

**SUMMARY OF EVENTS IN LESOTHO**  
**Volume 11, Number 2 (Second Quarter 2004)**

**Lesotho Electricity Corporation Privatization Scheme Published**

In a *Lesotho Government Gazette Extraordinary* of 19 March 2004, the approved privatization scheme for the Lesotho Electricity Corporation (LEC) was published.

Currently the LEC is 100% owned by Government, and obtains most (72 MW) of its power from the 'Muela Hydropower Station, with any necessary balance in peak periods (up to 18 MW) being purchased from Eskom in South Africa. Total LEC customers were 41 843 by the end of January 2004, less than 10% of the households of Lesotho. Total LEC staff at the same time was 459, with 21 unfilled vacancies.

As with a number of government departments and parastatals, the management of the LEC has neglected to take account of inflation and to adjust tariffs accordingly. In fact at the end of 2003, there had been no tariff increases for 10 years, and it was hardly surprising that the LEC is no longer profitable. Indeed for the three most recent financial years for which figures are available (2000/1, 2001/2 and 2002/3) there have been losses between M25 million and M37 million for each year. The matter has only been recently redressed with an 18% increase in tariffs in 2004, with similar increases to be applied in 2005 and 2006.

The Privatization Scheme, as published, envisages LEC being restructured by the 'Public Service Concession' approach, whereby the Government retains long term control over electricity assets, but LEC is restructured into a private company, Lesotho Electricity Company (Pty) Ltd. 70% of the shares would be offered to investors and 30% of shares retained by the Lesotho Government for possible divestiture to local investors and employees. The actual privatization process is unlikely to be completed before the end of 2004. However, it has received considerable media coverage in South Africa, where there are indications that the state-owned electricity corporation Eskom may itself be one of the bidders for a stake in the privatized LEC.

**Lahmeyer Lose Bribery Appeal**

In a hearing at the Lesotho Court of Appeal in April, the German engineering firm **Lahmeyer**, appealed against conviction on seven counts of bribery. The firm had been previously found guilty in the High Court of bribing the Chief Executive of the Lesotho Highlands Development Authority, Masupha Sole, and had been fined R10 650 000. Lahmeyer lost its appeal and the Court of Appeal increased the fine to M12 million.

This was the second appeal against High Court convictions for bribery. An earlier appeal by the Canadian firm **Acres International** resulted in having its fine reduced to M15 million. A third firm, **Impregilo**, has yet to appeal against conviction, while a fourth firm **Spie Batignolles**, through its successor company **Schneider Electric SA**, pleaded guilty to 16 counts of bribery and paid a fine of M10 million.

**Hotel Victoria Reopens**

The 9-storey **Hotel Victoria**, originally government owned, was reopened, after several years' closure, under new privatized management early in April. It now has 42 quality rooms and a conference hall holding 400, and refurbishment was achieved at a cost of over M5 million. The hotel is now owned by Sobita Investments, whose Chairman is Thabiso Tlelai. Present at the reopening were the Prime Minister, Pakalitha Mosisili; the Minister of Tourism, Lebohang Ntšinyi, and the South African Tourist

Board Chief Executive, Cheryl Carolus.

### **Feasibility Study on LHWP Phase II to be Undertaken**

The original feasibility study for the Lesotho Highlands Water Project, published in 1986, envisaged four phases of construction, of which Phases IA (Katse Dam) and IB (Mohale Dam) are now complete. It had been expected that Phase II, which was envisaged as having a large dam at Mashai, might go ahead as soon as Phases IA and IB were complete. However, by the late 1990s, a combination of circumstances resulted in South Africa revising downwards its estimates of the growth in its water needs for Gauteng and neighbouring provinces. Amongst major factors in the lowered estimates were the impact of HIV/AIDS on population growth, and a search for ways of reducing water consumption by eliminating as far as possible the very large number of leaks in the systems in the former black townships. A further factor must have been the fact that there were seven exceptionally wet summers between 1995 and 2002, so that a great deal of expensively purchased water was not in fact used for the purpose it was intended. Surplus to requirements and in excess of storage capacity, much water was discharged over the spillway of the Vaal Dam, while other water was discharged into the Mohokare catchment via the Phofong or Little Caledon River at Clarens.

There have now been two dry summers in 2002-3 and 2003-4 and South Africa's long term water security looks perhaps a little less secure. Moreover, the relative costs of Phase II of the Lesotho Highlands Water Project and an alternative scheme diverting additional water from KwaZulu-Natal to the Vaal catchment are imperfectly known. These and other considerations have resulted in an agreement between Lesotho and South Africa to undertake a Feasibility Study for Phase II of the Lesotho Highlands Water Project. Newspaper advertisements appeared early in April, inviting Basotho owned consultancy companies and Basotho professionals to register to attend a briefing session on 8 April 2004.

### **Mountain Bike Rally in Qacha's Nek District**

Lesotho's rough tracks offer enormous potential for mountain biking, a sport whose enthusiasts in many developed countries are often unable to find suitably rugged terrain. South African mountain bikers have, however, now discovered Lesotho.

The **Lesotho Mountain Bike Challenge 2004** over the Easter weekend saw about 100 South African mountain bikers taking on tracks, some of which had never before seen wheeled vehicles. The four day event, which began at Qacha's Nek on Friday 9 April, went via Blouman's Nek to Tsoelike and then on to Ha Chale near 'Melikane. The second day, riders tackled a long abandoned road route up the Senqu valley to camp at Matebeng. The third day was the toughest with the crossing of Ramaepho's Pass, a bridle path route rising to over 3000 metres and normally only used by pack animals. The descent on the far side was to the large sandstone caves of the village of Ha Soloja near Sehlabathebe. On the final day, a comparatively easy route was taken back to the border at Ha Ramatšelisio.

*Public Eye* of 16 April 2004, quoted the Secretary-General of the Qacha's Nek Tourism Organisation, Mokuoane Qacha, as saying the event was a successful 'true adventure of tourism'. He stated, however, that it had been necessary to warn herdboys not to throw stones at tourists.

Whereas mountain biking in Lesotho is mainly without problems, it is true that stone throwing incidents have sometimes occurred, often because herdboys want to draw attention to themselves. Another problem is dogs, which herdboys can release as a form of sport, to see whether the poor mountain biker can outdistance them. Clearly problems like this have to be addressed if mountain biking is to develop its undoubted potential in Lesotho.

### **Minimum Local Assets Requirement for Banks Dropped to 10%**

Investment in Lesotho banks has been severely hampered in recent years because interest rates on savings accounts have always been higher in banks in South Africa. One of the main reasons has been the difficulty that banks experience in making profitable investments in Lesotho. Nevertheless, they have been required to keep a minimum of 25% of their assets inside Lesotho, and this has affected the interest rates that they can offer to savers.

Legal Notice No. 72 of 2004, published in *Lesotho Government Gazette* no. 39 of 15 April 2004, relaxes the 25% requirement and substitutes a local assets ratio of 10%. Whether or not this will result in Lesotho interest rates coming more closely in line with those in South Africa remains to be seen.

### ***National Identity Cards Act 2004 Gazetted***

The *National Identity Cards Act 2004* which had been recently enacted by Parliament, was published in a *Lesotho Government Gazette Extraordinary* no. 42 of 19 April 2004. It gives power to 'the Minister responsible for National Identity Cards' to issue identity cards to Lesotho citizens and also to non-citizens with temporary or indefinite residence permits.

For the time being the legislation is dormant because the date when the Act comes into operation has yet to be gazetted, and consequently the regulations which can be made under the Act cannot yet be made.

### **Inquest Held on Death of Principal Chief of Phamong**

The unusual circumstances by which the Principal Chief of Phamong, **Bereng Griffith**, met his death on the evening of 11 March 2002, finally became the subject of an inquest two years later. The Coroner, **Magistrate Molefi Makara**, as reported in *Mopheme* of 20 April 2004, found that Chief Bereng had died after a shootout with the police, but that the way in which the police had concealed their identity had contributed to the tragedy. The Director of Public Prosecutions should decide whether the matter should be taken further.

The tragic incident had taken place in the suburbs of Maseru, when Chief Bereng's driver had had a quarrel with a driver in another car which was allegedly being driven carelessly. This second car was a police car, but had no identification marks, nor were the police in uniform. A shot from Chief Bereng to warn the people in the other car had injured a policeman, after which a high speed chase had resulted through the suburbs of Maseru, resulting in Chief Bereng being shot and killed about an hour later.

Chief Bereng had succeeded to the Principal Chieftainship of Phamong in Mohale's Hoek District on 30 October 1999, taking the place of his mother 'Masenate Letsie Bereng, who had acted as Principal Chief since the death on 31 August 1992 of her husband, Chief Letsie Bereng. Chief Bereng Griffith's young widow, Chieftainess Nthati Bereng, is now the Acting Principal Chief.

### **New Statutory and Parliamentary Salaries Gazetted**

New statutory salaries were gazetted as Legal Notice no. 84 of 2004 and came into force on 1 April 2004. The Chief Justice, who always receives the highest statutory salary now receives a salary of M198 660, per annum compared with M188 292 a year earlier. This and other statutory salaries have all increased by 5.5%, which is close to the current rate of inflation.

