

**PARLIAMENTARY ROLE AND ITS RELATIONSHIP WITH ITS RELEVANT
INSTITUTIONS IN EFFECTIVELY ADDRESSING CLIMATE CHANGE
ISSUES-LESOTHO**

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TABLE OF CONTENTS

Section

Part A

A description of the Parliament; its make up;

How Parliament business is conducted and its support
Structures.

1. The Parliament of Lesotho

1.1 Mode of Elections

1.1.1 Section 55 Composition of the Senate

1.1.2 Section 56 Composition of National Assembly

1.2 The Senate and its functions

1.3 Challenges facing the Senate

1.4 The National Assembly

1.4.1 The Legislature

1.4.2 The Executive

1.4.3 Office of the Attorney General

1.4.4 Section 95 establishes a Council of State

1.4.5 Office of the Director of Public Prosecutions

1.4.6 The Judicature

Part B

2. Policy/Legal Framework for Climate Change in Lesotho

2.1 Ministry of Natural Resources Parliamentarian Portfolio

Committee

- 2.2 Lesotho Metereological Services
- 2.3 Government Policies, Projects and Initiatives
- 2.4 Mitigation Initiatives and Measures
 - 2.4.1 Adaptation Measures
- 2.5 Vulnerability of Lesotho to Climate Change
- 2.6 Climate Change Adaptation
- 2.7 Mitigation
- 2.8 Summary of Policies and Legislation, which directly or
Indirectly address Climate Change
- 3. Parliament involvement in Climate Change Activities
 - 3.1 Lesotho's participation in the UNFCC
 - 3.2 Summary of meetings/Cabinet submissions and
Parliamentarians presentations
 - 3.3 Actual involvement of MPs
- 4. Conclusion
- 5. Recommendations
- Lesotho Metereological Services Structure (annexed)
- List of References (annexed)

VISION

This research is conducted in collaboration with Parliamentarians, Ministries and in region researchers to assess the needs of the Parliament of Lesotho to produce relevant research and collaborative events that supports Parliamentarians in their role as legislators and policy makers. It addresses the stresses of climate change through strengthening the capacity of the Parliament. It recognises the key role that Parliamentarians play in representing their country and region at the international negotiations and in forming effective national legislation and policy to make international agreements a reality on the ground.

PART A:

A DESCRIPTION OF THE PARLIAMENT, ITS MAKE UP, HOW PARLIAMENTARY BUSINESS IS CONDUCTED AND ITS SUPPORT STRUCTURES

What is a Bill? A Bill is a written proposal for a law that is being discussed by either the National Assembly or the Senate.

What is Royal Assent? A Royal Assent is a written approval by the King for a Bill to be law. When the King gives this approval, the Bill becomes an Act of Parliament and a law for Kingdom of Lesotho.

What is an Act of Parliament? An Act of Parliament is a law that has been passed by an elected Parliament. Each Act of Parliament is published by the Government Printer in a gazette that can be purchased by the public.

How are laws made by Parliament? A law begins its journey as a written proposal in the National Assembly. This proposal is called a Bill. When it is approved by the National Assembly it is forwarded to the Senate for further discussion. When agreement is reached by the two Houses, the Bill is signed by the King and becomes law.

What happens when the Senate and the National Assembly do not agree over a Bill? The views of the National Assembly prevail.

Can the King refuse to give the Royal Assent to a Bill passed by the two Houses of Parliament? The King may not refuse to give the Royal Assent to a Bill passed by the two Houses of Parliament. When there is disagreement between the two Houses, the King will give the Royal Assent to the Bill as passed by the National Assembly.

What are Standing Orders? Standing Orders are the rules of procedure used by the Houses of Parliament. The National Assembly has its Standing Orders and the Senate also has its own Standing Orders. There is however great similarity between the Standing Orders of the two Houses.

What is the “Speech from the Throne”? The “Speech from the Throne” is the speech delivered to members of the two Houses of Parliament by the King at the beginning of a new session of Parliament. It is written for him by the Government and gives an outline of the Bills that will be presented to Parliament and the policies of Government.

What is an Order Paper? An Order Paper is the written daily agenda of the National Assembly or the Senate prepared by the Clerks of each House.

1. THE PARLIAMENT OF LESOTHO

The Lesotho Parliament is a law-making institution composed of the King, the Senate (known as the upper house) and the National Assembly (known as the lower house). The lay out is given hereby as provided for in the Constitution of Lesotho.¹

1.1 MODE OF ELECTIONS

The Mode of elections is combined first past the post and proportional representation. The majority seats are taken by the winning party and the minority seats are proportionally shared between minority parties.

1.1.1 Section 55 COMPOSITION OF THE SENATE

The Senate shall consist of the 22 Principal Chiefs and eleven other senators nominated in that behalf by the King acting in accordance with the advice of the Council of State.

1.1.2 SECTION 56; COMPOSITION OF NATIONAL ASSEMBLY

The National Assembly shall consist of eighty members elected in their own constituencies; one member from each constituency.

1.2 THE SENATE AND ITS FUNCTIONS

It examines and reviews draft Legislation/Bills passed by the National Assembly. Senate of the Lesotho Parliament does not initiate legislation. The 1993 Constitution [S.78 (2)] prescribes that a bill has to originate only in the National Assembly. Senate revises or reviews what the National Assembly initiates. It is complementary, and has to exercise its watchdog role through the revision process, passing of motions on governance, asking of questions to Ministers and recommending disallowance of subsidiary legislation laid on the table (if necessary).

