functionary assistance to the Commission to perform its work expeditiously;

- (iv) There shall be a technical team which shall investigate necessary reforms issues and proposals their viability and to translate such into policy and legal documents/statements;

IDENTIFYING AND DELIBERATING REFORM ISSUES/VOICES

- (i) The technical team shall provide an overview of the submissions made in the national multi stakeholders dialogue , consultations and the plenary II, give brief on the implications of each according to the thematic areas and present legal proposals to the CF for approval;
- (ii) The CF shall invite submission of inputs/proposals from the public in various forms, organised or individuals;
- (iii) The CF shall devise mechanism through which public submissions would be made orally at the public hearings and written and submitted to the designated areas, various mode of communication such as deliberations facilitated by civil society, academia or any formation which may wish to communicate input of their constituency, radio, television and social media;
- (iv) Upon receipt of submissions secretariat shall record them in the manner approved and sort them thematically and give to the CF for formal recognition;
- (v) Upon formal recognition submissions shall be assigned to the technical team that may establish ad hoc teams to expeditiously read submissions, cluster them, investigate, expose their implications to the status quo;
- (vi) Technical team(s) shall make known to the public through various means determined by the CF its findings ahead of deliberation of the same by the CF so as to enable public to make improvements/ counter suggestions etc. all of which would be taken into account when the issues are deliberated by the CF;
- (vii) Technical team shall then present the findings together with public submission to the CF for deliberations. At this point deliberations shall be preliminary and may not be rejected on any substantive basis. It shall be a platform where the

meaning of inputs, the implications for implementation and everything related to them would be exposed and thoroughly appreciated;

- (viii) The preliminary deliberations shall be necessary so that before confirming, endorsing, approving or rejecting any input Basotho would be clear on the implications of proposals made and therefore make informed decisions;
- (ix) The decision of the CF at this moment would be to agree on how different submitted issues/inputs would be formulated for presentation to the wider population for plebiscite/referendum;
- (x) The CF deliberations shall be open for public, media and other bodies which may be interested;
- (xi) The CF shall when the preliminary deliberations are done compile issues ready to be presented to the public vote;
- (xii) The compilation contemplated in (xi) above shall be made accessible to public, various groups of civil society, academia, media, political parties etc as soon as practically possible for internalisation, education and of course mobilisation of support for certain issues or otherwise;
- (xiii) The CF shall then embark on country wide consultations subjecting the issues raised to the public vote in the form of oral, written, media both conventional and social within the agreed mechanism;
- (xiv) The technical team shall in collaboration with Chief Executive compile public voices into a report to be presented to the CF for endorsement;
- (xv) The CF shall organise a national conference to emphasise consensus on the outcome in order to harmonise the conversations which had taken place in different structures and constituencies throughout the country;
- (xvi) The Commission shall present the final public voices report to parliament;
- (xvii)** Upon receipt parliament shall endorse the proposed changes and improvements and turn the public voices report into a new constitution and other necessary sectors' laws.

LEGAL STATUS AND CONSTITUTIONAL PROCESS

- (i) The CF shall be established by an Act of parliament, its members gazetted and the processes defined by law;

- (ii) Immediately after national multi-stakeholders dialogue processes of establishing CF shall start in earnest;
- (iii)** Following Plenary II parliament shall make a law that subjects the whole constitution to the referendum in the manner that public decision shall stand as provisions of the constitution.