A second Legal Notice no. 85 of 2004 gazettes new parliamentary salaries. Contrary to the belief of many, the Prime Minister is not the most highly paid person from the public purse. The Chief

Justice, Judges of the High Court and the Attorney-General all receive higher salaries. The new salary of the Prime Minister is M179 964 a year, again up by 5.5% compared with a year earlier. Members of Parliament now receive M94 428 per annum, and Senators M82 428 per annum.

### **President of Botswana Visits Lesotho**

The President of Botswana, **Festus Mogae**, accompanied by his wife, Mrs Barbra Mogae, paid a three day State Visit to Lesotho arriving on Wednesday 14 April 2004. On the following day President Mogae addressed a joint meeting of the two Houses of Parliament, and in the evening he was the guest at a State Banquet, where he was invested with Lesotho's highest honour, becoming a 'Knight Commander of the Most Courteous Order of Lesotho'.

In a crowded itinerary, on Friday President Mogae visited by helicopter the Tšehlanyane and Liphofung Reserves, and also the Letšeng Diamond Mine. At Katse, he was taken on a tour which included visiting the inside of the dam wall.

During his visit, at the Royal Village of Matsieng, President Mogae was presented by King Letsie III with a stallion and four head of cattle. A bilateral economic agreement was also signed between Lesotho and Botswana during the visit.

The Botswana Defence Force played a major role in partnership with the South African Defence Force in the restoration of order after the army mutiny in Lesotho in 1998. Newspapers had speculated that as a result Lesotho was still faced with a massive debt to be paid. However, in Parliament on 20 April, the Prime Minister stated that Lesotho had not in fact paid anything to either country for the services of their military forces in the intervention to restore peace and stability in Lesotho. Lesotho had in fact also benefited from Botswana aid in the restructuring of both the army and the Lesotho Mounted Police Service. Botswana had also assisted Lesotho when democracy had been threatened in 1994, and farther back in 1970, it had made a large contribution by allowing many Basotho who had fled from Lesotho to stay there.

### **Death of Editor of *Leselinyana***

**Mookho Kobeli**, editor of Lesotho's oldest newspaper, *Leselinyana la Lesotho*, died on 21 April 2004 after a short illness. She had recently returned from a study tour funded by the US government, and had been editor of the newspaper since 2002.

Mookho Kobeli was the youngest and the first woman editor to be appointed to the newspaper. As a twin, in accordance with custom, she was buried with minimal ceremony at dawn at her home village of Ha Motlohelo on 23 April 2004.

### **Ireland Aid Funds Further Footbridges**

At Independence in 1966, footbridges in Lesotho were almost non-existent. There were in fact just three such bridges. One was at Morija over the Koapeng stream, which had been built by the Government Engineer, Harrison Gibson, when he was courting the daughter of a missionary doctor. He was successful, and the bridge still stands today. A second bridge over the Tsoelike river carried the main bridle path from Qacha's Nek to Mokhotlong and was opened in a grand ceremony by the High Commissioner in 1930. It was built to high standards and was wide enough so that today is also used by vehicles. The third bridge had no such opening ceremony and was a modest suspension bridge, built in the early 1940s over the upper Mohokare by a trader who owned a store on the South African bank. Its existence was discovered by the Assistant Commissioner at Butha-Buthe more than a year after its construction, and its discovery occasioned a rather frantic correspondence with Maseru as to what permission should have been sought to build such an international link across the river. This bridge (to

Steyn's Store) also still stands today.

Footbridges in the interior of Lesotho are particularly important for schoolchildren, who very often attend school in a neighbouring village separated from their home by a stream or a river. In summer, afternoon thunderstorms may bring down the river in a raging torrent, cutting them off from their homes.

The building of footbridges has been one of the more successful development projects since Independence. Funded by Danish aid and more recently by Ireland Aid, the total number of footbridges is now about 200, in all districts of Lesotho, although some very remote areas with significant rivers are still without them. Nearly all the footbridges so far built survive, although occasionally they have been swept away by floods, as happened with the first footbridge at Semonkong; the bridge across the Mjanyane valley in Quthing District; and the first bridge across the Senqu at Sehonghong.

Footbridges were originally constructed as projects of the Civil Works Section in the Ministry of Rural Development. This has now become the Department of Rural Roads in the Ministry of Works and Transport, and under its auspices the latest money from Ireland Aid is funding five additional footbridges: two near Ha Seboche in Butha-Buthe District; two in the Lowlands of Leribe District; and one near Corn Exchange in Berea District.

### **LCD Wins Motimposo and Mohobollo By-Elections**

Following the death of the MP for Motimposo in a car accident, a by-election was held in the Motimposo Constituency in the suburbs of Maseru on Saturday 24 April 2004. The seat was won by **Ramatla 'Makong** of the ruling Lesotho Congress for Democracy with 1273 votes, about 74.4% of the 1712 votes cast. There were seven other candidates, although, Lesotho's largest political party the Basotho National Party, did not contest the by-election. The candidate who came second represented the National Independent Party (NIP) and gained 183 or 10.6% of the votes cast.

In a second by-election at Mohobollo in Leribe District on Saturday 5 June 2004, **Sekobi Molapo** of the LCD won with 1124 or 67.8% of the 1659 votes cast. Second in the poll was the Marematlou Freedom Party candidate with 13.4% of the poll, followed by the NIP candidate with 9.1% of the votes. The BNP again did not contest the by-election.

Voter turnout has been low in recent by-elections. At Motimposo it was only 13.4% and at Mohobollo, 16.9%.

The cost of by-elections is not insignificant. As reported in *Mopheme* of 15 June 2004, the Independent Electoral Commission has spent over M9 million on six by-elections since the 2002 General Election. This works out at approximately M1000 per vote that was cast.

### **Lesotho Joins South Africa to Celebrate 10 Years of Freedom with a Party on Maseru Bridge**

The new South Africa's successful third elections were followed by the inauguration of **President Thabo Mbeki** for a second term of office at the Union Buildings in Pretoria on Tuesday 27 April 2004. Amongst some 40 Heads of State at the inauguration were Lesotho's King Letsie III and Queen 'Masenate.

In Maseru, Maseru Bridge, which both physically and symbolically unites Lesotho and South Africa, became the focus for speeches and a party celebrated by the citizens of both countries. The bridge was closed from midday until late in the afternoon, and a marquee and tents were erected in the middle of the bridge. The South African High Commissioner, Mr William Leslie, spoke of the many achievements of South Africa during its 10 years of freedom, including the attainment of universal franchise, and the promotion of democratic principles underpinned by non-racialism, non-sexism, transparency and accountability. He thanked Lesotho for the role it had played in the freedom struggle,

protecting South Africans and lobbying for their freedom amongst the international community. The Acting Foreign Minister of Lesotho, Dr Rakoro Phororo, also spoke at the occasion, emphasizing the common bonds of origin, language, culture and history shared by the countries.

The bridge, or rather its predecessor (which now takes only rail traffic), was once a gateway to a different world where impoverished Basotho men crossed by train to live in compounds and through their sweated labour to dig the gold which was the main source of South Africa's wealth. They went for periods up to 18 months at a time, and when they finally returned after several contracts, often came back to families that hardly knew them. They came back without pensions and often in a poor state of health. While they were away, their wages barely supported their families, and did little but to reinforce Lesotho's then status as an impoverished labour reserve.

Some has changed, but not all. Migrant workers, now about half as numerous as 20 years ago, still travel to the mines, not by train, but by minibus taxi, and some even in their own cars. Their wages (stagnant until the early 1970s) have improved in real terms, and working conditions are better, with opportunities for frequent home visits. Some migrant workers have permanently settled in South Africa and their families have joined them, something which was impossible under the apartheid regime.

However, mineworkers are now only a part of a large workforce of Lesotho citizens, with a wide variety of qualifications, who now work or have settled in the new South Africa, attracted for the most part by higher wages. This migration of skilled manpower often results in severe manpower shortages back in Lesotho.

Doctors are amongst the very varied professions suffering from migration. In the May 2004 issue of the *Lesotho Medical Association Journal*, the editor, Dr 'Musi Mokete, refers to the serious situation resulting from the fact that over 100 Lesotho doctors are now working in South Africa or farther afield. To replace them, Lesotho has had itself to import more than 50 foreign doctors.

There is no simple answer to these problems other than the equalization of national wealth, and that is hardly easy to accomplish. On average, the Gross National Income of South Africa per person is more than five times that of Lesotho. (World Bank figures for 2002, the most recent available, show GNI per capita to be US\$2600 for South Africa and US\$470 for Lesotho.)

South Africa still has areas of great poverty and deprivation, but these are alleviated because with greater wealth, the country can afford to provide everyone with basic social services such as education, health services and pensions. For those in work, South Africa can also afford to pay much higher wages than Lesotho to everyone from unskilled workers to university lecturers.

The large extent to which the two countries are interlinked was illustrated by a 2003 survey undertaken in Lesotho and sponsored by the Cape Town based Institute for Democracy in South Africa (IDASA). It found that 37% of people contacted in Lesotho had a family member working in South Africa, 26% had a family member permanently living there, 21% had sought medical care there, and 18% had South African identification documents.