(ii) Some other “Upper Houses” are occupied by members renowned for their otherwise - difficult-to-get professions, expertise and experience through the nomination process by a competent authority for this review function where members get involved in areas of their interest/professions.

(iii) Alternatively, Senate rules and procedures ought to provide for engagement of Select/Special Committees appointed to consider specific bills and report to the Senate. Bills are instead considered by a Committee of the whole and never referred to any smaller/professional Committee to advise the House. Senate does not have free and formal access to legal advice in consideration of bills. Any private legal opinion may be solicited at cost to a member or from the Attorney General’s Chambers to the House.

(iv) The 1993 Constitution has further reduced the time of delaying a bill from 90 to 30 days by the Senate. The Interpretation Act 1977 amendment of 1993 brought in the Senate, to consider subsidiary legislation which since then has to be laid before both the National Assembly and the Senate. However, Senate may only recommend to the National Assembly to disallow a tabled subordinate legislation. This amendment has enabled Senate to have some degree of control on the Ministers of the Crown.

(v) As it is, the Senate, comprising largely of 22 Principal Chiefs and 11 nominees, exists only to satisfy the “Second Chamber” requirement to recognise Lesotho as a nation where Chieftaincy is a national institution. It does not have power to veto draft legislation. The Constitution gives the elected Assembly the upper hand in determining legislation, Senate can only recommend amendments.

(vi) Senate power to defeat initiatives to amend some entrenched clauses of the Constitution may be exercised through Members voting against, to fail the required 2/3 majority of both Houses of parliament.

1.3 Challenges Facing the Senate:

1. Senate must promote good governance and effective relationship between the two houses; while promoting the doctrine of separation of powers.

2. The prerogative of the Executive to determine policies and the Legislature to put policies into effect through legislation has to remain as inseparable aspects of parliamentary democracy. The role of Senate does not have to interfere with the democratic processes which elected candidates seek to achieve.

3. Empowerment of the House through modern rules and staff with the necessary competencies required in today's Legislatures is a priority to enhance efficiency in the review process.

4. Introduction of parliamentary governing bodies suitable for Lesotho could be considered now to take the principle of separation of powers further and make it more meaningful. Senate could propose a motion to the effect that full autonomy of parliament is reached.

5. Deepening democracy will be a continuous process and has to be pursued. In this regard new functions were introduced in 2003/04 to improve service, namely:

(i)**Research Function:** To assist individual members with their information requirements for informed decisions. To be a power base for parliamentary committees.

(ii)**Legislative Function:** To assist members to understand the principles and details of bills, draft amendments and motions. Source of internal legal opinion for members. [Especially backbenchers and the opposition].

(iii)**Information and Public Affairs Section:** To promote the work of, and take parliament to the public through Public Relations function and dissemination of non-partisan information.(b) Introduction of well considered new parliamentary committees will require review of existing departmentation – The nature of Committees will determine the kind of additional staff required to service these Committees. New Standing Orders remain a priory for any new Senate Committees.ⁱⁱ

6. Inclusiveness displayed in the elected chamber of the Sixth parliament is a clear confirmation that institutions have to change to adapt to new situations and changing demands of society. Senate must empower itself to cope with the current trends and to prove its continued relevance within a dynamic democratic environment.

7. Lesotho will have to further improve its image as a democratic parliament/country internationally. Senate will facilitate for both Houses of Parliament to affiliate as full members of the Inter-Parliamentary Union (IPU) which presently comprises of more than 200 national parliaments, through a joint application to reflect democratic maturity and belief in the need to develop effective partnerships at home and elsewhere in the interest of democracy.ⁱⁱⁱ

8. Following the 1995 observed need to transform the Library to enable Members and politicians to respond to and reconcile ideas with what is possible, the Library has set itself some objectives to: Establish a sound information communication technology structure, Equip MPs with necessary skills to explore the internet and electronic mail etc. Preserve library information in a modern way; that is, microfilming newspapers and other parliamentary documents. Persisting problems are lack of suitable and adequate accommodation. The single room available is both a reading room and office for all library staff. Housing of envisaged internet facilities and book processing remains critical. Development of library staff capacity is priority to bring the Lesotho Library to par with other parliamentary Libraries.

9. In 1993 the Interpretation Act 1977 was amended to allow for subsidiary legislation to be laid on the table in the Senate (giving it power to recommend disallowance). This brought about some questioning and hopes that the Senate might initiate some bills.

1.4 THE NATIONAL ASSEMBLY

Lesotho's parliamentary reforms, which began in 2004, include the establishment of portfolio committees. These oversee and scrutinise the work of government ministries, and question ministers and civil servants. Among other things, these reforms will aid Lesotho's pursuit of the Millennium Development Goals (MDGs).

1.4.1 The Legislature

Section 70 confers upon parliament the power to make laws. Section 78 thereof stipulates the procedure for lawmaking in Lesotho. Before a bill can pass into law, it must have been passed by both houses of parliament and assented to by the King. A bill may originate only in the National Assembly (section 78(2)). Once passed by both houses and presented to the King, he must indicate whether he assents or withholds assent. In the event that the King assents, he must cause the bill to be published in the government gazette as law. The Constitution is silent on the period within which the King must declare his assent or otherwise when a bill is presented before him. Section 80 makes an exception to the requirement that a bill must be passed by both houses before it can be submitted for assent by the King. This is in the case of appropriation bills. Section 80(1) provides that when a bill is passed by the National Assembly and that is certified by the speaker of the National Assembly as an appropriation bill is sent to the Senate, it shall forthwith be introduced in the Senate and shall be passed by the Senate without delay. Where Senate fails to pass the bill by the end of the day after the day on which it was sent

to Senate or if it is passed by Senate with amendments to which the National Assembly does not agree, the bill with such amendments if any, as may have been agreed to by both houses shall unless the National Assembly otherwise resolves, be presented to the King for assent.

1.4.2 The Executive

Section 86 states clearly that the executive authority of Lesotho vests in the King and shall be exercised in accordance with the provisions of the Constitution. The King is obliged to exercise such powers through officers or authorities of the Government of Lesotho. It then calls for the appointment of a Prime Minister, from the National Assembly. The appointee shall be the leader of a majority party in the National Assembly (section 87(2)). The Constitution also calls for the establishment of other government ministries, which shall not be less than seven in number, and one of which shall be the office of the Deputy Prime Minister. Ministers are appointed by the King on the advice of the Prime Minister. The candidates are sought from either the National Assembly or Senate.

1.4.3 Office of the Attorney General

The Attorney General (AG) is legal advisor to the government. The AG's office is an overseer of all legal matters involving the government sector (section 98). The AG is also in charge of matters handled by the office of Director of Prosecutions and exercises ultimate authority over the Director of Public Prosecutions (DPP). The AG may perform these functions either personally or through delegation to subordinate officers (section 98(3)).^{iv}

1.4.4 Section 95 establishes a Council of State, whose duty is to assist the King in the discharge of his functions. The Attorney General is also a member of the council.

1.4.5 Office of the Director of Public Prosecutions

Apart from the AG's office, government also makes use of the office of the Director of Public Prosecutions (DPP), mainly in criminal matters. Section 99 establishes the office of the DPP, which is also a public office. The DPP has power to institute criminal proceedings against any person in any court, except for a court martial.

Thus in section 99(2) the Constitution provides that the DPP shall have power in any case in which he considers it proper to do so, to

- (a) Institute and undertake criminal proceedings against any person before any court (other than a court-martial) in respect of any offence alleged to have been committed by that person;
- (b) Take over and continue any such criminal proceedings that may have been instituted or undertaken by any other person or authority; and
- (c) Discontinue, at any stage before judgment is delivered, any criminal proceedings instituted or undertaken by himself or any other person or authority.

The DPP may exercise the powers listed above either in person or by delegation to subordinate officers (section 99(3)). Further in exercising powers vested in him by section 99(b) and (c), the DPP may not be subject to the direction or control of any other person or authority, save as otherwise provided by the Constitution.

1.4.6 The Judicature

After gaining independence from Britain in 1966, Lesotho was for some time dependent on the then apartheid South Africa for its judicial personnel. Until recently, Lesotho's judges and magistrates came from South Africa and had to reconcile the Basotho way of life with the European mode of life. The judiciary also had to reconcile the British created central government and Basotho local government operated by chiefs.

The Constitution provides in article 118 that judicial power shall vest in the courts of Lesotho, which shall consist of:

The Court of Appeal

The High Court

Subordinate Courts and Courts-Martial

Such tribunals exercising a judicial function as parliament may by legislation establish.

The Constitution further states that the judiciary shall independent and free from interference, subject only to the Constitution or any other law.

Section 120 of the Constitution provides that the Chief Justice shall be appointed by the King on the advice of the Prime Minister, while the appointment of puisne judges of the High Court is done by the King on the advice of Judicial Service Commission. For justices of appeal shall be appointed by the King on the advice of the Prime Minister (section 124(1)).

Section 121(8) of the Constitution provides that judges of High Court courts may retire any time after attaining the age of 75.

PART B

2. Policy/Legal Framework for Climate Change in Lesotho

2.1 Ministry of Natural Resources Parliamentarian Portfolio Committee

This committee oversees and make recommendations on all laws and policies made for the Ministry of Natural Resources; which is currently an overseer and a governing body on climate change issues, through its department of Meteorological Services. As a policy clearance, all Bills shall go through this committee for comments; after they have appeared before Parliament for the 'first reading'. The committee is made up of seventeen MP'S both from opposing parties and the ruling party.

Procedurally, before any Bill or Policy goes to its finality and is approved by Parliament; the Legal officers of the Ministry and its responsible Minister shall explain to the committee as to the policy statement such a proposed law is made under, the socio-

economic effects of such a law; and specifically elaborate on the financial implications of such law to the government and its people.

2.2 Lesotho Meteorological Services

This is the government arm and a department of Ministry of Natural Resources, dealing with weather affairs, climate and the atmosphere. It is mandated to coordinate national effort to adapt to the changing climate, while also protecting the atmospheric environment over the territory of Lesotho. At the moment there is only a proposed structure (attached as Annexure A herein) on how this section should operate, but in practice, there is no specific office established.