On the other hand, IDASA found that Lesotho nationalism remained comparatively strong. Only 30% of those interviewed wanted Lesotho and South Africa to be one country, a similar figure to the 2000 survey (29%), but considerably lower than 1997 (41%). There had been a major swing in public opinion on this issue after the events of 1998, and only a relatively slow swing backwards.

### **Fungi of Lesotho Documented**

*Fungi of Lesotho: an annotated checklist* by Sumitra Talukdar and David Ambrose was published in April 2004, the latest from the National University of Lesotho based House 9 Publications. It is no. 13 in the Lesotho Miscellaneous Documents series which 'has been created in order to make available in small editions a variety of documents on Lesotho containing information which might otherwise not become readily accessible'. Earlier publications in the series have been devoted *inter alia* to trees, flowers and fossil trackways.

As the authors point out, very little has been written on Lesotho fungi previously, and their list of 121 species includes 89 species for which Lesotho records are published for the first time. Most of the work on fungi was done on the Roma campus, which yielded no less than 105 of the species described. Although the booklet has illustrated covers, and describes each species briefly, it is designed to be used with two coloured field guides which are available for South African fungal species. The authors note, however, that several of the species they list are not actually found in either field guide, and for these they normally provide more detailed descriptions.

Lesotho's fungi include some extraordinary species such as the mushroom *Podaxis pistillaris*, which the writers call the Termite Mound Chimney. This grows out of termite mounds and from a distance even suggests a snake's head. Another unusual and rare species is the Star Stinkhorn, *Aseroë rubra*, with radiating red arms resembling the claws of the crab.

There are many edible species and many deadly poisonous species, including the Death Cap, *Amanita phalloides*, the deadliest mushroom known, responsible for 90% of mushroom deaths in Europe. The well known red-capped Fly Agaric, *Amanita muscaria*, is also found in Lesotho. It is also deadly poisonous, but in small quantities hallucinogenic, and it is recorded that in some parts of Lesotho, small portions of the mushroom are added to the brew when making *joala* (traditional beer).

Of the edible species, the writers note some ten species which they regularly eat. These include the familiar Field and Horse Mushrooms and also, as illustrated on the cover, the Shaggy Ink Cap or Lawyer's Wig, *Coprinus comatus*, 'delicious fried in butter on toast'. Another mushroom which 'makes very good eating' is *Termitomyces umkowaani*, also known as I'kowe or the Natal Beefsteak. This is commonly eaten in KwaZulu-Natal, but little known in Lesotho where it is comparatively rare. This huge mushroom emerges from the nests of subterranean termite species, and a Roma Campus specimen, which provided enough to feed several people, had a mass of 600 g, a diameter of 27 cm, and a stalk 22 cm long.

### **New Protected Plants Gazetted**

Under the *Historical Monuments, Relics, Fauna and Flora Act 1967*, the Minister responsible for Environment and Cultural matters can proclaim protected fauna and flora. One such proclamation was made in 1969, and it has taken until 2004 for there to be a second such proclamation.

Normally such proclamations would be on the advice of the Commission for Preservation of Natural and Historical Monuments, Relics and Antiques and the Protection of Fauna and Flora. This Commission, commonly known as the Protection and Preservation Commission (PPC), was set up by the 1967 Act, but in the past 15 years has ceased to exist because the responsible Minister has not nominated any members, and the five year terms of office of previous nominees have long expired. Pressure to add to the list of protected plants has thus come from other bodies such as the National Environment Secretariat, and the list was not vetted by the PPC before being gazetted as Legal Notice no. 93 of 2004 dated 28 April 2004.

The new list adds 18 species (or in two cases whole genera) to the list of protected flora. Some of these are indeed threatened because of widespread medicinal use, and the fact that it is the roots which are harvested, thus destroying the plant. Particularly threatened is *Alepedia amatymbica* (*lesoko* in Sesotho) which only grows in the Maloti and is much sought after because an infusion from the roots is effective against colds, chest pains and asthma. Lorry loads of the plant have been known to have been exported to South Africa. Some species of *Pelargonium* (*khoara*) are similarly known to have been exported from Quthing District. Infusions made from the tubers of species of *Pelargonium* are widely known as a cure for dysentery. However, two species of *Pelargonium* which come from Lesotho are also rather interestingly used in Germany as a medicine, Umckaloabo, a registered proprietary name made to look as if it comes from an African language. Umckaloabo is a prescription medicine for treating bronchitis in children and the leaflet inside the packet written in German traces its origin to use

by a consumptive Englishman, C. H. Stevens, who had been prescribed it by a Zulu traditional doctor in Lesotho in 1897.

Amongst plants on the list is one known and used by almost all Basotho villagers, *hloenya*, or Hairy Thistle, *Dicoma anomala*. The roots are mainly used, and its range of uses is impressive. For example, mixed with *Scabiosa columbaria* (*selomi*), *hloenya* is drunk as a tea to alleviate painful menstruation. A decoction with *Cannabis sativa* is drunk to cure headaches and painful neck muscles. Cooked with fat, *hloenya* is used as an unguent. It is also used as a medicine to cure colic and toothache, and also used for wounds, colds, back pain, venereal disease and diabetes! However, damaging or removing this useful medicinal plant is now illegal, putting every Mosotho herbalist in breach of the law, and making him or her liable to a fine of up to M200. (At the time of the passing of the Act in 1967 this was a severe penalty, but its severity has now been eroded by inflation.)

Plants where only the leaves are harvested are obviously less threatened than others. An interesting case is *moseha* or Broom Grass, scientifically *Merxmuellera drakensbergensis* or *M. macowanii*. Both species are common in the Maloti, but curiously it is only *M. drakensbergensis* which appears on the new protected plants list. While *M. macowanii* has sharp-tipped leaves up to 650 mm long, the leaf blades of the other species do not exceed 300 mm. The shorter-leaved species is sometimes used as the framework for Basotho hats, but it is *M. macowanii* which is most vigorously harvested for making brooms, and at times bundles of the grass are seen along Lesotho's mountain roads waiting for vehicles whose drivers will buy them to be taken to the Lowlands or to South Africa. The grass is extremely common on Lesotho's eastern summit plateau where it is also cut and taken by donkey load down Namahali Pass to Qwaqwa. A commercial enterprise in Qwaqwa even exports cut bundles of the grass to Australia. Despite all of this exploitation, it is only the leaves which are cut, and the plant soon grows more, so *moseha* is not really a threatened plant.

The list has other curiosities. The Wild Mint, *Mentha longifolia*, *koena* in Sesotho, was King Moshoeshoe's favourite beverage, and is not particularly rare, but is now a protected plant. Considerably rarer in Lesotho are the various species of *Hypoxis* or African potato. They have recently received much media coverage following reports (at one point even endorsed by the South African Minister of Health, herself a medical doctor) that African potato could boost the body's immune system and was therefore important in fighting AIDS. The reality is apparently the opposite, and the plant can even have toxic side effects, but this has not prevented the plant being exploited to the point of extinction in some areas.

It seems odd that several not particularly endangered species on the list have been included. The plant *Euphorbia clavarioides* or *sehloko* which forms hemispherical cushions in mountain areas is neither rare nor obviously threatened with exploitation. Also the tree *Rhamnus prinoides* or *mofifi* is amongst the commoner trees, and whilst sprigs from the tree are believed by some to be a lightning-deterrent, its use for this purpose hardly places it under threat.

The publication of the list, and its discussion in Parliament, does at least bring some problems of over-exploitation of wild plants to the fore. The Lesotho Highlands Water Project through its very successful botanical garden at Katse might perhaps be encouraged to help villagers to develop nurseries where some of the rarest and most sought after medicinal plants could be grown commercially.

The list itself is just that, a list of 18 plants, with scientific, English and Sesotho names. There are no descriptions, illustrations or justifications for the inclusion of each plant. Those who benefit from harvesting and selling the plants are mainly poor people in the remoter areas of Lesotho, as well as traders in the informal sector in urban areas, who have outdoor stalls on street corners in Maseru and elsewhere. None of these plant sellers are readers of the *Lesotho Government Gazette* and hence are so far blissfully unaware that their livelihoods are threatened. Policemen are probably equally unaware that they now have to police these stalls for protected medicinal plants, and even if they do become aware, special botanical training will be necessary before they can identify which of the many different

similarly looking kinds of roots on sale are actually those of protected plants.

### **FNB Issued with Banking Licence**

As reported in *Public Eye* of 30 April 2004, the Central Bank of Lesotho has issued **First National Bank** of South Africa with a banking licence. Few details are yet available, but it is thought that FNB might provide services complementary to those of Standard Bank (which now controls Lesotho Bank) and Nedbank, particularly in rural areas. A branch on Kingsway in Maseru is also envisaged. Given the long queues that still occur at Maseru branches of the two existing commercial banks, any bank which can offer a fast and efficient service would seem likely to succeed in Maseru.

Commercial banking in Lesotho was initiated during the Anglo-Boer War, and the **Standard Bank** (later known as Standard Chartered Bank) began operations in July 1901 when Alfred Ellenberger provided the service by riding on horseback from Ladybrand. By 1902 Standard Bank had a resident manager in Lesotho, and its first purpose-built building by 1904. For some years the **Bloemfontein Board of Executors** also provided some banking services in Maseru, but the company collapsed in 1932 leaving many investors impoverished. **Barclays Bank DCO** (later Barclays Bank International) was first established in Maseru in 1957, and eventually had seven branches and agencies in Lesotho. It survived in Lesotho, even after Barclays Bank in South Africa, under severe pressure from the Anti-Apartheid Movement, announced it was selling its operation. The assets of Barclays Bank in South Africa were purchased by mining interests to establish First National Bank, which took over the buildings and staff of Barclays. Eventually, Barclays in Lesotho also sold its assets. They were bought by the Standard Bank Investment Corporation (Stanbic) of South Africa in 1995, and the bank became known as **Stanbic** to avoid confusion with the similarly named Standard Chartered Bank. However, this name was fairly short-lived, because the Lesotho assets of the rival and similarly named Standard Chartered Bank were bought by **Nedbank** in 1997. Stanbic was then able to call itself **Standard Bank Lesotho** without confusion. Meanwhile, since 1971, the government-sponsored **Lesotho Bank** had provided a third commercial banking service in Maseru. It eventually got into severe financial difficulties and its negative assets were in 1999 taken over (at a substantial cost to the Lesotho Government to make good the deficit) by Standard Bank Lesotho, of which it is now effectively a subsidiary known as **Lesotho Bank 1999**. From this rather complex history, one can see that Barclays Bank has two different successor banks, of which Standard Bank is a direct successor in Lesotho. The South African successor, FNB, may soon also be represented in Lesotho.

### **Sexual Offences Act Translated into Sesotho but the Act Remains Little Known**

The *Sexual Offences Act 2003* makes it a capital offence for a person knowing he or she is HIV-positive to have sex with another person without telling them their status. It also provides draconian penalties for other sexual misbehaviour. However, it was originally published with little publicity and only in English. This has now been corrected, and a little over a year after the original Act came into force, a Sesotho version has been published as Supplement no. 1 to *Lesotho Government Gazette* no. 50 of 30 April 2004.

The translator, while using elegant Sesotho, has avoided direct translation and resorted to circumlocution for some of the sexual practices described more explicitly in the English version of the *Act*. When it comes to translating Human Immunodeficiency Virus (HIV) he hesitates over a translation, and puts the English and the Sesotho *koatsi ea bosolla-hlapi* side by side. This Sesotho name for HIV/AIDS is regarded by many as unsatisfactory, meaning literally the 'anthrax-type disease from overseas'. In Sesotho, AIDS is often used unchanged or even occasionally respelled as *eitse* imitating the English pronunciation.

Even with a Sesotho translation now available, it is unlikely that few Basotho are yet familiar

with the provisions of the *Sexual Offences Act*. Unlike other countries, Lesotho does not have a Government Bookstore, even in Maseru, let alone with branches in the district headquarters towns. The National Library Service might be fulfilling the role of disseminating useful and important information by stocking reference copies of government publications. However, the National Library building in Maseru has been demolished and not yet replaced, while the four small district headquarters libraries provide only a minimal service. Several district headquarters towns have no library facilities whatsoever.

Even lawyers have difficulty obtaining and using Lesotho's laws, which undoubtedly has an adverse impact on the speedy and fair delivery of justice. A recent book, *In search of justice: where do women in Lesotho go?*, reported on a survey of courts in which the Basotho Court Presidents complained that they had not been provided with copies of recent laws. Magistrates also complained that they had a lack of reference materials including even the *Lesotho Government Gazette*. The reality is that there has not been a published consolidation of Lesotho's laws since 1960, and whereas an annual compilation of the *Laws of Lesotho* was in the past a routinely executed task, the last year for which this has been done is 1991, and even that volume appeared ten years late. For all the laws enacted since the restoration of democracy in 1993, lawyers and laymen alike are dependent on the *Lesotho Government Gazette*, published almost exclusively in English, and for which there is neither an annual bound compilation nor an index. All of this tends to slow the judicial process and to contribute to the horrendously large number of prisoners who have been awaiting trial, some for many years, and who now represent 30% of the total prison population. Prisons as a result are chronically overcrowded. At the same time, as the recent White Commission Report revealed, prisons are so underfunded that most buildings are unfit for habitation, recreational and training facilities are hopelessly inadequate, morale is low, and AIDS and malnutrition are contributing to high prisoner mortality.

#### **Fifth Round SACU-US Free Trade Agreement Talks Held in Maseru**

The countries of SACU, the Southern African Customs Union ( Botswana, Lesotho, Namibia, South Africa and Swaziland), have for some time been anticipating with concern what might happen when the new World Trade Organisation agreement on textiles and clothing comes into force in January 2005. The new agreement abolishes global quotas on African textiles, and will result in, for example, Lesotho manufactured clothing at present extensively exported to US markets, being in competition with Chinese and other Asian-manufactured goods, which it is feared might be produced at lower prices and destroy a major sector of Lesotho's economy.

Although under the recently extended United States *African Growth and Opportunity Act* (AGOA), SACU goods can already gain tariff-free access to the USA, goods from outside Africa will have this same advantage in 2005, and as a result the SACU countries are attempting to negotiate a trading regime which will provide some competitive advantage. Negotiations on a **Free Trade Agreement** between the USA and the SACU countries began in Pretoria on 2 June 2003, and the Fifth Round of these talks were held in Maseru from 4 to 7 May 2004, following the Fourth Round which had been held in Namibia from 23 to 26 February. The Lesotho delegation at the talks was led by the Minister of Trade and Industry, Mpho Malie, who, as quoted in *Public Eye* of 7 May 2004, warned that resolute and timely intervention was necessary in order to avoid a socio-economic catastrophe. 'Mr Malie cautioned that the principles of asymmetry and special and differential treatment have to be consciously and contextually upheld at all times during the negotiations for a balanced agreement containing mutual benefits for the two parties'.

The talks clearly involved some hard bargaining. The US wants investment guarantees for its companies, SACU wants an anti-dumping clause. Liberalisation of agricultural trade and industrial goods tariffs were also on the agenda, while the US was seeking an end of discriminatory barriers to trade in service markets in SACU countries. The talks were wide ranging and environment, intellectual

property and labour conditions were all matters which the United States delegate, Florizelle Lister, insisted were included in the discussions.

In parallel with the SACU talks, the USA is also having talks on a Free Trade Agreement with the Americas. SACU in turn is also negotiating an agreement with this Latin American block, Mercosur. It is also negotiating with the European Free Trade Association, India and China. The Mercosur agreement is apparently the most advanced and may be ready for signature by July 2004.

Lesotho is the largest clothing exporter to the USA amongst the SACU countries, with exports having grown from US\$140 million in 2000 to US\$322 million in 2002 and US\$393 million in 2003. Over the period 2000 to 2003 employment in the manufacturing sector rose from 20 000 to over 50 000. However, Lesotho's ability to maintain these exports had recently become precarious because AGOA was requiring an increasingly large local sourcing of fabric. Before the Maseru Round of Talks, the Minister of Trade & Industry had gone to the USA to attend a public hearing before the US Congress Sub-Committee on Trade on the *AGOA Acceleration Act*. He did not come back entirely empty-handed, and his main achievement seems to have been retaining for two more years the requirement for using local fabric at the present level, after which 50% local fabric would be required for exported manufactured clothes. The massive new Nien Hsing denim factory in Maseru (the largest of its kind in Africa), which has gone into production in 2004, does in fact go some way to ensuring that some locally made cloth is available for Lesotho factories. However, it fails to meet the total demand, which until recently was expanding rapidly as new factories were opened.

### **Lesotho Qualifies for Millennium Challenge Account Assistance**

The **Millennium Challenge Account** is a sum of money (\$1000 million in 2004) approved by the United States Congress to be made available to certain countries who qualify in terms three categories: 'ruling justly', 'investing in people' and 'economic freedom'. A further qualification is that the average per capita income must be less than US\$1415 per year, which eliminates Botswana, Namibia and South Africa from the competition.

The Millennium Challenge Corporation in Washington which administers the account, on 6 May voted 16 countries to be eligible in 2004. Eight of the countries are in Africa, and Lesotho is on the list along with Benin, Cape Verde, Ghana, Madagascar, Mali, Mozambique and Senegal.

A delegation from the MCC gave a press conference in Maseru on Friday 28 May. As reported in *Lesotho Today* of 3 June 2004, the head of the delegation, Clay Lowery, said that Lesotho now had to focus on priorities to spend the money. MCC could invest M1000 million, but only if there is a clear proposal submitted to the MCC identifying the priorities for accelerating economic growth. The proposal should address measurable goals, the policies and interventions needed to achieve them, and the means of maintaining financial accountability. MCC encouraged citizens from the private sector, civil society and academia to participate in building up the proposal.

### **Makateng Back in Lesotho and under Arrest**

Former Sergeant **Thabang Makateng** of the Lesotho Mounted Police Service, who had long been sought in connection with the murder of police officers and the police mutiny in 1995, was apprehended at Caledonspoort border post on Friday 30 April. According to a report in *Lesotho Today* of 6 May 2004, he was captured after being deported by the South African Department of Home Affairs. Ironically, although Makateng is now in custody, his fellow policeman, Second Lieutenant Phakiso Molise, is apparently at liberty in South Africa. He was given a long sentence for his part in the murders of policemen as well as the police mutiny, but subsequently escaped from custody on 7 August 2003.