2.3 Government Policies, Projects and Initiatives

Although Lesotho joined the international community in calling for initiatives to control and adapt to the negative impacts of climate change by signing and ratifying UNFCCC and the Kyoto Protocol, there is yet no coordinated national policy to deal with the problem. However, there are a number of policies and measures in various sectors which are closely aligned with the objectives of the UNFCCC, and the country has become increasingly aware of its obligations under the Convention. Lesotho has closely followed international guidelines and principles in drawing up of laws and policies, such as Water Resources Act No15 2008, Environment Act No 16 2008, Lesotho Water and Sanitation Policy 2007 , Land Act No.5 2010, Land Administration Authority Act No.6 2010; (both initiatives were based on creating awareness amongst the communities close to the wetlands, of the importance of wetlands and a need protect them in order to adapt to climate change), Lesotho Agricultural policy and capacity building project 1998/05/28 (this project taught people of agricultural methods that could help plants to survive climate change and built their capacity in agriculture), etc. An analysis of these policies reveals that most of them are bound to assist the country to adapt to the impacts of climate change, while others promote, to a limited extent, the abatements of GHG emissions. Despite the articulation of climate change related policies and measures in various sectors, Lesotho faces severe challenges in the implementation of these due to resource constraints. A number of initiatives have thus been introduced with some donor assistance, such as NUL wetlands awareness, RAMSAR declaring Letseng la Letsie as a wetland of international importance (RAMSAR site) . Considering the country's status as a poor and critically vulnerable small country that is not only landlocked but has a fragile ecosystem that is very prone to natural disasters, it is clear that Lesotho's ability to implement climate change policies and strategies will continue to depend on the support the country gets from developed countries. There is a general recognition that Lesotho's vulnerability to climate change largely emanates from the wide prevalence of poverty in the country. Poverty alleviation has been adopted as an important national objective in national plans. A number of programmes have also been designed for poverty alleviation in the form of social funds, special employment schemes, and restoration and resettlement schemes for people who have been affected by development activities. The country has also improved its disaster management strategy.

2.4 Mitigation Initiatives and Measures

Lesotho's experience with the mitigation of GHG emissions has been limited not only by financial and technological constraints, but because the country, being a poor underdeveloped nation, is a marginal contributor to total global GHG emissions. Most of the mitigative measures have therefore emerged as by products of other policy objectives. For example, the need to meet energy needs of rural communities and to contain soil erosion resulted in the formulation of projects and programmes to promote renewable sources of energy, to promote energy efficient domestic devices, to encourage some energy switch to cleaner sources, and to embark on afforestation and reforestation programmes^v. To name but a few of these projects there was, Social Forestry Research Project, Environmental Education Project through Empowerment of people with focus on Indigenous Tree Promotion and Multiplication,^{vi} etc. Most of these projects were in response to droughts that have hit the country in recent years. Amongst other strategies of improving adaptation in agriculture has been the promotion of crop diversification, irrigation, soil liming, and crop intensification, including mixed and double cropping, and intensive livestock rearing; as some encouraged practices by the Ministry of Agriculture.

2.4.1 Adaptation Measures

A number of programmes that are designed to reduce human suffering in Lesotho have been found to be very appropriate as measures to assist the country to adapt to the impacts of climate change. Some adaptation measures can be found in national action plans such as Lesotho National Health Plan 1995_2000.^{vii} However, Lesotho's national aspirations in this direction are severely limited by resource constraints and the weak institutional framework. The success and sustainability of many measures is therefore largely dependent on the availability of donor funding. Adaptation measures and strategies (though most of them were not implemented) have been put in place in the following sectors:

(a) Agriculture

In response to persistent droughts that have hit the country in recent years, Lesotho's Agricultural Research Department has been developing drought resistant crops and cultivars although adoption by farmers remains a formidable problem. Amongst other strategies of improving adaptation in agriculture has been the promotion of crop diversification, irrigation, soil liming, and crop intensification, including mixed and double cropping, and intensive livestock rearing. If implemented, these strategies will go a long way to counteract the potential for climate change to adversely affect the performance of the agricultural sector in future.^{viii}

(b) Water and Sanitation

Following the International Drinking Water and Sanitation Decade (1980 – 1990)^{ix}, Lesotho adopted a long-term action plan for the provision of sustainable safe water supply and sanitary disposal of waste throughout the country^x. The plan involves the development of a national drought policy^{xi}, rationalization and development of sectoral institutions, review of existing and proposed water resources and projects, and the development and implementation of legislation for regulating water use and pollution. Substantial progress has already been made in most of these policy areas (for instance Water Resources Act as mentioned in end not iv). In an attempt to increase the coverage

of rural communities with access to improved water supplies, mainly through the construction of gravity-fed systems and hand pumps, the government is intensifying efforts at institutional rationalization, and improving the operation and maintenance of existing water supply systems. In urban water supplies, actions have centred on institutional rationalization and human resources development, improvements in financial management, pollution control, and improvements in technical operations. Substantial proportions of rural communities in Lesotho, particularly in the mountain region, still have no access to toilet facilities. In order to meet its health objectives, the government is expanding coverage through the Rural Sanitation Project which supplies latrine components at subsidized prices, offers sanitation education to village communities, and trains local latrine builders who offer their services to local communities at low cost.

(c) Land use and Forestry

Lesotho has severe environmental problems that emanate from the escalating negative impacts of increased exploitation of natural resources. These manifest themselves in various forms of land uses; maintenance of large numbers of livestock, over-harvesting for firewood, expansion of human settlements into agricultural lands and the latter into rangelands, etc. The above activities have been blamed for the severe loss of vegetation cover, leading to increased runoff, soil erosion, and land degradation, loss of biodiversity, and low agricultural production and productivity. It is the result of these conditions which led Lesotho to adopt a National Environmental Action Plan in 1989. This plan emphasises the use and conservation of the environment and natural resources for the benefit of both the present and future generations, conservation of Lesotho's biodiversity, and preservation of the cultural heritage

2.5 Vulnerability of Lesotho to Climate Change:

Climate of Lesotho is semi arid, which makes it even more prone to severe droughts and floods. Climate change is a threat to sustainable development as it negatively affects all facets of life, including food security, water resources, the spread of disease and infrastructure. People who live on arid or semi-arid lands, in low-lying coastal areas, in fragile mountain ecosystems, in water-limited or flood prone areas, or small islands are more vulnerable to climate change. Lesotho in all respects is highly vulnerable to climate change due to its peculiar geographic and economic situation, being a small landlocked and least developed country liable to drought and desertification, characterised by fragile mountain ecosystem and prone to natural disasters. Lesotho is already grappling with frequent and intense droughts which seriously affect agriculture and food security in the country. The number of drought episodes in the last 25 years exceeds that of their occurrence from the year 1900 to 1980.^{xii} In Lesotho climate change is not a myth, but a stark reality.

2.6 Climate Change Adaptation:

Adaptation is a process through which natural systems and human societies adjust in order to cope with effects of climate change^{xiii}. Lesotho's high vulnerability to climate

change makes adaptation crucial for the country. Adaptation to climate change has a potential to substantially reduce many of the adverse impacts of climate change and enhance beneficial impacts. As one of the least developed countries (LDCs), Lesotho has the least capacity to adapt to climate change impacts. The country lacks economic and financial resources to implement strategies that would enhance adaptation to climate change.

The UNFCCC recognises the specific needs and special situations of LDCs. Acknowledging that the LDCs do not have the means to deal with problems associated with adaptation to climate change, an LDC work programme including National Adaptation Programmes of Action (NAPAs) and other supporting activities was established based on Decision 5 of the 7th Conference of Parties (COP 7). NAPAs provide a process for LDCs to identify priority activities that respond to their urgent and immediate needs with regard to adaptation to climate change. In this process, great importance is given to input from local communities as the main stakeholders. To support a work programme to assist LDCs carry out the preparation and implementation of NAPAs, the Least Developed Countries Fund was established. In addition, the Nairobi Work Programme (NWP) has been initiated. The objective of the (NWP) is to assist countries, in particular developing countries, to improve their understanding and assessment of impacts, vulnerability, and adaptation, and to make informed decisions on practical adaptation actions and measures to respond to climate change on a sound scientific, technical and social basis, taking into account current and future climate change and variability. Lesotho has completed her NAPA which was submitted to the UNFCCC Secretariat in June 2007 but up to today it has not yet been implemented. Another fund, the Adaptation Fund, was established to finance concrete adaptation projects and programmes in developing countries that are Parties to the Kyoto Protocol. The Fund is financed with a share of proceeds from [clean development mechanism \(CDM\)](#) project activities. It has not yet become fully operational.

2.7 Mitigation:

Mitigation is a human intervention to reduce the sources or enhance the sinks of greenhouse gases.^{xiv} Examples include using fossil fuels more efficiently for industrial processes or electricity generation, switching to solar energy or wind power, improving the insulation of buildings, and expanding forests and other "sinks" to remove greater amounts of carbon dioxide from the atmosphere. Mitigation is important for the achievement of the ultimate objective of the UNFCCC. It is acknowledged that climate change is human-induced, therefore it requires a coordinated human effort to combat greenhouse gases into the atmosphere. Lesotho began to implement policy reforms which, although not directly related to climate change, have been found to be having a bearing on both mitigation and adaptation strategies. These include the promotion of renewable energies, the introduction of biogas projects, the introduction of an afforestation programme, water development, sanitation and improvement project, the formulation of new agricultural policies, environmental regulation, etc.

2.8 Summary of policies, plans, strategies and legislation which directly or indirectly address Climate Change

Vision 2020-Lesotho^{xv}; In its clause 2.3.6 makes it a vision for the country to have a well managed environment; promote and protect a healthy and sustainable environment, which amongst others is by reduction of carbon emissions, as one of the causes of climate change and environment degradation.

Poverty Reduction Action Plan 2006/7-2008/9^{xvi}; recognising climate change as one of the causes of poverty in Lesotho and a need to have adaptation and mitigation measures in place, by way of infrastructure as a challeng.

National Adaptation Programme of Action (NAPA) 2007^{xvii}; entails the country's urgent and immediate priority adaptation needs aimed at providing and enabling mechanism for the country to minimise the impacts of climate change while at the same time enhancing adaptive capacity of vulnerable communities that are most prone to the adverse effects of climate change.