## **Antiretroviral Rollout Begins**

The long awaited rollout of antiretroviral drugs, which bring hope to AIDS sufferers, finally went into action on 7 May 2004, when the Prime Minister opened the **Senkatana Clinic** on the site of the old leper hospital at Botšabelo near Maseru.

The project is funded by **Secure the Future**, a foundation set up by the drug company **Bristol Meyers Squibb**, and the Senkatana Clinic is the fifth such centre to be established by the foundation which has been working in southern Africa for five years. In accordance with the foundation's principles, the Tripartite HIV/AIDS Care and Support Project is managed by the Bristol Meyers Squibb Company together with the Ministry of Health and Social Welfare and the Lesotho Medical Association. Its pilot project in Maseru District involves the Queen Elizabeth II Hospital in Maseru, Scott Hospital at Morija and St Joseph's Hospital at Roma.

The Senkatana Clinic is also a first element of the **Botšabelo Communicable Diseases Complex**, for which further elements are planned including appropriate laboratory services and a tuberculosis ward. At the opening ceremony, the Executive Vice-President of Bristol Meyers Squibb, Mr McGoldrick handed over a cheque for over M27 million as three year support for the new clinic.

The new clinic is named after Senkatana (also known as Sankatana), the hero who, in a well known Sesotho fable, slew the monster Kholumolumo and rescued his people from its belly after it had devoured them. AIDS is often likened to such a monster which is today devouring the population, and the clinic will, it is hoped, play the part of Senkatana.

## **Concern about Shortage of Nurses needed for HIV/AIDS Campaign**

The Senkatana Clinic at Botšabelo, now operational, is a small step in providing for the massive infrastructure needed if antiretroviral drugs are to be made available to everyone who needs them. However, for the project to be replicated countrywide, not only will large financial resources be required, but also additional nurses, counsellors and laboratory staff.

Nurses in particular are now becoming increasingly hard to recruit. A few Basotho nurses have themselves already died of HIV/AIDS. However, although it is difficult to quantify the numbers, it seems that much greater numbers have been lost because qualified Basotho nurses have left for South Africa, the United States, the United Kingdom and elsewhere. As given by W. F. Deedes in the *Weekly Telegraph* of 19 May 2004, figures show that of 80 000 new nurses registered in Britain since 2001, half have come from overseas (although of course only a very small number of these will be from Lesotho). It is commented that although the British National Health Service in theory does not recruit from 150 of the world's poorest countries, independent health providers are free to do so. In the same issue, the medical correspondent of the newspaper quotes a US nurse recruitment adviser, as saying that some United States agencies are paid US\$25 000 (over M150 000) for every nurse they recruit. Deedes comments that although nurses are attracted to Britain by the higher rates of pay, 'there's a whiff of humbug about lamenting the plight of HIV/AIDS victims in Africa and then taking every nurse we can lay hands on'.

At the Lesotho end, there are a number of overlapping problems, which will need a major national effort to solve. Firstly, although there is no shortage of high school girls who express an interest in nursing, only a few leave school with the necessary prerequisites to enter a College of Nursing. A College of Further Education on the University's Institute of Extra-Mural Studies Maseru campus could certainly help to meet the need for such students to reach the required standard, but IEMS seems to have got itself locked into providing degrees in Adult Education to the detriment of providing the vitally needed adult education itself.

A second problem is the National Manpower Development Secretariat, which in recent years has been more concerned with what its applicants want to study than with what the nation needs.

Interviews with first year students at the National University of Lesotho indicate that many of them had originally wanted to study nursing, but changed their minds when they found that they could more easily enter the university to read law, a subject which they have now convinced themselves will lead to a much more opulent lifestyle.

The third problem is the Colleges of Nursing themselves. There seems to be no realisation that nursing has become the new form of migrant labour. Such migrant labour cannot be stopped, but it can be provided for by training sufficient additional persons. Yet the colleges are small, only four in number, of which three belong to churches and are linked to mission hospitals with varying abilities to raise funds. Only one of them has recently been comparatively successful, the Seventh Day Adventist Maluti Hospital at Mapoteng, which has secured funds from Japanese sources for a new wing for its Nursing School. But staffing the colleges is already a problem and amongst the brain drain are nurse educators. For example the Principal of the Roma College of Nursing is one of those who have recently left Lesotho to work in Britain.

Government is apparently serious about providing funds for the AIDS crisis, but providing 2% in the budget of each ministry for AIDS work may need to be paralleled by providing 20% or more to the Ministry of Health capital and recurrent budgets to expand nurse training.

### **National AIDS Commission to be Established**

A new 300-page book became available in Lesotho in May 2004, *Turning a crisis into an opportunity: strategies for scaling up the national response to the HIV/AIDS pandemic in Lesotho*. It is edited by Scholastica Sylvan Kimaryo (United Nations Resident Representative), Joseph O. Okpaku Sr, Anne Githuku-Shongwe and Joseph Feeney; and published in New York by Third Press Publishers for Partnership of the Government of Lesotho and the Expanded Theme Group on HIV/AIDS.

The book looks at the appropriate national response to HIV/AIDS in Lesotho, and a draft was in October 2003 adopted by cabinet as an official working document. As recorded in the introductory pages of the book, Cabinet decided at the same time to set up a new broad-based **National AIDS Commission** of which the existing Lesotho AIDS Programme Coordinating Authority (LAPCA) will act as secretariat.

### **Free Movement Agreement to be ‘Signed Soon’**

As reported in *Mopheme* of 11 May 2004, according to the Lesotho Minister of Home Affairs and Public Safety, Tom Thabane, an agreement on free movement between Lesotho and South Africa has been completed and will soon be signed. The agreement will apparently provide for Lesotho and South African citizens to pass through the border by showing their passports, and without the need for formal stamping.

In the meantime, a partial relaxation in border controls has been the issuing of six month border passes to Basotho as a right rather than privilege. Previously it had been necessary to prove frequent travel through the border to qualify for the six month concession. The demand for these six month passes at Maseru Bridge, however, has recently put an enormous strain on both border officials, and the public, who often have had to wait for 3 to 4 hours to get the six month stamp, which is only issued during the morning hours. Over 300 passes a day have been issued in recent weeks, resulting in probably some 30 000 people now having these passes.

### **Death of Rev. John Diaho**

**John Monaheng Diaho**, a veteran minister of the Lesotho Evangelical Church, died on 11 May 2004.

Born at Whitehill in Qacha’s Nek District in 1918, John Diaho served in the Second World War

and was subsequently an ordained minister of the Paris Evangelical Missionary Society and Lesotho Evangelical Church for 47 years. He only formally retired in 2003 at the age of 85.

In the Lesotho Evangelical Church, John Diaho was for many years President of the Synod. He also served for a while in Barotseland. He was known to many Parliamentarians from his role as chaplain to Parliament, where his role was to provide the opening prayer.

### **Workshop Held on Police Brutality and Torture**

As reported in *Mopheme* of 11 May 2004, a workshop on Police Brutality and Torture was held at Mmelesi Lodge, Thaba-Bosiu from 5 to 7 May 2004. It was apparently the first workshop of its kind ever to have been held in Lesotho.

Transformation Resource Centre Coordinator, Motšeo Senyane described torture methods used to extract information from people in police detention, including sexual assaults, electric shocks, use of tyre tubes and strangulation. She pointed out that suspects are ignorant of their constitutional rights. *The Constitution of Lesotho* at Section 8(1) states 'No person shall be subjected to torture or to inhuman or degrading punishment or other treatment'.

Amongst those who spoke were persons who had been victims of police brutality. Also speaking was the Chief Facilitator and Inspector at the Police Training College, Advocate Thabang Letsie. He confirmed that it was a criminal offence for police to use torture. Police were only entitled to use the force necessary to arrest a person who was resisting them. Victims of police torture could institute criminal cases against the police.

### **Death of Tšeliso Rapitse**

**Tšeliso Rapitse**, a co-founder of the Lesotho Liberation Army, died at Queen Elizabeth II Hospital, Maseru, on 17 May 2004.

Rapitse, born on 21 April 1942, came to prominence when the Basutoland Congress Party (BCP), of which he was a staunch supporter, was denied the opportunity to rule Lesotho after it had won the General Election in 1970. With democratic change ruled out, Rapitse left Lesotho and underwent military training abroad in Libya, where Basotho were disguised as trainees for the military wing of the Pan African Congress. Shortly thereafter 'Raps' was stationed in Botswana. As first Deputy Political Commissar of the newly formed Lesotho Liberation Army (LLA), he was in effect its chief recruiting officer and also had a liaison role between the LLA and the BCP.

As reported by his close comrade in arms, Naleli Ntlama, in *Public Eye* of 28 May 2004, Rapitse set up an operational network in Botswana stretching from there to bases in Lesotho itself. When the Chief Political Commissar of the LLA, Bahlakoana Mafela, was captured by the Lesotho security forces (his final fate has never become known), Rapitse took his place, although he later yielded it to Ntlama.

A full and objective history of the LLA has yet to be written, but anyone who takes on the task will have the advantage that Rapitse documented an extensive portion of this history, even though much of it contained unsavoury details that some members of the BCP would rather have forgotten. Beginning in its issue of 9 August 1996, Rapitse told in the newspaper *Moafrika* of how after 1980 the BCP leader had in effect 'supped with the devil' on the farm Vlakplaas, and how later the BCP had created its own death squad to eliminate dissidents.

Rapitse returned to Lesotho in 1986, when the Basotho National Party had been overthrown and the Military Council had outlawed politics. He began spilling the beans when, with the return of democracy to Lesotho in 1993, he found himself sidelined. Indeed, even though he was Chairman of the Mafeteng constituency committee, he was denied the opportunity to stand for Parliament because his

committee was suspended by the BCP National Executive Committee. It was from the consequent political wilderness that he broke silence and used the media to chronicle the turbulent past of the BCP in exile.

The funeral of Tšeliselo Rapitse at the village of Matholeng on the outskirts of the town of Mafeteng was remarkable in that all factions of the now divided BCP were there. It was held on Saturday 18 June 2004, and amongst older persons present, there were those who remembered that Rapitse was born into the same village that had nurtured Potlako Leballo, the Mosotho who rose to the leadership of the Pan African Congress of South Africa. Despite, or perhaps because of, the presence of the Deputy Prime Minister, Lesao Lehohla, himself also from Matholeng, the speeches included attacks on the present LCD leadership. These concentrated on the neglect of the former members of the LLA, fighters who had been, as one speaker said, used and then discarded 'like condoms'. The BCP had debts which were owed to these combatants who were now living in hunger and want. These debts had yet to be paid. Lehohla listened and he himself spoke. He promised to convey to the government the demands of the speakers.

### **Police Concerned about Medicine Murders in Butha-Buthe District**

A report from the Lesotho News Agency (LENA), published in *Lesotho Today* of 27 May 2004, quoted Detective Senior Inspector David Motlomelo of the Butha-Buthe police. He stated that since the beginning of 2004, more than 6 people had been found dead in the district, and that in four cases, the police suspected that they had been victims of medicine murder, because when found, certain body parts were missing. Investigations were still continuing into these murders, and no arrests had yet been made.

### **Heinz Schärer Retires from Morija Printing Works**

A man who has been linked with the Morija Printing Works for over 40 years, Heinz Schärer, was given a traditional farewell party at Morija on Thursday 27 May 2004.

Schärer first came to Lesotho from Switzerland as a technical adviser at the Morija Printing Works in 1963. It was in Lesotho that he met his wife to be, Adeline, and also encountered difficulties. A senior missionary even wrote to Switzerland asking that he be recalled or dissuaded from marriage. In the history of the Paris Evangelical Missionary Society in Lesotho, marriages between expatriate missionaries or their children and Basotho had been taboo for the past 130 years. Despite the PEMS formally coming of age and devolving its missionary activities to the independent Lesotho Evangelical Church (a process called *Thuthuho* the 40th anniversary of which was celebrated this year), some church members were apparently still more equal than others.

Heinz Schärer was not deterred and he and his wife did indeed get married and went to Switzerland, where Adeline became fluent in German. Meanwhile back in Lesotho, the Morija Printing Works hardly prospered. Although the Technical Manager was Swiss, a local General Manager had been appointed who suffered from drinking problems and eventually had to be dismissed. Contracts and customers in the meantime had been lost, and the MPW had fallen deeply into debt.

The Chairman of the LEC Press Board (which is responsible for the MPW, the newspaper *Leselinyana la Lesotho* and the Morija Sesuto Book Depot) travelled to Switzerland in 1971 looking for someone to help to rescue the MPW. He met Heinz and Adeline Schärer, as a result of which they returned to Morija in 1972, with Heinz Schärer assuming the post of General Manager. Getting things put right and restoring the confidence of lost customers was at first an enormous struggle, alongside which it was necessary to modernize the operations by introducing offset printing. The MPW eventually recovered, and with help from donors in the Netherlands, Germany, Switzerland and France, it became possible to build a completely new and attractive printing works building which was

inaugurated in 1982. Later developments included computer typesetting, a modern bindery and four colour machines, so that colour printing could be undertaken in a single operation. MPW managed to serve not only Lesotho, meeting a wide range of printing needs including school textbooks, but it also printed for many publishers elsewhere including particularly several in South Africa, Botswana, Mozambique and Zambia.

At the Schärers' farewell, much was said about the successful management of the printing operations, but tribute was also paid by the Chief of Morija, Chief Ranthomeng Matete to the landscaping and neat and tidy surroundings of the MPW. Chief Ranthomeng hoped that with the Schärers' departure these would be maintained.

The Schärers hope to retire in South Africa near Cape Town where their daughter is a nurse. Their son is an engineer, currently working on a project in Mozambique, although for many years he ran the Morija Garage and Electric Light Company. At the time of their farewell, the Press Board had made no announcement about the new Manager of the Morija Printing Works. However, it seems certain that for the first time since October 1861, when Adolphe Mabile first installed a hand press in the vestry of the church at Morija, there will no longer be a Swiss printer at Morija.

### **Livestock Registration and Marketing Regulations Gazetted**

A *Lesotho Government Gazette Extraordinary* of 27 May 2004 contains the *Stock Theft (Livestock Registration and Marketing) Regulations 2004* made under the *Stock Theft Act 2000*. They came into force on the date of publication in the *Gazette*, 27 May 2004.

In terms of the regulations, a Registrar of Livestock is appointed who is required (in a passage with rather curious phraseology and punctuation) to keep 'a register of livestock, marks livestock numbers and groups, their identification, their location and movements, grazing areas, as well as particulars of livestock owners and herdsmen and any other relevant matter pertaining to livestock'. The exact definition of 'livestock' is not given, but it is presumably the same as the definition of 'stock' in the *Stock Theft Act 2000*, where it is stated that "'stock" means a horse, donkey, mule, cattle, sheep, goat, pig, domesticated ostrich, any domesticated game or its young one'. Thus chickens, cats and dogs are excluded. Domesticated ostriches also at present do not exist in Lesotho.

Under the regulations, the Minister has to prescribe marks for each group of livestock and the parts of the body on which they have to be made, and within 3 months, owners of livestock then have to apply for a registered livestock mark, which must then be branded, tattooed or embedded in microchip form on their livestock together with other marks showing country, district, ward and area. Livestock are spared from being branded more than once. If twenty head of cattle, for example, are driven to a new owner as *bohali*, what happens is that both the person disposing of them and the person receiving them must provide the Registrar with the appropriate particulars. Equally, if one slaughters a pig, or kills a goat or sheep for a traditional ceremony, it has to be reported to the Registrar of Livestock. Similarly whenever one of one's sheep or goats gives birth or dies, it has to be reported.

Herdsmen and herdboys also have to appear on the register, with a long list of details about each (including gender!) and about the animals they are herding. Amongst regulations governing them, any absence from work for more than 14 days at a time has to be notified to the Registrar of Livestock. 'The Registrar shall, upon payment of a prescribed fee by the livestock owner concerned, issue each herdsman or herdboy with a licence or certificate'.

The regulations will render unemployed those who hold the long-established position of bewys-writer. The bewys (Sesothoized as *babeisi*) has long been a kind of passport used for cattle, particularly when moved from one area or ownership to another, and the chief's bewys-writer has long occupied an important position in village government.

There are serious penalties for any infringement of the new regulations (a fine not exceeding

M30 000 and imprisonment not exceeding 14 years). However like the *Building Control Act 1995* which made it an offence to construct any building anywhere in Lesotho without permission, it would seem that it will be some time and involve considerable cost before sufficient bureaucracy can be developed to handle the regulations. In the meantime the thought might occur that it would be more appropriate and practicable to devolve such matters to local government institutions, even to those at village level, where the skills and knowledge of the village bewys-writer might still play a useful role.

The Regulations have not yet been made available in Sesotho.

### **Form A Books Arrive in Secondary Schools**

A scheme by which Form A pupils in secondary schools would be able to receive government-funded textbooks in return for a nominal rental fee had been first announced nearly a year ago. It was at first welcomed, but then criticized when the school year began in January and no books appeared. Books finally reached schools late in May, shortly before they broke up for the long winter holiday. As a result, except for those whose parents had bought them with their own money, pupils had been without textbooks for nearly half the school year.

Any innovation has its beneficiaries and its losers. Teachers no longer have the individual right to choose appropriate textbooks. Also, bookshops in Lesotho have depended on the school textbook trade for most of their turnover. A large part of this turnover disappeared when a similar primary book scheme was implemented some 15 years ago. The bookshops are now faced with diminishing profits as the secondary school textbook scheme works its way, a year at a time, up the five-year secondary/high school course.

Bookstores in Lesotho are mostly confined to the district headquarters towns, and nearly all of them are branches of either the Catholic Church's Mazenod Book Centre or the Church of Lesotho's Morija Sesuto Book Depot. Given that few people buy secular books other than textbooks, the main bookstore trade will now be in religious books.