Environment Act 2008^{xviii}; the main objective of which is to promote a sustainable and healthy environment and reduction of carbon emissions is done by preservation of biodiversity, trees and wetlands; which are some of the mitigation methods to climate change.

Lesotho Water and Sanitation Policy 2007^{xix}; encourages managing water in a sustainable and transboundary manner. While preserving water, it is hereby recognised the need for infrastructure for climate change adaptations such as water harvesting and transfer.

Water Resources Act 2008^{xx}; ensures the sustainable use and management of water resources.

National Disaster Management Plan 2007^{xxi}; accruing from Disaster Management Act 1996, the plan attend strengthening of government institutions, civil society organisations and UNDP capacities for, amongst others preparedness and emergence response to drought, snowfall, localised floods and hailstorms and widespread fires.

Afforestation Programme 2005^{xxii}; encourages communities and individuals to participate in forestry development to help alleviate shortages of wood fuel, building materials, and animal forage, and to protect against water and wind erosion.

Drought Management Strategy 2007^{xxiii}; emanating from Lesotho Water and Sanitation Policy, the strategy lays out the methods of dealing and adapting to severe drought.

The list is not exhaustive, since there is no coordination; it was not easy to find all the information.

3. Parliament Involvement in Climate Change Activities/ Projects

3.1 Lesotho's participation in the UNFCCC:

Lesotho signed the UNFCCC at the Earth Summit in Rio de Janeiro in 1992, and ratified it on February 1995. Through Lesotho Meteorological Services (LMS), with the assistance from the UNEP, GEF and UNFCCC, the country was able to meet her obligations under the Convention by implementing the project entitled "Lesotho: Enabling Activities for the Implementation of the UNFCCC". Climate change awareness campaigns as well as institutional strengthening activities were carried out. The project also enabled the compilation of Lesotho's GHG inventory and the assessment of the country's vulnerability to climate change as well as of the adaptation strategies and mitigation options. Lesotho published and submitted her First National Communication to the Conference of Parties to the UNFCCC in April 2000.

The country ratified the Kyoto Protocol in September 2000. Lesotho has recently completed her National Adaptation Programme of Action (NAPA) which was submitted to the UNFCCC Secretariat in June 2007. It is expected that implementation of identified adaptation projects will commence soon. The preparation of the country's Second National Communication is currently underway. The three-year project 'Lesotho: Preparation of the Second National Communication under UN Framework Convention on Climate Change (UNFCCC) commenced in September 2006 and was completed in August 2009. Lesotho was elected one of the four Vice Presidents of the COP Bureau by the Conference of Parties that took place in Buenos Aires, Argentina in December 2004. Lesotho was elected the chair of the Least Developed Countries (LDCs) in Poznan in Poland in December 2008.^{xxiv}

3.2 Summary of meetings/cabinet submissions and parliamentarians presentations

- 1979 First World Climate Conference
- 1980s Accumulation of international scientific evidence linking global climate change with human activities. International concerns lead to the hoisting of a series of conferences and workshops to discuss the problem of climate change. Urgent calls for a global treaty to address the problem of climate change.
- 1988 The World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP) establish the Intergovernmental Panel on Climate Change (IPCC) to look into the scientific relationship between climate change and human activity. The United Nations General Assembly adopts resolution 43/53 which calls on the protection of the global climate for present and future generations of mankind.

- June 1989 Lesotho publishes its first national environmental action plan (NEAP), a document which laid down the framework for the conservation and sustainable utilisation of Lesotho's natural resources.
- 1990 The IPCC issues its First Assessment Report confirming that climate change was certainly a threat and called for a global treaty to address the problem.
- Dec. 1990 UN General Assembly formally launched negotiations on a Framework convention on climate change by stabling the Intergovernmental Negotiating Committee (INC) by resolution 45/212.
- June 1992 Adoption by consensus of the United Nations Framework Convention on Climate Change (UNFCCC) at the Earth Summit (the UN Conference on Environment and Development) held in Rio de Janeiro, Brazil. Lesotho, along with 155 other countries, signs and becomes one of the parties to the UNFCCC at the Earth Summit in Rio de Janeiro. The parties meet annually at the Conference of the Parties (COP) to review progress at the implementation of the convention and devise new strategies to deal with climate change.
- March 1994 The UNFCCC enters into force, with specific responsibilities for both developed and developing countries.
- 1995 The Second Assessment Report of the IPCC is published, pointing out that there is evidence of a discernible human influence on global climate.
- Feb. 1995 Lesotho ratifies the UNFCCC and, through the project *Lesotho: Enabling Activities* for the implementation of the UNFCCC, begins climate change awareness campaigns, institutional strengthening for the climate change focal point, the Lesotho Meteorological Services. The project also assists the compilation of an inventory of greenhouse gas (GHG) emissions over Lesotho, and the assessment of the country's vulnerability to climate change as well as of the adaptation strategies and mitigation options.
- 1996/7 A National Forestry Policy is adopted for the first time in Lesotho.
- Forests are very important in climate change as they act as sinks of CO₂.
- 1997 The first comprehensive draft environment legislation in Lesotho is completed for debate by stakeholders. Lesotho's Disaster Management Authority is established by Act of Parliament. Climate related disasters have increased in occurrence in recent years. The National Livestock Policy is concluded in Lesotho. Livestock numbers and extensive and uncontrolled grazing systems have been blamed for a large part of Lesotho's environmental degradation.
- Dec. 1997 COP 3 adopts the Kyoto Protocol which gives more specificity to Commitment of the parties to the Convention. The protocol establishes 3 innovative mechanisms, namely joint implementation, emissions trading, and the

clean development mechanism, which are designed to help industrialized countries to reduce the costs of meeting their emissions targets by achieving or acquiring reductions more cheaply in other countries than at home.