### **Workers Hard Hit as Three Textile Factories Close and a Fourth Dismisses Strikers**

Whereas jobs in the textile industry had a year ago been growing by 1000 a month, the future now seems increasingly uncertain. As reported in *Public Eye* of 4 June 2004, three factories were closed and placed under provisional liquidation at the end of May leaving over a thousand workers without their monthly wages for May and with an uncertain future.

A second group of 672 workers lost their jobs at Baneng Lesotho, a textile factory at the Thetsane Industrial Estate, after participating in what the management regarded as an unlawful strike. The strike apparently occurred following a decision by management to delay May salary payments, while an Automatic Teller Machine (ATM) card system was being implemented for the workers. Following the dismissal of the workers, there was, as reported in *Mopheme* of 15 June 2004, an unsuccessful attempt to set fire to the factory on Thursday 10 June.

### **Law Society Successfully Appeals Against Ban on Lawyers in Local Courts**

A direct confrontation between the Lesotho Law Society and Government developed after Cabinet, through the Government Secretary, Tlohang Sekhamane, directed on 10 May 2004 that the use of lawyers should not be allowed in local courts. The Law Society then filed papers with the High Court seeking that the directive be declared null and void. The Law Society maintained that the directive seriously impeded the rights of litigants.

Government's action was probably prompted by awareness that local courts play an important role in the speedy dispensing of justice. This is in direct contrast to the higher courts, whose procedures

have become protracted as a result of legal formalism, resulting in major delays in the administration of justice, and a very large number of awaiting trial prisoners.

The matter reached the High Court on 17 June, when the Law Society's demand for the nullification of the cabinet directive was heard before Justice Baptista Molai, assisted by Justices Winston Churchill Maqutu and Thamsanqa Nomngongo. Argument was presented that even though exclusion of legal practitioners from local courts was enshrined in the *Native Courts Proclamation 1938*, these courts, known as Local and Central Courts since 1950, were no longer 'small claims' courts. They had been granted enhanced jurisdiction in 1995, with civil jurisdiction raised from M500 to M10 000, equal to that of the court of the Chief Magistrate. To deny litigants legal representation in local courts constituted discrimination which violated constitutional rights. The High Court ruled in favour of the Law Society and the Cabinet directive was put aside.

### **University Transformation Halted by Council**

A transformation process, which had been underway at the **National University of Lesotho** for the past two years was brought to an abrupt halt by the meeting of the University Council on Monday 31 May 2004. The Council required that the University reverts to the structures which were in place in 2002.

The Council decision followed an earlier directive from the Ministry of Education that no further money should be spent on the transformation process. Under transformation, major structural changes had been under way, including the amalgamation of faculties, the replacement of departments with programmes, and the expansion of student numbers by admitting otherwise unqualified entrants to a bridging course. However, the process had become costly, because it had been accompanied by the creation of a number of new posts, including those of Executive Deans, a Director of Human Resources, a Corporate Secretary, and a Director of Transformation. None of these posts nor the new structures were provided for in the existing statutes, and Government had indicated that the University had to adhere to the law as it stood, and should not implement illegal structures.

A notice from the Office of the Vice-Chancellor stated that the university's *Strategic Plan 2002/07* was frozen rather than abandoned. It should be costed, and management should work on ensuring that the *National University Act 1992* was amended so that it could incorporate the transformation structures provided for in the Strategic Plan.

### **Letšeng Mine Gears Up for Full Scale Production**

The diamond mine at **Letšeng-la-Terae** is situated on the bleak eastern summit plateau of Lesotho at about 3000 metres above sea level. Its name reflects its remoteness, meaning 'at Draai's pool'. The pool, now replaced by a 'big hole' was the marshy area formerly situated at the top of the main Letšeng kimberlite pipe. Draai was an unfortunate individual who some 50 years ago was walking from Mokhotlong to Qwaqwa and whose body was found near the pool weeks after he had perished in a snowstorm.

The original Letšeng Mine was operated by De Beers from 1977 to 1982, but closed when profits dwindled. It is now being prepared for reopening for full production in the spring. Meanwhile, production has already begun as a result of the activities of a firm of 'alluvial' contractors who are reworking kimberlite already mined. Diamonds worth US\$5.6 million were sold in Antwerp in November 2003, and a further US\$3.3 million worth of diamonds were sold in May 2004.

The current labour force at the mine is 291, including 220 miners and 71 caterers and cleaners who are predominantly women. The mine also has 46 expatriate staff and 11 police officers.

### **30 New Citizens Take Oath of Allegiance**

As reported in *Lesotho Today* of 10 June 2004, thirty foreigners of nineteen different nationalities were sworn in as Lesotho citizens in a ceremony at the Ministry of Home Affairs on Friday 4 June 2004.

Those who became new citizens were from Bangladesh, China, Congo, Ghana, India, Malawi, Mozambique, Myanmar, Nigeria, Pakistan, Portugal, Russia, Singapore, South Africa, Sudan, Uganda, United Kingdom, Zambia and Zimbabwe.

### Deaths of Tokela Seitlheko MP and Meshack Belebese MP

The death of two further Members of Parliament occurred at the end of May 2004.

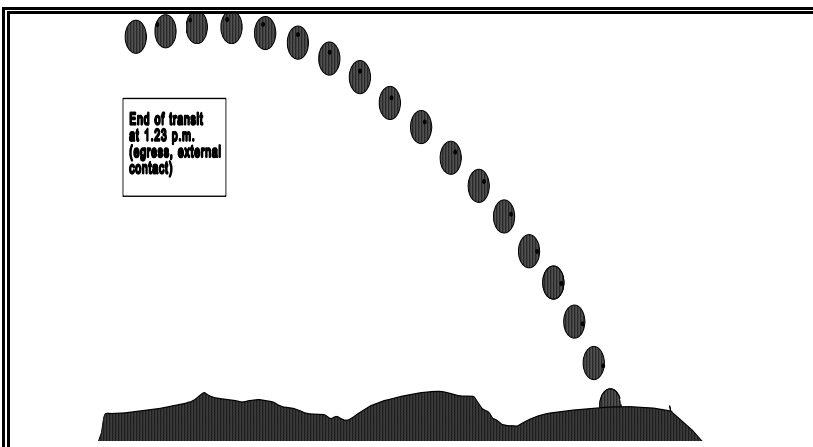
One was **Tokela Seitlheko**, representing the Lesotho People's Congress as a proportional representation member of the National Assembly. He died after a short illness and his funeral was held at Lekokoaneng in Berea District on Saturday 5 June 2004.

Another death was that of the Lesotho Congress for Democracy MP for Qhoali Constituency, **Meshack Belebese**, who had won the seat of the late Vova Bulane in a by-election as recently as 23 August 2003 with a record 89.9% of the votes cast. Belebese died in hospital at Moyeni on 30 May, and was buried in his constituency on Saturday 12 June 2004. He was the eighth MP to have died since the General Election in 2002. Seven of those who have died were representing the LCD.

### Transit of Venus Seen Clearly in Lesotho

The planet **Venus** has an orbit inclined at  $3.4^\circ$  to that of the Earth, and most times when she moves past the Sun, she passes above or below its disk. However, on rare occasions (the last was 1882), Venus actually passes directly between the Earth and Sun and can be seen making a transit across the face of the Sun. This occurred on Tuesday 8 June and the event was widely visible, weather permitting, in Africa, Asia and Europe.

In Lesotho, unusually for June which enjoys more than 90% of possible sunshine, the morning was cloudy. However, the clouds parted soon after sunrise at 7.15 a.m., which was almost exactly



the time of the external contact of ingress, the time when Venus crossed the edge of the Sun. Between clouds, she was visible moving from right to left across the upper part of the Sun until the external contact of egress shortly before 1.30 p.m. At the university at Roma, the event could be viewed safely through a projection of the Sun's image through a telescope onto a card. Occasionally when the Sun was dimmed by cloud on its face, but still visible, a direct view was also safely possible. In Maseru, a dentist, Dr Thami Thelejane, manufactured goggles from old x-ray film, and workers at Mothamo House, where his surgery is situated, were able to see the speck crossing the Sun.

In Sesotho, Venus is known as Sefalabohoho, 'the pot scraper', when she is the Evening Star. Sefalabohoho had in fact been a brilliant object in the western sky for the whole of the early part of 2004, until early June. She then moved with increasing haste towards the setting Sun, although still dimly visible behind the setting Sun until 3 June. She was not missing for long. After the transit on 8 June, she was already visible rising before the Sun on 13 June as the Morning Star, Mphatlalatsane,

‘the one spread out in full view’. (The verb *phatlalatsa*, ‘to publish’ is etymologically cognate.)

The next transit of Venus will be in 2012, but it seems that (as in the case of the present transit in eastern North America) only the end of the transit will be visible in Lesotho. After that the next transit is in the year 2117.

### **Chinese Now Largest Ever Expatriate Community in Lesotho**

The Chinese community in Lesotho, according to His Excellency Mr Qiu Bohua, now numbers between 4 000 and 5 000 individuals, which makes it the largest ever expatriate community in Lesotho. The Chinese Embassy regards all Chinese as belonging to a single nation, but in reality there are large numbers of factory owners from Taiwan, who in turn employ large numbers of mainland Chinese as managers and technical staff in their factories. The Nien Hsing Denim Mill, for example, the largest of its kind in Africa, is believed to have some 500 Chinese staff as well as 3 000 Basotho employees.