- 1998 The National Environment Secretariat (NES), which was formed under the auspices of NEAP, is upgraded to a full ministerial status in recognition of the urgency of addressing Lesotho's critical environmental vulnerabilities.
- 1999 Lesotho publishes its first comprehensive state of the environment report which includes a chapter on climate and climate change.
- April 2000 Lesotho publishes its First National Communication to the Conference of the Parties to the UNFCCC, a document which describes national circumstances, details out an inventory of GHG emissions over Lesotho and the latter's vulnerability to climate change, and spells out mitigative and adaptation policies and measures.
- Feb. 2001 The Third Assessment Report of the IPCC finds close links between climate change and loss of biodiversity, desertification, deforestation and unsustainable use of forests, stratospheric ozone depletion, and other global environmental issues. The report paints a gloomier picture on the impacts of climate change than previous assessments.
- 2009 Minister attended a meeting on climate change in Vienna and attended consultations in Geneva Dialogue on Climate Finance.

Due to lack of coordination on climate change activities, these highlighted cannot be confirmed to be exhaustive, as they are highlighted in a number of researches made. It will be noted that all these events had a delegate from Lesotho and sometimes the Minister responsible for weather affairs would be there. It appears most involvement has taken place at the high level, that is, of briefing the Minister on policy issues on climate change and meetings; but the actual involvement of the parliamentarians has only taken place in the latest climate change negotiations. The involvement is not successful because there is no coordination on climate change issues; this result in haphazard information on climate change and a duplication of efforts on the issue.

3.3 Actual involvement of MP'S

Mr. Sephiri Motanyane(deputy parliament speaker) attended attended the negotiations in December 2009. Climate Change Brief; by Mr Sekoli Director Lesotho Metereological Services, to Ministry of Natural Resources Portfolio Committee.

AWEPA Meeting on climate change held in Swaziland was attended on October 2009 by the following MP's;

Mr Malefane

Mr Mpiti Mosiuoa
Ms Mamothibe Chaule
Mr Billy Macaefa and
Mr. Letuka Nkole

Before ratification of any international instrument, the parliament is briefed by the responsible Ministry as a policy clearance. The Meteorological Services of Lesotho through its Ministry of Natural Resources made the Cabinet memorandum regarding UNFCCC, to inform the Parliament of the importance of signing the convention. Lesotho was one of the countries that signed the UNFCCC at the Earth Summit in Rio de Janeiro in 1992. It eventually ratified the same in 1995. Through the focal point, the Lesotho Meteorological Services (LMS), and the assistance from UNEP and the Global Environment Facility, Lesotho set out to meet her obligations under the Convention by undertaking awareness campaigns throughout the country's vulnerability to climate change, and assessing the current adaptation and mitigation strategies. Results of the above activities enabled the compilation of the First national Communication to the Conference of the Parties to the UNFCCC in April 2000. The staff of the focal point has been very active participants in activities of the Climate Change Secretariat and other related institutions. The country was thereafter; ready to formulate its national plan of action on climate change (NAPA).

As a least developed country party under the UNFCCC, Lesotho is among a group of countries that have embarked on the preparation of a National Adaptation Programme of Action on Climate Change. The key objectives of the Lesotho NAPA were set as:
Identification of regions and communities vulnerable to climate change
Assessment of impact of climate change on community livelihoods
Identification and prioritisation of responsive adaptation activities for implementation in the vulnerable zones