A phenomenon of the past few years has been the spread of Chinese into retail trading. Small shops throughout Lesotho, even in Mokhotlong, Semonkong and Qacha’s Nek are now largely run by Chinese. The mechanism by which this is achieved seems to be that the trading licences are actually owned (as required by law) by Basotho, and the Chinese pay them a regular sum to use the licences. Chinese construction companies are now also a main feature of Lesotho, and the contracts for most new buildings seem to be given to Chinese firms.

Apart from a large resident Chinese community, Lesotho has a substantial group of Chinese who commute from Ladybrand. Many married Chinese live there, and Ladybrand has a large Chinese-medium school, which has just celebrated its 10th anniversary by offering free Chinese lessons to anyone who wants to learn the language.

### **High Court Orders Fresh Trial for President of Law Society**

A high profile case involving the President of the Law Society, **Zwelakhe Mda**, began as a trial within a trial, when Mda was defending persons charged with the murder on 11 February 2001 of Maile Mosisili, son of the Prime Minister.

It was alleged that Mda and Limakatso Ralithlare had enticed crown witnesses to sign false statements or affidavits to give false testimony at the trial, conduct aimed at weakening the Crown’s case and detrimentally affecting its prospects for conviction. Mda and Ralithlare were charged in the Maseru magistrate’s court, but acquitted by the magistrate, ’Matankiso Nthunya.

Government then appealed against this acquittal, resulting in a High Court hearing before Mr Justice Brendan Cullinan. This resulted in a finding that there was in fact a *prima facie* case against the two accused and that a new trial should be held. According to the report in *Public Eye* of 11 June 2004, the judge noted that the accused had clearly acted unlawfully. Moreover the rules guiding ethical and professional conduct for law practitioners had not been observed in that state witnesses had been interviewed without the permission of the Director of Public Prosecutions, and thus the right to a fair trial compromised.

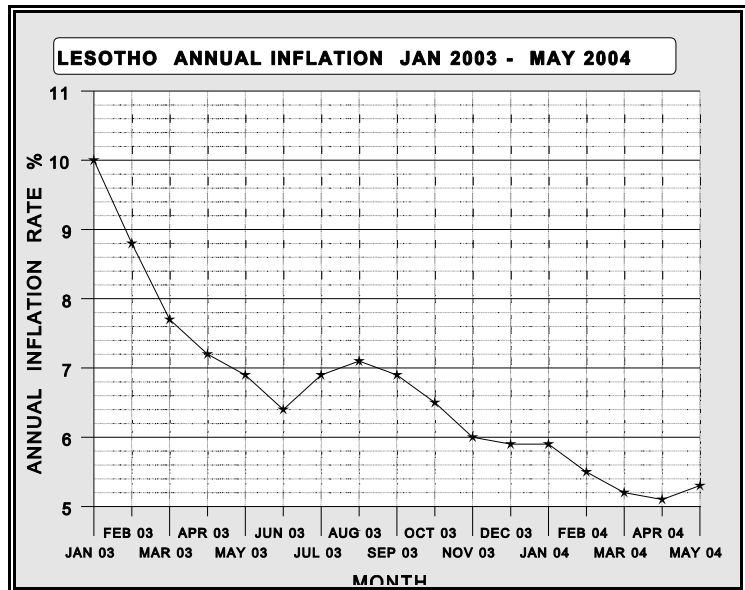
After the High Court case, the Law Society’s Council issued a memorandum saying that the appointment of Mr Justice Cullinan as an Acting Judge violated the independence of the judiciary, and from 11 June lawyers would not appear before him. The Secretary of the Law Society, Lindiwe Sephomolo, as reported in *Public Eye* of 18 June 2004, said that ‘the Society is conscious of the public perception that Justice Cullinan’s recalling is based on his track-record of delivering verdicts in favour of the state’. Justice Brendan Cullinan is a former Chief Justice, who retired in 1994, but has in recent years been recalled to preside over a number of high profile trials including a Court Martial of soldiers involved in the army mutiny in 1998, and the trial which culminated in May 2002 in the former Chief Executive of the Lesotho Highlands Development Authority, Masupha Sole, being found guilty on

11 counts of bribery and 2 of fraud.

The boycott of Justice Cullinan's courtroom began on 14 June 2004, by which time the Law Society had found a possibly more legitimate objection to his High Court ruling. This was that under Sections 121(1) and (8) of the Lesotho Constitution a judge is required to vacate office on attaining the prescribed age of 75 years. However, evidence of his actual age was not provided.

### **Five Soldiers Guilty of the Murder of Selometsi Baholo**

More than 10 years after the event on 14 April 1994, five members of the Lesotho Defence Force have been found guilty of the murder of the then Deputy Prime Minister and Minister of Finance, **Selometsi Baholo**. Those found guilty were Sergeant Lenkoane Molelle, Corporal Lijane Koloko, Corporal Tankiso Majoro, Private Setsumi Letsie and Private Tankiso Moletoa. Six other soldiers including Captain Ramabele Mokhantšo were found not guilty. Judgment was given in the High Court on 11 June 2004 by Mr Justice Semapo Peete. Sentencing will follow pleas of mitigation which have been set down to be heard in the High Court on 28 to 30 June 2004.



### **54 Stolen Vehicles Recovered in Joint Operation with South Africa**

As reported in *Lesotho Today* of 17 June 2004, a joint Lesotho and South African police operation, known as Operation Mhakure netted 54 stolen vehicles from Lesotho. Most of the stolen vehicles were minibus taxis, and all but one had been stolen from outside Lesotho. It seems that most vehicles were not recovered at roadblocks, as might have been expected, but were recovered from hiding places such as dongas where they were covered with blankets. In an interview with *Lesotho Today*, Senior Superintendent Dlamini Mphatšoane also said that at a roadblock at Sasolburg, four stolen vehicles had also been recovered being driven by Basotho teenagers. The cars had been stolen in South Africa and Lesotho number plates attached so that the vehicles could easily pass into Lesotho.

*The Mirror* of 23 June 2004 carried an interview with the Acting Commissioner of Police, Tšokolo Koro. He was reported as saying 'out of thousands of stolen cars, only 50 were found and that is a waste of money because South African police are paid when they come to search here'. He indicated that he suspects that members of his police force had tipped off car thieves about the operation. In fact it was noticeable that many minibus taxis had disappeared from the roads when the four day operation began on 9 June 2004, but had reappeared when it ended.

Mozambique is the country which is believed to have the largest number of vehicles stolen from South Africa. Lesotho comes second.

### **Downward Trend in Inflation Ends**

The **Annual Inflation Rate** for Lesotho over the past six months has remained between 5% and 6%, approximately 1% higher than in South Africa, because of the residual effect of the introduction of 14% VAT in place of 10% General Sales Tax in Lesotho in July 2003.

The downward trend in inflation changed to an upward movement in May 2004, moving from 5.1% in April to 5.3% in May. With the general increase in the world price of oil, the annual inflation

rate may well rise significantly over the next few months, although this will to some extent be offset if the current appreciation of the loti against the dollar (approximately \$1 = M6.20 at the end of June) is maintained. Petrol prices increased in Lesotho on 1 June 2004, with the likelihood of a further price rise to match a price rise already implemented in South Africa. In the meantime, South African vehicles could be seen coming into Lesotho to take advantage of the cheaper pump prices, the M5 border toll being easily offset by the savings on the petrol purchase price.

### **South African Firearms Case Implicates Metsing Lekhanya**

In a court case in the border town of Ladybrand on 17 June 2004, Ian Pretorius applied for bail in relation to his arrest on charges of being in possession of 18 unlicensed firearms. He had been arrested after his white Mercedes with Gauteng number plates had been stopped while he was travelling from Bloemfontein to Ladybrand. Pretorius stated that 17 of the firearms had been supplied to him by Brigadier-General Metsing Lekhanya, former head of the Lesotho's Military Council and now Leader of the Basotho National Party. He told the police that he was selling the guns on behalf of Lekhanya in South Africa. The case is proceeding.

### **Ski Resort Set to Open at Mahlasela**

As reported in *Nutthouse Maseru* of 7 May 2004, the **Maluti Ski Resort** was expected to open in June 2004. It is situated some 15 km beyond Oxbow on the road to Mokhotlong on a south-facing slope at about 3100 metres. A T-bar ski lift, 17 snow making towers and two dams have been installed. The resort also includes a restaurant, prefabricated log chalets and ski equipment for hire. An international ski school is planned with professional Austrian instructors.

May and most of June in Lesotho were dry with virtually no precipitation and therefore no significant natural snow. However, night temperatures were more than sufficiently low for making artificial snow. On the last two days of June steady rain fell in the Lowlands of Lesotho totalling more than 20 mm, and this fell as snow from about 2800 metres upwards. At the end of June, there were both natural and artificial *pistes* ready for winter sports enthusiasts to enjoy.

<p><i>Summary of events in Lesotho</i> is a quarterly publication compiled and published by David Ambrose at the National University of Lesotho, P. O. Roma 180, Lesotho.</p>
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