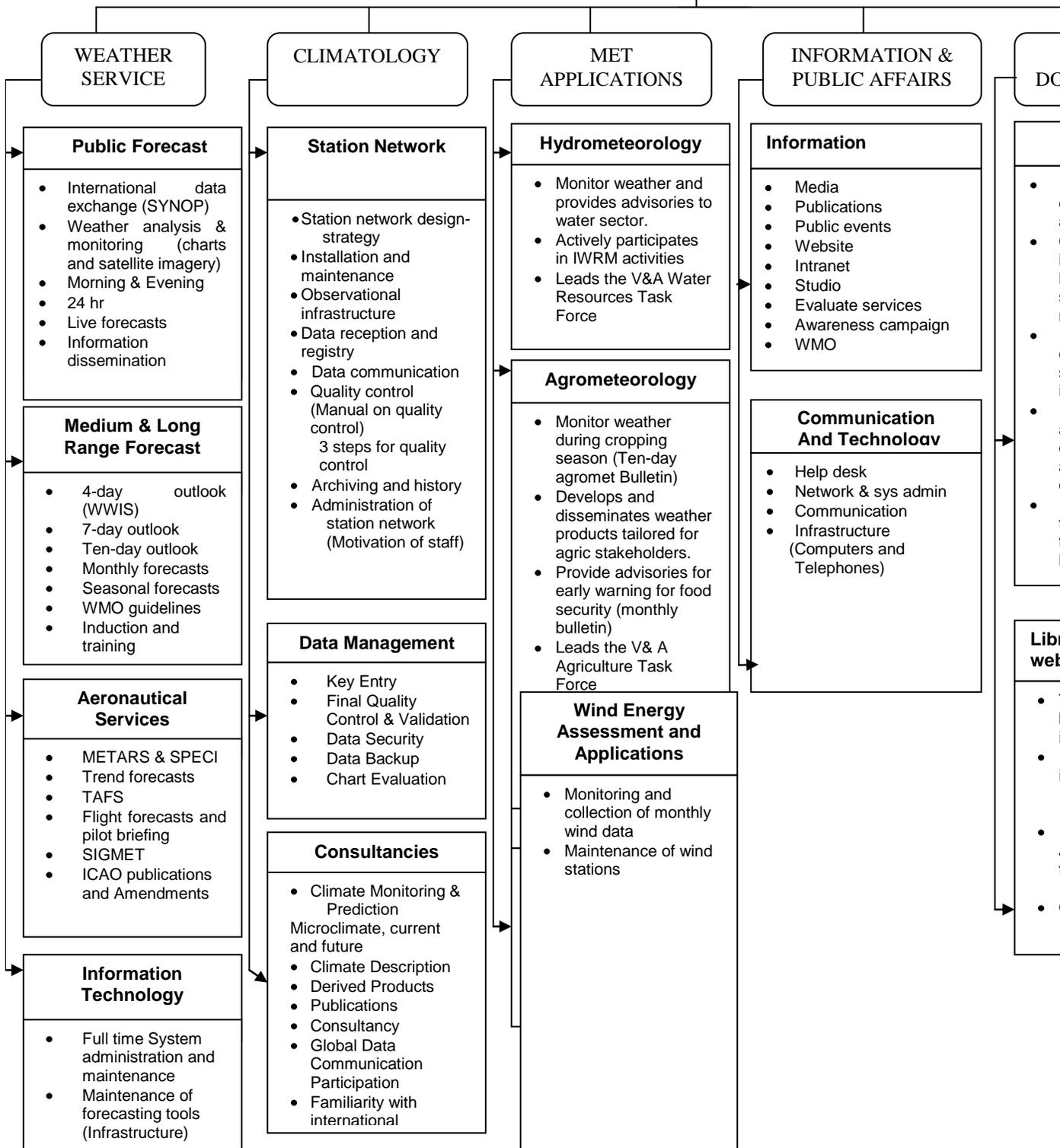
4. CONCLUSION

Climate Change is manifesting itself as a cross-cutting issue in need of a multi-faceted solution. In this respect parliament plays a significant role in reviewing existing legislation and exercising oversight of governmental policy, regulations and budgets. Through these responsibilities parliamentarians are in a position to identify gaps in climate strategies and propose inclusive responses. There is still a huge gap to fill with MP's , involvement in Climate Change activities in Lesotho; and for it to be possible, the country needs a clear and implementable legal framework and structure in order to coordinate issues on climate change.

5. RECOMMENDATIONS

1. The capacities of Parliaments and Parliamentarians need to be strengthened to effectively engage with issues of Climate Change, nationally, regionally and internationally.
2. Coordination among SACU (Southern African Customs Union) is the best way to achieve coordinated low carbon growth for the region.
 - a. economies are strongly interlinked and interdependent
 - b. mitigation efforts of one country will have economic effects, both positive and negative, throughout the region
3. Policies must be harmonised over climate-vulnerable sectors such as agriculture and water.
4. Investment in mitigation should be to harmonised rules and must be appropriate across the region to maximise benefits.
5. The new climate agreement must be ratified internationally.
6. National legislation must be amended in accordance with the provisions of the new agreement;
7. Review and amendment of Poverty Reduction Strategies and National Developments Plans, is needed.
8. Africa needs to be proactive to benefit from new climate funds and arising economic opportunities;
9. There is a need for effective parliamentary oversight of climate-related funds and expenditures
10. There must be written assessments of sectoral policies and legislation on gaps in addressing climate change at national level
11. Lesotho must have a climate change policy, legal structure and specific law on climate change.
12. MPs must be informed of all aspects related to Climate Change.
13. Capacity of Members of Parliaments shall be improved to draft coherent, relevant, and well informed input to legislation and policy relating to climate change

OPERATIONAL METEOROLOGY



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Interviewees

Ms Khiba- Chief Legal Officer; Ministry of Tourism, Environment & Culture
Ms Joalane Marunye Principal Metereologist Lesotho Metereological Services
Mr Toka Tau-Secretary- Ministry of Natural Resources Portfolio Committee
Mr B. Sekoli-Director; Lesotho Metereological Services

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ⁱⁱ Lesotho Government Portal www.lesotho.gov.ls

ⁱⁱⁱ *ibid*

^{iv} Lesotho Government Portal www.lesotho.gov.ls

^v Project number 870227 :1988/05/16 ;a sociological study throughout the country identifying possible improvements for successful afforestation , to enable the government to design a well focused and relevant community forestry program.

^{vi} LSO/SGP/OP4/Y3/CORE/2009/17

^{vii} www.lesotho.gov.ls/about/health.php.

^{viii} Handbook for climate practitioners www.lesmet.org.ls/cchandbook.pdf

^{ix} Declared by United Nations in 1979

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